

WESTMORELAND

VS.

CBS:

WAS INTELLIGENCE CORRUPTED  
BY POLICY DEMANDS?

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*The views expressed in this paper are those of the author and do not reflect the official policy or position of the Department of Defense or the United States Government.*

## INTRODUCTION

*News-Gathering is a mistake-prone business. When its mistakes are magnified through television, our perception of reality is distorted, and sometimes our recollection of history is obfuscated. Occasionally, leaders of our institutions make decisions based on their journalistically induced misunderstanding of the recent past.*

— Stephan Leshner<sup>1</sup>

Decades have passed since the 1968 Battle of Tet—the Viet Cong and North Vietnamese Army equivalent of the Battle of the Bulge. In theory it was supposed to be the last battle of the Vietnam War— one that would lead to the overthrow of the government of the Republic of South Vietnam. Nothing of the sort happened. Throughout the intervening period the media and a pantheon of lesser gods have sung a chorus of doom, woe and grief about the War in Vietnam, the Battle of Tet and the impact of both on the American Military. In the self-imagined rôle of crusading journalists—ever vigilant for some tiny hint of corruption or, better yet, a conspiracy against the nation<sup>2</sup> —some television and print personalities, aided by a few disgruntled intelligence officers, have created the myth that the production of military intelligence by the U.S. Military in Vietnam was corrupted by the demands of White House policy.<sup>3</sup> They allege, again and again, that there

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<sup>1</sup>. Stephen Leshner, *Media Unbounded: The Impact of Television Journalism on the Public* (Boston: Houghton Mifflin Company, 1982), 1.

<sup>2</sup>. When evidence is ambiguous, as it commonly is in regard to intelligence analysis and facts in time of war, there is a greater likelihood that the indicator for which the crusading journalist searches will be perceived erroneously when they are not really there. See Richard J. Heuer, "Cognitive Factors in Deception and Counterdeception," in *Strategic Military Deception*, Donald C. Daniels and Katherine L. Herbig, eds. (Elmsford, NY: Pergamon Press, 1981), 35.

<sup>3</sup>. Sam Adams notes that some forty intelligence officers gave trial or deposition testimony or executed affidavits on behalf of the defendants in *Westmoreland v. CBS*, and he takes issue with the statement that "a few disgruntled intelligence officers" helped create and foster the conspiracy myth. Sam Adams, Marginal Notes to Author (hereafter

was a conspiracy—one involving top U.S. military officers—designed to hide the truth about the number and type of the hostile forces arrayed against the South Vietnamese and the U.S. Military in and around the Republic of South Vietnam. Or is it a myth? This article will examine that question—and do it in the context of looking at the case of *Westmoreland vs. CBS* and the events that preceded the lawsuit.<sup>4</sup>

The reader may wonder whether it is proper to try to look at the lawsuit that retired General William C. Westmoreland brought against CBS, and those responsible for the television program called "The Uncounted Enemy: A Vietnam Deception," in any sort of serious fashion. The whole business of the MACV order of battle numbers *debate*, the "documentary" and the lawsuit is really more on the order of low comedy—a low budget soap opera sort of a story with no heroes. But, for better or for worse, General Westmoreland's lawsuit, and the facts that led up to it, have become a focal point for the continuing discussion of the Vietnam "intelligence suppression conspiracy" story, and this paper will deal with the issue as the author finds it.

To get this subject in perspective the reader needs to know that there are really several stories involved in the tale of *Westmoreland vs. CBS*. First, there is the story of the Battle of Tet; second; there is the story of how the J-2 MACV order of battle figures were formulated in the period 1966-1968; third, there is the story of how CIA analyst Sam Adams "discovered" that the J-2 MACV OB figures

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"Notes"), 1 May 1987, 1-1a. Suffice to say in reply: not all of the forty wholly endorsed the conspiracy theory. During the trial, some supported parts of Adam's charges; others recanted previous statements; *none* were able to completely endorse the conspiracy theory—Hawkins tried too but he did not succeed.

4: The author gratefully acknowledges the fact that both of the central characters of this paper, General Westmoreland and Sam Adams, were kind enough to review this manuscript and supply the author with their thoughtful comments—many of which are noted throughout the article. Lieutenant General Phillip B. Davidson, Jr., also provided a useful critique. Letter, Lieutenant General

were, as he saw it, grossly understated; then there are the stories of the making of the CBS documentary and of Westmoreland's lawsuit.

The subject of intelligence production and use in Vietnam is a topic that needs to be discussed and better understood.<sup>5</sup> It is in the hope, but without any certain assurance, that once the present generation of serious military historians can get past the "conspiracy theory" hurdle, then the true rôle of intelligence in Vietnam can be properly told and understood.<sup>6</sup>

## THE BATTLE OF TET

The Tet Offensive of 1968 came as a strategic surprise; the Viet Cong very nearly achieved tactical surprise. "We knew Charlie was planning to hit right around Tet . . . . We were not entirely anticipating the attacks on the cities countrywide on the scale they [were] mounted."<sup>7</sup>

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5: This author acknowledges that there are a number of good books that chronicle the war in Vietnam, but few really *study* it. Two notable exceptions are Bruce Palmer, Jr., *The 25-Year War: America's Military Role in Vietnam* (Lexington, KY: The University Press of Kentucky, 1984), and Harry G. Summers, Jr., *On Strategy: The Vietnam War in Context* (Carlisle Barracks, PA: Strategic Studies Institute, U.S. Army War College, 1981). In *25-Year War* Palmer raises a number of questions regarding the organization and utilization of intelligence in Vietnam. Ibid, 78-80, 161-64, 167, 195.

6: To deal with both the War in Vietnam and the trial this author will draw on his personal experiences as an officer in the U.S. Army's Military Intelligence Branch, a veteran of the Battle of Tet, and a subsequent career as a practicing corporate trial attorney.

7: Cabbage, Letter to father (Saigon: 8 February 1986), 1-2. See also, William C. Westmoreland, *A Soldier's Report* (New York: Doubleday & Company, Inc., 1976), 390, 392-93 ("The warning afforded by the premature attacks was brief, but it was warning nonetheless."). General Palmer believes that there was tactical surprise at Tet, and he concludes that it came about due to an overreliance on signal intelligence. Palmer, *25-Year War*, 78, 167 ("And so while we expecting big trouble at the time of Tet, we were surprised by the timing (judging it would come *after* Tet), [and] by the nature of the enemy attacks....").

The Battle of Tet began about 0300 hours Saigon time on the morning of Wednesday, 31 January 1968.<sup>8</sup> Both MACV and the CIA estimated that approximately 84,000 Viet Cong (VC)<sup>9</sup> and North Vietnamese Army (NVA) troops were committed to the battle in the opening of the Communist Tet Offensive.<sup>10</sup> There are no definitive figures detailing how many VC/NVA fighters were committed during the course of the battle.<sup>11</sup> Only about twenty men—all from the Viet Cong C-10 Battalion (Sapper)—were involved in the attack on the U.S. Embassy in Saigon.<sup>12</sup> While the assault on the Embassy was but one of eight coordinated attacks in Saigon and its suburbs, this tiny action symbolized for many what was described as a U.S. defeat.<sup>13</sup> When the battle began the Allied Order of Battle included some 492,000 U.S. soldiers, sailors, marines and airmen, 61,000 South Korean and other "free world military assistance forces," and 626,000 men of the Armed Forces of South Vietnam.<sup>14</sup>

While the Viet Cong were greatly outnumbered, the Battle of Tet was not a suicide raid. The Viet Cong were well-recognized masters of the art of planning an attack down to the last detail, and yet, concerning the attacks at Tet, nothing

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8. Cabbage, Letter to wife (Saigon: 1 February 1986), 1. Don Oberdorfer, *TET* (1971; reprint, New York: Avon Books, 1972), 21.

9. "Viet Cong" a pejorative term, which literally means "Vietnamese Communist"—is the term generally used to describe the Viet Minh in the post-1957 period. Palmer, *25-Year War*, 8.

10. Davidson, op. cit. Cf. Oberdorfer, *Tet*, 22-23.

11. Davidson, op. cit. See, E. W. Kenworthy, "The Tet Offensive and the Turnaround," in *The Pentagon Papers*, Gerald Gold, Allan M. Siegal and Samuel Abt, eds. (New York: Bantam Books, Inc., 1971), 27, citing "Report of Chairman J.C.S., on Situation in Vietnam and MACV Requirements," 27 February 1968, para. 3.a.(1). The enemy "lost 40,000 killed, at least 3,000 captured, and perhaps 5,000.

12. Oberdorfer, *Tet*, 23. Another fourteen sappers bungled an attempt to break into the Presidential Palace grounds. Stanley Karnow, *Vietnam: A History* (1983; reprint, New York: Penguin Books, 1984), 527.

13. Cabbage, Letter to wife (Saigon: 1 February 1986), 1.

14. Oberdorfer, *Tet*, 26.

was said to the attack echelons about replacements or escape routes.<sup>15</sup> The unique form of this plan, coupled with its scale, convinced this author that the Viet Cong and their North Vietnamese supporters were confident of a victory:

*"It would appear that the VC may have made a major miscalculation and were believing their own propaganda and unable to separate the facts from their own fictions. They were absolutely convinced that the people [of South Vietnam] would revolt immediately upon their entering the cities."<sup>16</sup>*

The nature of the Communist's miscalculation was clarified by General Tran Va Tra in the military history published in Hanoi in 1982:

*During Tet of 1968 we did not correctly evaluate the specific balance of forces between ourselves and the enemy, and did not fully realize that the enemy still had considerable capabilities and that our capabilities were limited. [Our objectives] ... were beyond our actual strength [and were based] ... in part on an illusion of our subjective desires. [Thus] ... we suffered large losses in matériel and manpower, especially cadre in various echelons, which clearly weakened us.<sup>17</sup>*

There was no question in the minds of the analysts at MACV that the Viet Cong had gone all out for a general offensive and general uprising on the apparent belief that it would succeed in bringing the war to an early and successful conclusion.<sup>18</sup>

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15: Ibid.

16: Cabbage, Letter to wife (Saigon: 16 February 1986), 2. See also, Karnow, *Vietnam*, 535, citing General Tran Do ("In all honesty, we didn't achieve our main objective, which was to spur uprisings throughout the South.").

17: Karnow, *Vietnam*, 544, citing General Tran Va Tra.

18: Kenworthy, "The Tet Offensive and the Turnaround," citing JCS Report, op. cit., para. 2.

The Viet Cong also may have had other objectives in mind at Tet. As General Westmoreland has noted:

*Whether the North Vietnamese leaders genuinely believed they could induce the people of South Vietnam to rise against their government is debatable. They quite naturally depicted the objective in the grandest terms to their commanders and troops in the South, hoping thereby to enlist a supreme effort no matter what morale problems might result from an unsuccessful Friedenstrum (end-the-war offensive). What really mattered was to demonstrate that the Americans could win only at vastly increased cost, to inflict on the Americans a catastrophic Dien Bien Phu during an American election year, and to gain some leverage—such as the two northern provinces of South Vietnam—with which to go to the negotiating table with an opponent whose resolve would have been materially weakened.<sup>19</sup>*

Perhaps the Viet Cong in the south were certain, while the men in Hanoi were only reasonably hopeful.

In any event, when the general uprising did not come, and the prospect for any sort of a Tet Offensive military victory for the Viet Cong vanished, it was disorganized fighting in the cities, and especially in Saigon, that became the order of the day. This was this author's appreciation of events:

*“Another explanation as to why the fighting in the city [of Saigon] has been so disorganized is that the guides who brought the units into the city have been killed and some of the VC units are just plain lost in the city and [are] blundering into fights rather than making coordinated attacks as they did at first. They also are getting hungry and running out of ammunition and are becoming frightened by the fact that they cannot*

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19: Westmoreland, *A Soldier's Report*, 378. See also, Karnow, *Vietnam*, 535, quoting General Vo Nguyen Giap ("For us you know, there is no such thing as a single strategy. Ours always is a synthesis, simultaneously military, political, and diplomatic—which is why, quite clearly, the Tet offensive had multiple objectives.").

*recover their dead.... Then too, the pressure being put on them by the Police, ARVN and the American units has been unremitting as our side continues to run up huge daily kill figures....*<sup>20</sup>

For some elements of the Army of the Republic of Vietnam (ARVN), it was their finest hour.<sup>21</sup>

When the popular revolt did not materialize the Viet Cong battle plan was changed. Here is what this author thought at the time:

*“[T]he new plan emphasized the objective of] holding on to those areas overrun and trying to reinforce [them] to tie us down while the big assault is launched in the north. Charlie [now] is gambling on a major victory there. There is speculation that this offensive is a prelude to negotiations and so the enemy can afford to expend much of his resources now. But we cannot be sure. It may just be an act of massive devastation aimed at destroying as much as can be destroyed.”*<sup>22</sup>

At the very least, the Viet Cong were trying to make the best of a very bad military situation.

The reader must recognize and understand the crucial components in the explanation of why the Americans were strategically surprised by the Tet offensive:

*American military officers and analysts recognized that the enemy was preparing a major offensive, but they did not believe information which indicated that Viet Cong units would attack the cities of the south in order to instigate a mass uprising among the urban population. The Americans possessed better information about the sympathies of the South*

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20· Cabbage, Letter to wife (Saigon, 16 February 1968), 2-3.

21· Westmoreland, *A Soldier's Report*, 403.

22· Cabbage, Letter to father (Saigon: 8 February 1986), 1-2.

*Vietnamese urban population than their opponents who mistakenly believed that the people would revolt in support of the Tet offensive. Since American analysts did not think communist attacks would provoke a popular revolt against the South Vietnamese government, they dismissed captured enemy documents which called for a *Khoi Nghia* (General Uprising) as propaganda. The analysts were only partly correct in the estimate of the situation. The Viet Cong attacked the cities during the Tet holiday, but the General Uprising never materialized."*<sup>23</sup>

Viet Cong and North Vietnamese intelligence failed in regard to the planning of the Battle of Tet; American intelligence failed to properly appreciate what their enemy mistakenly had planned.<sup>24</sup>

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23: James J. Wirtz, Review of *Reckless Disregard*, by Renata Adler, Unpublished, 1987, 6-7 ("Despite the fact that *Reckless Disregard* cannot be characterized as a scholarly work, it does provide a convincing case against the conspiracy theory employed by CBS in its intelligence post-mortem." Ibid., 2). See also, Westmoreland, *A Soldier Reports*, 384-85, 387.

24: According to General Palmer:

*At the time of the enemy Tet offensive of 1968, none of us realized the ultimate significance of this period in the war and the profound impact that it would have on the United States. Although it ended up as an allied military victory in Vietnam, at home it resulted in a stunning political and psychological defeat for the United States and the Republic of Vietnam. For Hanoi, it was the reverse, a military defeat in the field of large proportions, which included almost total annihilation of the underground Viet Cong political structure in South Vietnam, but of far greater import a decisive political victory. Thereafter, Hanoi relied mainly on the North Vietnamese Army to conquer South Vietnam.*

Palmer, *25-Year War*, 79-80. Moreover, according to Palmer, MACV did not regard the likelihood of a major enemy offensive country-wide as "highly probable until one week before Hanoi began its Tet offensive." Ibid, 76. To be sure, on 20 and 21 December 1966, President Johnson, and General Westmoreland, both did prophesy the threat of enemy "*kamikaze attacks*," a "maximum effort," and even a "countrywide effort." Oberdorfer, *TET*, 138-39. Still, the true nature of the Communist strategy was not understood.

The U.S. and ARVN forces won the battle of Tet on the ground in Vietnam, but they certainly lost it on the television sets in the living rooms of America. On 27 February 1968, CBS anchorman and television newsman Walter Cronkite, "an employee of a major corporation (CBS), unelected by anyone to anything, not privy to any comprehensive analytical reports by America's military or intelligence resources," just back from a trip to Vietnam, summed up the sense of most of the news media and the war critics.<sup>25</sup> Cronkite characterized Tet and its message as follows:

*It seems now more certain than ever that the bloody experience in Vietnam is to end in a stalemate. . . . To say that we are closer to victory today is to believe, in the face of the evidence, the optimists who have been wrong in the past. To suggest we are on the edge of defeat is to yield to unreasonable pessimism. To say that we are mired in stalemate seems the only realistic, yet unsatisfactory, conclusion.... The only rational way out then would be to negotiate, not as victors, but as an honorable people who lived up to their pledge to defend democracy, and did the best they could.*<sup>26</sup>

This was an astonishing declaration. As Stephen Leshner later noted:

*It is unlikely that punditry, no stranger to journalism, had ever been exercised in front of such a vast, captive audience conditioned to viewing news reports as 'objective,' however loosely that term may have been applied.*<sup>27</sup>

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25: Leshner, *Media Unbounded*, 5.

26: Bob Brewin and Sydney Shaw, *Vietnam on Trial: Westmoreland vs. CBS* (New York: Atheneum, 1987), 42.

27: Leshner, *Media Unbounded*, 5 ("President Lyndon Johnson, after watching Cronkite's televised declamation, told his press secretary, George Christian, that the centrist coalition constructed so painstakingly by the President to buttress America's Vietnam War policies now was jeopardized."). This phenomenon is not new: "The first articles of irreconcilable journalism was written by Amos [the prophet] about 800 B.C." Eric Hoffer,

The commentary by Cronkite came as a great shock to General Westmoreland, and to the U.S. forces in Vietnam. Time and time again prior to Tet 1968, the U.S. military had tried to engage the enemy's main-force elements, albeit with no great success; then, in the Battle of Tet the Americans and their allies achieved a decisive victory. Westmoreland justifiably concluded:

*[The] press and television transformed what was undeniably a catastrophic military defeat for the enemy into a presumed debacle for . . . [the U.S. and the South Vietnamese military], an attitude that still lingers in the minds of many.<sup>28</sup>*

## THE MACV ORDER OF BATTLE

What has been called the MACV or J-2 MACV Viet Cong Ground Forces Order of Battle Book was a thick computer printout of facts and figures which listed every enemy unit in South Vietnam and the border areas of the neighboring countries. For this article the relevant numbers are the totals for the four categories of enemy personnel which, according to J-2 MACV, were as follows in September 1966:

Communist Regulars:	110,000
Guerrilla-Militia:	103,573
Service Troops:	18,553
Political Cadre:	<u>39,175</u>
Total:	271,301

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*Between the Devil and the Dragon: The Best Essays and Aphorisms of Eric Hoffer* (New York: Harper & Row, Publishers, 1982), 105.

28: Westmoreland, *A Soldier Reports*, 391. "The popular notion that American military forces are incapable of overcoming revolutionary insurgents abroad . . . was instilled by journalists covering Vietnam." Leshner, *Media Unbounded*, 8. For a thorough analysis of press and television coverage of the Tet period, see Peter Braestrup, *Big Story: How the American Press and Television Reported and Interpreted the Crisis of Tet 1968 in Vietnam and Washington* (1977; abridged edition, New Haven, CT: Yale University Press, 1983), *passim*.

The Guerrilla-Militia forces consisted of some 33,000 with the Guerrillas and about 70,000 with the Militia forces.<sup>29</sup>

While the "OB Book" was reissued monthly, the only numbers that had changed over the two preceding years were those for the Communist Regulars—the uniformed troops of the Viet Cong and the North Vietnamese Army.<sup>30</sup> The number of Guerrilla-Militia—the "black pajama soldiers"—had been set in 1964 by the South Vietnamese and the U.S. had never seriously questioned the number. The genesis of the Political Cadre number was a 1965 study of dubious merit and the origin of the number for the Viet Cong Service Troops was unknown. Such was the status of the J-2 MACV order of battle numbers—numbers which reflected what was the real concern of General Westmoreland at MACV, *i.e.*, a realistic count of the Communist Regulars—the Viet Cong and North Viet-names Army main-force combat units.<sup>31</sup>

In the mid 1950's the U.S. Army staff in Washington had a credible order of battle count on the Communist forces in Southeast Asia. At the end of that decade, anticipating the loss of the Army's intelligence analytical capabilities to the DIA (which was formed in October 1961), the task of order of battle monitoring was shifted to USARPAC in Hawaii. The first Director of the DIA was

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28: The Militia forces were composed of the Self-Defense and Secret Self-Defense Units. Adams, Notes, 8.

30: Sam Adams, "Vietnam Cover-up: Playing War with Numbers, A CIA Conspiracy Against Its Own Intelligence." *Harper's* (May, 1975): 44. During the period from mid-1964 to mid-1966 the total of Communist regulars had more than doubled. *Ibid.* The Viet Cong had units of division size: the 9th VC Division—which operated in the Saigon area—was formed in 1964. In December 1964 the first North Vietnamese Army unit—the 95B regiment—moved to South Vietnam; in April 1965 a regiment of the 325th NVA Division was identified in the Central Highlands. Palmer, *25-Year War*, 37, 42.

31: Adams, "Vietnam Cover-up," 62. In December 1966, Sam Adams at CIA estimated that the enemy strength was as follows: Communist Regulars - 100,000; Guerrilla-Militia - 300,000; Service Troops—100,000; and Political Cadre—100,000, for a total of 600,000. It should be noted that according to Adams, the MACV estimate of main-force troops was overstated by about ten percent. *Ibid.*

an Air Force Officer and the new agency showed little interest in the subject of the Communist guerrilla order of battle in Vietnam. USARPAC lacked the personnel to keep good order of battle data and ceased to work on the subject after February 1962 when MACV was formed. The first J-2 MACV was an Air Force officer and he showed very little interest in the Viet Cong ground order of battle. It was not until the summer of 1965, when the first experienced Army intelligence officer became the J-2 MACV, that the Viet Cong ground order of battle was examined again with any degree of seriousness.<sup>32</sup> General Bruce Palmer rightly describes this six-year hiatus with respect to any serious intelligence work on the Viet Cong ground order of battle as inexcusable.<sup>33</sup>

The man in Saigon in charge of the J-2 MACV Order of Battle Book from February 1966 to September 1967 was Colonel Gains Hawkins. As the chief of the OB Section he professed a pride in the work that his section of J-2 MACV was doing:

*“When I arrived [at J-2 MACV], the Order of Battle—[the] monthly Order of Battle Summary—was about a quarter of an inch thick, and when I left there, a little better than eighteen months later, it was about an inch—a little better maybe than an inch thick, because our requirements had grown during that time along with our capability to process and produce order of battle intelligence.”<sup>34</sup>*

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32: The J-2 slot was held by a Marine Colonel prior to the arrival of Joseph McChristian.

33: Palmer, *25-Year War*, 39-40.

34: Renata Adler, *Reckless Disregard: Westmoreland v. CBS et al., Sharon v. Time* (New York: Alfred A. Knopf, 1986), 99. On 8 June 1987 Sam Adams filed a \$75 million libel suit in federal court against author Renata Adler charging that her "two articles in the *New Yorker* and her book for Alfred A. Knopf libeled him by portraying the television show as 'dishonest' and accusing Adams of trying to persuade CBS witnesses to lie in court." Eleanor Randolph, *Washington Post*, 9 June 1987 (per "The Source" Information Network). The suit was later dismissed.

No one has ever doubted the impressive size of the OB document—the overall quality and purpose of the report became the subject of serious debate during the 1966 to 1968 period.

Major General Joseph A. McChristian became the J-2 MACV on 13 July 1965 and held that job until 1 June 1967, when he returned to the United States to take command of the 2d Armored Division at Fort Hood, Texas.<sup>35</sup> In July 1965 McChristian had organized the Combined Intelligence Center, Vietnam (CICV).<sup>36</sup> It was at CICV that all of the intelligence being produced—the POW interrogation reports, the captured document reports, the photointerpretation reports, the covert agent reports, the technical intelligence reports and every conceivable type of data was analyzed and entered into a data base on an IBM Model 1430 computer. McChristian called CICV "one of the finest supports of combat intelligence that was ever developed in support of our forces in wartime."<sup>37</sup>

In April 1967 General Westmoreland gave a briefing at the White House to President Johnson, Defense Secretary McNamara, Secretary of State Rusk, CIA Director Helms, the Chairman of the Joint Chiefs General Wheeler, and Assistant Defense Secretary McNaughton. Westmoreland told them that the Viet Cong and North Vietnamese strength in South Vietnam was leveling off at 287,000, and that

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<sup>35</sup> Adler, op. cit., 78. McChristian had been with General George Patton's intelligence staff in Germany in the post-World War II period. Frederick Taylor, "Eye on the Enemy: An Elaborate Network Gathers Intelligence on Vietnam Reds," *The Wall Street Journal*, 10 June 1967, 13.

<sup>36</sup> Adler, op. cit., 78. It was under General McChristian's leadership that the 525th Military Intelligence Group and the 509th Radio Research Group were established—both of which provided accurate and timely intelligence regarding the enemy situation in Vietnam, Cambodia and Laos. Palmer, *25-Year War*, 52-53.

<sup>37</sup> Adler, op. cit., 78. Of McChristian's claim, Miss Adler says that "in view of the outcome of the war in Vietnam, and in comparison with, for example, the breaking of German and Japanese codes in the Second World War, there was an intimation of something both comic and frightening in that claim." Here this author must side with McChristian: CICV was a *tactical*, not a *strategic*, intelligence center, and it certainly did provide fine tactical or combat intelligence data. See Taylor, "Eye on the Enemy," 1.

in March the "cross-over point" had been reached in the I Corps area. By this, he meant that the allied forces in the northern most part of South Vietnam were "attriting"—killing, capturing or inducing to defect—the enemy at a faster rate than Hanoi could infiltrate or recruit. The General said that the U.S. was winning the War of Attrition.<sup>38</sup>

In mid-May 1967, about two weeks before he left for his new post in the United States, McChristian met with Westmoreland and showed him a radically new order of battle briefing set out in the form of a cable—a cable that McChristian proposed be sent to CINCPAC and to the Joint Chiefs. It contained a significantly higher total for the enemy's troop strength. The higher numbers resulted from the listing of higher Guerrilla-Militia, Service Troop and Political Cadre numbers—numbers that Colonels Hawkins OB staff at CICV had worked up. As McChristian remembered the meeting, Westmoreland read the draft cable and said that "If I send that cable to Washington, it will create a political bombshell."<sup>39</sup> The new numbers showed a total for the Viet Cong forces which was over 200,000 more than the total of 287,000 that Westmoreland had used in Washington a month earlier, a number which was not much higher than the 280,000 that were estimated to be in South Vietnam a year earlier.

A few days later, on 19 May 1967, as part of the Combined Information and Intelligence Conference in Saigon, with Admiral Ulysees G. Sharp, Jr. (CINCPAC) present, Colonel Edward Caton presented a briefing on the strength of the Viet

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38: Brewin and Shaw, *Vietnam on Trial*, 230, 233. Westmoreland, and the President, in their memoirs, and Rostow in his interview with Mike Wallace deny that the General said anything about the "cross-over point" at that briefing. The source of the remark is McNaughton's memorandum of the meeting—a memo he wrote about a month after the meeting. In a July 1967 briefing for McNamara, Phillip Davidson said "we may have reached the [country-wide] C-O point in March or May, but we won't know for several months." Pentagon Papers, IV: 518. Under the national policy adopted by the United States, the strategy of MACV essentially was that of conducting a war of attrition. It was a strategy of long and protracted struggle where the milestones of demonstrable progress were few and far between. Palmer, *25-Year War*, 42.

Cong irregular forces in South Vietnam. The numbers that Caton used in the briefing were basically the same as in McChristian's cable and were significantly higher than those in the monthly J-2 MACV Order of Battle Summary.

Westmoreland said that Caton's figures should not be released without further refinement and asked the J-2 to identify how many of the people counted in the Viet Cong irregular categories were armed.<sup>40</sup>

On 28 May 1987 General Westmoreland was briefed again, this time by Colonel Hawkins. The Colonel remembered Westmoreland saying: "What will I tell the President? What will I tell the Congress? What will be the reaction of the press?" From that, and Westmoreland's statement to McChristian that "We'd better take another look at these figures," Hawkins concluded that General Westmoreland thought the new higher J-2 MACV figures for Communist irregular forces were "politically unacceptable."<sup>41</sup>

The number 292,000—ostensibly the official J-2 MACV total for enemy forces—appeared in *The Wall Street Journal* in mid-June in an article about joint American/South Vietnamese intelligence operations:

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39: Adler, *Reckless Disregard*, 79.

40: Brewin and Shaw, *Vietnam on Trial*, 280. Westmoreland's concern over whether the Viet Cong irregular categories were armed reflected the MACV rules of engagement for the U.S. military forces. The conduct of war in South Vietnam was to be compatible with the Geneva Convention and the Rules of Land Warfare; thus, the killing of unarmed civilians on account of a political belief was unacceptable. "Civilians were not fair game" and the J-2 MACV "OB was [to be a] representation of [only] the fair game [that my troops could engage]." Westmoreland, Conversation with author, 21 May 1987. Stephen B. Young, Professor of Law at Hamline University, graciously allowed the author to read the 1987 draft of "Westmoreland v. CBS: The Law of War and the Order of Battle Controversy." Professor Young's paper is an excellent in-depth study of the legal concerns that faced General Westmoreland.

41: Adler, *Reckless Disregard*, 102. According to Hawkins, the question was asked by Westmoreland at the 28 May briefing. Adams, Notes, 12. Westmoreland denied saying any of this to Hawkins. In regard to this subject, see the text associated with the testimony of both Generals Westmoreland and McChristian.

*The enemy can keep on fighting at the present pace indefinitely. Despite high casualties—190,000 killed since 1961, according to U.S. and South Vietnamese estimates—the North Vietnamese and Vietcong forces in South Vietnam today total 292,000 men compared with 280,000 a year ago and 230,000 in 1965 when the U.S. entered the ground war. Infiltration of men from North Vietnam continues to run at 7,000 a month despite all U.S. efforts to cut it and may have increased in recent months. Another 7,000 men a month are recruited one way or another in the South....*<sup>42</sup>

The official J-2 MACV order of battle numbers were made available to the press corps in Saigon.

When McChristian left MACV, Major General Phillip Davidson became the J-2 MACV. He praised McChristian for the fine work done up to that time, then Davidson told his staff that in order to better McChristian's achievements he would have to produce the same excellent combat intelligence, only with fewer Military Intelligence personnel in the Capital area bureaucracy—over 1,100 American and South Vietnamese intelligence personnel were in the Saigon region. As time passed the new emphasis could be summed up in the slogan: "Produce more."

In August, at a meeting in the Pentagon, Colonel Daniel O. Graham, Chief of J-2 MACV Estimates, met with representatives of DIA and CINCPAC. At the meeting Graham told the others that the highest estimated total enemy forces that J-2 MACV would accept was 300,000. When Barrie Williams from DIA and Colonel George Hamscher from CINCPAC told Graham that they thought his proposed cuts in the OB figures were too arbitrary and probably wrong, Graham said: "Hamscher, if you've got a better way of doing it, let's have it."<sup>43</sup>

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42: Taylor, "Eye on the Enemy," 13.

43: Brewin and Shaw, Vietnam on Trial, 17. Both Williams and Hamscher testified that Graham "arbitrarily" lowered the OB count totals. Adams, Notes, 13. This author suggests that what some of the participants perceived to be *arbitrary* actions probably were

In Saigon, in September 1967, the J-2 MACV total count of the enemy was raised to 299,000, then adjusted downward to a total of 248,000. Of the total, 120,000 were identified as Communist Regulars. This change occurred during a joint J-2 MACV/CIA conference in Saigon.<sup>44</sup>

## SAM ADAMS' "DISCOVERY"

Sam Adams, a 1955 Harvard graduate, went to work for the CIA in 1963. His first work as an analyst involved a study of the rebellion in the Congo. In late 1965 Adams was given the task of studying the state of the Viet Cong morale. The study was being undertaken by CIA at the behest of the Johnson administration who were interested in determining how long the Viet Cong could keep up the fighting in South Vietnam.<sup>45</sup>

In mid-January 1966, after reviewing the weekly MACV report containing VC defector statistics, Adams went to Saigon. There, the CIA station chief told him that the "official statistics aren't worth a damn," and he encouraged Adams to go out in the field and start reading captured documents. Soon Adams had amassed a collection of VC unit rosters, all of which listed a number of deserters, and he also found a number of Viet Cong directives exhorting units to do something about a growing desertion rate.<sup>46</sup>

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*deliberate* actions taken to make the OB Summary conform to the MACV policy—a policy intentionally established by Westmoreland—that the OB count should reflect only the armed Viet Cong combatants which were "fair game" under the MACV rules of engagement. Westmoreland, Conversation with author, 21 May 1987. Testimony at the trial raised the question of whether Graham was even in Washington in August.

44: Adler, *Reckless Disregard*, 54. Palmer, *25-Year War*, 78.

45: Adams, "Vietnam Cover-up," 41.

46: Ibid, 41-42. Adams estimates that he spent a total of some eighteen months in Vietnam between 1965 and 1970. Conversation with author, 8 April 1987. If so, according to the recollection of Lieutenant General Phillips Davidson, then only about a week of that time was during the crucial period from May 1967 to May 1969. Davidson, op. cit.

It was then that Sam Adams made his first big intelligence "discovery," which he described as follows:

*I soon collected a respectable stack of [Viet Cong] rosters, some of them from large units, and I began to extrapolate. I set up an equation which went like this: if A, B, and C units (the ones for which I had documents) had so many deserters in such and such a period of time, then the number of deserters per year for the whole VC Army was X. No matter how I arranged the equation, X always turned out to be a very big number. I could never get it below 50,000. Once I even got it up to 100,000.*

*The significance of this [one] finding in 1966 was immense. At that time our official estimate of the strength of the enemy was 270,000. We were killing, capturing and wounding VC at a rate of almost 150,000 a year. If to these casualties you added 50,000 to 100,000 deserters—well, it was hard to see how a 270,000-man [Viet Cong] army could last more than a year or two longer.<sup>47</sup>*

In May 1966 Adams returned to Washington and briefed Admiral William F. Rayborn, Jr., who then was the Director of the CIA. The news seemed too odd to be true, at least that is what some of the agency's "old Vietnam hands" thought.

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47: Ibid, 42. It turned out that Adams' estimate of the Viet Cong's acute replacement problems was very accurate. After the Battle of Tet the Viet Cong units had to accept North Vietnamese Army fillers in order to bring the main-force units in South Vietnam back up to fighting strength. This is a fact that Adams never mentioned in his *Harper's* article. According to General Palmer:

*[A]t the height of the fighting in Vietnam, during the 1967-69 period, when casualties were highest on both sides, there was no compelling evidence that North Vietnam was hurting for manpower to keep on fighting. On the contrary, the indications were that the North could suffer frightful losses and still replace them quantitatively. There was no doubt a decline in the quality of enemy leadership, however: it takes time to develop leaders and there is no shortcut to experience, but raw manpower was not Hanoi's Achilles' heel.*

Palmer, *25-Year War*, 43.

To verify the finding, Adams and a team of four CIA psychiatrists went to Vietnam to give further study to the enemy's morale problem.<sup>48</sup>

When Adams returned to Vietnam he found more documents that supported his desertion rate calculations—there was never any doubt in his mind that his hypothesis in regard to desertions was correct—and the new evidence led him to reexamine his basic premises:

*On reexamining the logic that had led me to the prediction, I saw that it was based on three main premises. Premise number one was that the Viet Cong were suffering very heavy casualties. Although I'd heard all the stories about exaggerated reporting, I tended not to believe them, because the heavy losses were also reflected in the documents. Premise two was my finding that the enemy army had a high desertion rate. Again, I believed the documents. Premise three was that both the casualties and the deserters came out of an enemy force of 270,000.<sup>49</sup>*

George Allen, one of CIA "old Vietnam hands" told Adams that the total for the Vietcong forces was "suspect."<sup>50</sup>

In July 1966 Adams told his supervisor at CIA that there was some evidence that the total count of the Viet Cong forces might be too low; he asked and received permission to take a closer look at that question. Sam Adams once again began to review the captured enemy documents with an eye to determining

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48: Ibid.

49: Ibid.

50: Ibid. It is important to note that by mid-1966 all of the American intelligence agencies-- J-2 MACV, DIA and CIA—and all of the major command levels knew that the only part of the MACV OB count that was accurate was the portion dealing with the Communist Regulars. Because J-2 MACV knew that the other numbers that had been inherited from the South Vietnamese Army were extremely poor in quality, two intelligence data collection programs —RITZ and CORRAL—had been initiated with the objective of improving J-2's understanding of the Guerilla-Militia and the Viet Cong Political Infrastructure. Davidson, op. cit.

what they reflected in the way of a total count of Viet Cong forces. By mid-August 1966 Adams was certain that the Viet Cong and the MACV strength figures could not be reconciled. For example, he found that the Viet Cong reckoned that they had a Guerrilla-Militia strength of about 50,000 in Binh Dinh province where the J-2 MACV count was only 4,500. Adams found that in Phu Yen province MACV carried 1,400 VCs on their OB list while the Viet Cong were counting some 11,000. It was then, said Adams that he made the first "critical discovery" about the J-2 MACV Order of Battle figures— they were significantly understated— or so he thought.<sup>51</sup>

Despite the first suggestions that the order of battle total count might be off by as much as ten to one in some areas, further work led Adams to the conclusion that in April 1966 the total Viet Cong Guerrilla-Militia strength was about 330,000. He found documents that indicated that the Viet Cong Guerrilla-Militia force numbered about 200,000 in early 1965 and that a build-up of personnel to about 300,000 was planned for the start of 1966—a goal that the Viet Cong were able to exceed.<sup>52</sup> All of Adams' newly correlated evidence was based on captured enemy documents, but it was evidence that he believed reflected a basic truth—the official J-2 MACV OB count of Guerrilla-Militia, Service Troops and Political Cadre was understated by about 200,000 in mid-1966. In Sam Adams mind all of the numbers—strength reports, recruit rosters, infiltration rates, casualty rates and desertion rates—suddenly made better sense. The Viet Cong were doing well in recruiting but they were losing a lot of followers through desertions and as a result of combat; however, they were maintaining their overall strength and their morale and resolve because the total number of their ranks was a fairly high number.<sup>53</sup>

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51: Ibid. Although Adams has never admitted to it, he never did collect sufficient documentary evidence to set up a statistically valid data base.

52: Ibid, 42-43; Adams, Notes, 16, citing an April 1966 document.

53: Adams, "Vietnam Cover-up," 42-43; Adams, Notes, 17.

On 22 August 1966, using additional documents and projecting the enemy strength through to late 1966, Adams concluded that the official order of battle estimate of 270,000 might be as much as 300,000 too low. He prepared a memorandum on the subject and sent it "up to the seventh floor"—the executive offices at CIA—and waited for what he expected would be a call to come up and brief the director. He considered that his discovery "was the biggest intelligence find of the war." At that time all of the policy planning was done on the basis of the OB estimates of the enemy force levels and Adams was certain that when the planners found out that the official numbers represented only about sixty percent of the enemy's actual strength, then "the whole statistical system would collapse."<sup>54</sup>

Adams had sent his memorandum up on a Monday and on Friday it came back to him. It had been seen and read, but the CIA was not going to distribute it outside the agency. Adams was stunned. In anger he wrote a second memorandum; one backed-up with even more data to support his case. In the second memorandum Adams explained the fact that the enemy strength was as high as it was because the documents showed that the Viet Cong controlled about six million people in the countryside, and not three million which was the official estimate of Vietnamese living in areas which could be described as Viet Cong controlled countryside.<sup>55</sup>

The second Adams memorandum went upstairs and another week passed. When Adams went up to the executive offices to see what had happened to his study he discovered it was in an office safe and marked with an "Indefinite Hold." Returning to his office, Adams wrote yet another memorandum—one with still more references—and he carried it to Waldo Duberstein, the Asia-Africa area chief, who looked at it and said: "It's that goddamn memo again. Adams, stop being such a prima donna." Adams then showed the paper to another official who

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54: Ibid, 43-44.

55: Ibid, 44.

remarked that maintenance of the Viet Cong order of battle count was the responsibility of J-2 MACV and the CIA had no business intruding. But, with Adam's prodding, twenty five copies of the third memorandum—marked as a "draft working paper"—were circulated to CIA analysts and a few other selected intelligence staff officers outside the CIA. One copy went to the J-2 MACV OB section in Saigon.<sup>56</sup>

In December Sam Adams reviewed all of his material and came to the conclusion that the total number of Viet Cong in South Vietnam was about 600,000. He broke the numbers down as follows:

Communist Regulars:	100,000
Guerrilla-Militia:	300,000
Service Troops:	100,000
Political Cadre:	<u>100,000</u>
Total:	600,000

In doing this calculation Adams reckoned that J-2 MACV probably had over-estimated the main-force regulars by about ten percent and underestimated the rest—the irregulars—by about three hundred percent. He told one of his fellow analysts: "Can you believe it? Here we are in the middle of a guerrilla war and we haven't even bothered to [accurately] count the number of guerrillas."<sup>57</sup>

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56: Ibid. Duberstein was later accused of being a spy for Libya and he committed suicide after the accusation surfaced. Adams, Notes, 18. The status of the CIA vis-à-vis MACV was interesting. In wartime the senior U.S. military commander becomes preeminently responsible for all intelligence organizations and assets in his area. Since the U.S. technically never was at war in South Vietnam, the CIA's Saigon station chief and his assets did not come under the control of MACV. Nevertheless, the CIA in Saigon and in Washington did defer to MACV in regard to military matters prior to Tet 1968. Palmer, *25-Year War*, 30.

57: Adams, "Vietnam Cover-up," 62.

In January 1967 Dr. George Carver, Sam Adams' boss and the Special Assistant for Vietnamese Affairs, sent a memorandum to the CIA's Director of Intelligence in which he wrote:

*We [in SAVA] believe the MACV Order of Battle of Communist ground forces in South Vietnam, which on 3 January carried the number of confirmed Viet Cong, including North Vietnamese at 277,150, is far too low and should be raised, perhaps doubled.*<sup>58</sup>

The memorandum was an expression of Carver's view that further study needed to be done by CIA on the MACV figures. Carver also had a talk with Walt Rostow at the White House and explained the order of battle numbers problem to him. In turn, Rostow called General Earle Wheeler, the Chairman of the Joint Chiefs and suggested to him that the parties to this intelligence dispute should be brought together so they could air and debate their differences in view.<sup>59</sup>

## THE MACV ORDER OF BATTLE REEXAMINED

And so it came to pass that in mid-January 1967, the Chairman of the Joint Chiefs of Staff, stirred by Rostow, convened an Order of Battle Conference in Honolulu. He requested that the analysts from J-2 MACV, CINCPAC, the DIA and the CIA meet to see if a *consensus* could be reached with regard to the J-2 MACV order of battle methodology and total numbers. Adams attended the conference as one of the CIA representatives, fully expecting that the military officers from MACV would "pull a fast one and lie about the numbers." Adams was pleasantly surprised when Colonel Gains B. Hawkins, head of the J-2 MACV OB Section, started off the conference with this statement: "You know, there's a lot more of these little bastards out there than we thought there were." The MACV officers then presented new numbers which raised the Viet Cong strength in

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58: Brewin and Shaw, *Vietnam on Trial*, 262.

59: *Ibid*, 230.

every category. To Adams the most significant increase was in the number of Guerrilla-Militia which was raised from 103,573 to about 198,000. This was about 100,000 less than Adams had estimated, but he concluded that "the fights over. They're reading the same documents that I am, and [now] everybody's beginning to use real numbers." Adams was prepared to admit that his own estimates might be a bit too high and [he was] amenable to accept the J-2 MACV total enemy count which, according to Colonel Hawkins, was to be about 500,000.<sup>60</sup>

In May 1967 the CIA prepared a report on future prospects in Vietnam for Secretary of Defense Robert McNamara. In its draft form the report still used the old 280,000 figure as the enemy's strength in Vietnam. Adams wanted to use the 500,000 figure that he believed had been agreed to in Honolulu. At first, Drexel Godfrey, a deputy chief in the Research Directorate, objected on the ground that J-2 MACV has not yet published the new numbers. George Carver, who told Adams he was "on the right track" with the higher number, supported Adams position and the CIA's "Whither Vietnam" report went out with the 500,000 figure.<sup>61</sup>

In June 1967 Adams discovered that the military was not going to use the 500,000 number. During the annual meeting of the Board of National Estimates held at Langley, the CIA presented its first draft of the estimate with the 500,000 figure. George Fowler, the DIA representative then spoke, on behalf of the entire military; he said: "Gentlemen, we cannot agree to this estimate as currently written. What we object to are the numbers. We feel we should continue with the

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60: Adams, "Vietnam Cover-up," 64. Brewin and Shaw, *Vietnam on Trial*, 230. George Carver, Adams' boss at CIA briefed Rostow on the "numbers debate." Ibid. Colonel Hawkins later told Adams that 600,000 was a better number. Adams, Notes, 20. The minutes of the Honolulu Conference do not support Hawkins' view that there was an agreement to put the J-2 MACV count at 500,000. All of the conferees agreed that the existing numbers for the categories other than Communist Regulars probably were low, but no figures were decided upon. Davidson, op. cit.

61: Adams, "Vietnam Cover-up," 64. Carver was Richard Helms' Special Assistant for Vietnamese Affairs. Ibid, 62.

official order of battle [numbers]." In June 1967 the J-2 MACV was using 292,000 as the total number of Viet Cong. During a break in the meeting Adams briefed Carver on what was going on and was told that "it's time to bite the bullet. You go on back up there [to the seventh floor] and do the best you can." It was the start of a seventy-five day battle between Adams and the military men over the numbers. Adams paraded all his documentary evidence before the MACV, CINCPAC and DIA men, but with little success.<sup>62</sup>

In July George Carver visited Saigon. While there he spoke with Ambassador Robert Komer, the Pacification Program Director, about the order of battle dispute. On 10 July 1967 Carver cabled Helms the details of his talk with Komer. The cable stated that Komer believed that releasing of increased figures concerning the enemy's strength would cause "political" problems for MACV because it would come at a time when Westmoreland was asking for more troops. Carver reported to Helms that he had suggested to Komer that the problem could be overcome with a background briefing for the press. Carver had suggested that the press be told that "a quantum improvement in intelligence data . . . gave us [a] much firmer handle on the total size of the organized Communist structure, military and non-military, with which we have been coping for past several years." Carver said that Komer did not agree.<sup>63</sup>

By the end of August the military men had agreed to raise the total count of enemy troops, but they would not raise the number above 300,000, which was 200,000 short of the number Adams was fighting for.<sup>64</sup> On 21 August Helms

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62: Ibid. Colonel Hawkins testified that the reason for Adams' lack of success was because he (Hawkins) had been instructed to keep the total count below a 300,000 ceiling. Adams, Notes, 21. This is a critical point in the conspiracy theory. If the reader accepts Hawkin's statement, then it is difficult to avoid the conclusion that there was an effort by MACV to keep the number count down. At the trial, Westmoreland, Davidson, Godding, Morris and Graham all testified that no such instructions were issued.

63: Brewin and Shaw, *Vietnam on Trial*, 238.

64: Adams, "Vietnam Cover-up," 64. Prior to the meeting, the representative from J-2 MACV, Colonel Daniel Graham, had told the DIA and CINCPAC representatives that he

received copies of two cables from General Westmoreland and from his deputy, General Creighton Abrams. Both cables had been sent the day before to General Wheeler at JCS. Both messages made it clear that a new J-2 MACV "command position" on the Viet Cong strength had been established: the so-called Self-Defense and Secret Self-Defense forces, would not be reflected in the OB numbers. Abrams cable explained the rationale behind the decision:

*If SD and SSD strength figures are included in the overall enemy strength, the figure will total 420,000-431,000.... This is in sharp contrast to the current overall strength figure of about 299,000 given to the press here.... [The SD and SSD forces include many women and the elderly, are poorly armed and have] almost no military capacity.*

*We have been projecting an image of success over the recent months, and properly so. Now, when we release the figure of 420-432,000, the newsmen will immediately seize on the point that the enemy force has increased about 120-130,000. All available caveats and explanations will not prevent the press from drawing an erroneous and gloomy conclusion as to the meaning of the increase. All those who have an incorrect view of the war will be reinforced and the task will become more difficult.<sup>65</sup>*

Westmoreland, in his cable, stated that "no possible explanations could prevent the erroneous conclusion that would result."<sup>66</sup>

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would not accept any number higher than 300,000. Brewin and Shaw, *Vietnam on Trial*, 17.

65: Brewin and Shaw, *Vietnam on Trial*, 9. The authors Brewin and Shaw suggest that Adams saw this, and the same day cable from Westmoreland. I doubt this is true, for neither is mentioned in Adams' *Harper's* article. Carver may have seen them; Helms surely did.

66: *Ibid.* With cables like this in the record, it is hard to justify the allegation that General Westmoreland was conspiring to keep either the Joint Chiefs or the CIA in the dark about the order of battle count. Since Wheeler had responded to Rostow's request to get MACV and CIA to agree on common numbers, the White House was on top of the issue.

In early September the debate resumed, this time at the MACV headquarters in Saigon. The team from MACV included: Major General Phillip Davidson, MACV J-2; Brigadier General Winant K. Sidle, MACV Information Officer; Colonel Charles Morris, Aide to Davidson; Colonel Daniel O. Graham, Chief of J-2 MACV Estimates; and Colonel Gains B. Hawkins, Chief of J-2 MACV Order of Battle Section. The discussion proceeded as if the CIA and MACV numbers were on a see-saw. Dealing with the numbers at a sub-category level, every time Adams would present evidence to raise one number, the MACV intelligence officers would lower another. The result was always the same—the maximum MACV number never exceeded a total of 300,000.<sup>67</sup>

At one point, during the argument over the number of Viet Cong in the subcategory called district-level Service Troops, Adams estimated that there were seventy-five in each Viet Cong district. He said he had reached that number on the basis of a study of twenty-eight documents. This prompted General Davidson to say:

*Well, I've been in the intelligence business for many years, and if you're trying to sell me a number on the basis of that small a sample, you might as well pack up and go home.*<sup>68</sup>

When Adams returned to his seat, Davidson's aide, Colonel Morris, turned around and remarked to him in a booming voice: "Adams, you're full of shit."<sup>69</sup>

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One is left with the clear impression that the only one not fully aware of the "whole picture" was Sam Adams.

67: Adams, "Vietnam Cover-up," 64. Adams could not understand why the MACV Information Officer was present at the meetings. One of Sidle's key duties was conducting the daily MACV press briefing known as the "Five O'clock Follies." By attending the order of battle discussions he learned the background to the enemy strength count. Brewin and Shaw, *Vietnam on Trial*, 186.

68: Citation missing in original text (This author regrets this error discovered in 2015. It is probably Adams, "Vietnam Cover-up," 64; Adams, Notes).

Then one of Davidson's men got up and presented his view that there were only twenty Service Troop category soldiers in each Viet Cong district. Adams asked how many documents were in his sample. When no answer was forthcoming, CIA's Carver pressed him for an answer. As it turned out he had only one POW interrogation report and it actually showed a total of forty Service Troops. The J-2 MACV Lieutenant Colonel then went on to explain that while the single report he had said there were forty such people in the district, he had "scaled down the evidence." When Carver pressed him on what that meant, the MACV officer said that he had "cut out the hangers-on," which he said meant that he had cut out everyone he concluded might be a civilian. The officer then explained that while the report he had used did not specifically identify any of the forty Service Troops as being civilians, he had scaled the report down on the basis of J-2 MACV's on assumptions regarding military-to-civilian ratios. And so the argument went.<sup>70</sup>

After the conference had adjourned on the second day Adams was approached by one of the Army officers—not Colonel Hawkins. The J-2 officer told Adams that while he believed that the CIA numbers which Adams was defending were correct, the J-2 MACV officers would not agree to them. He told Adams why: "You know, our basic problem is that we've been told to keep our numbers under 300,000." Several months later Colonel Hawkins told Adams that he got orders to stay below that number from Colonel Morris, Davidson's aide.<sup>71</sup>

Ambassador Robert Komer met privately with Carver from CIA and told him that the information on the Self-Defense (SD) and Secret Self-Defense (SSD)

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69: Adams, "Vietnam Cover-up," 64; Adams, Notes, 24 ("booming"). For more on the danger of using small samples, see David Hackett Fischer, *Historian's Fallacies: Toward a Logic of Historical Thought* (New York: Harper Torchbooks, 1970), 103-130.

70: Ibid, 64-65.

71: Ibid, 65; Adams, Notes, 25. What Hawkins told Adams then did not agree with the testimony he gave at the trial. When he testified at the trial, Hawkins would not say that

forces was too vague to remain in any *ground forces* order of battle estimate.<sup>72</sup> He also told Carver that if the U.S. press discovered a significant difference in the MACV and CIA figures—a difference that reflected CIA's desire to count additional SD and SSD forces—a serious "credibility gap" would be the result. Komer told Carver that if he insisted on listing of the SD and SSD forces with a strength of 120,000—50,000 higher than the accepted J-2 MACV number—then Davidson and Carver would be at a "head-to-head impasse."<sup>73</sup>

Carver sent a cable to Helms at Langley. In it he said that the efforts to reconcile the estimates were getting nowhere and he accused J-2 MACV of "stonewalling", saying:

*Variety of circumstantial indicators—MACV juggling of figures its own analysts presented during the August discussions in Washington, MACV behavior, and tacit or oblique lunchtime and corridor admissions by MACV officers, including Davidson—all point to inescapable conclusion that General Westmoreland (with Komer's encouragement) has given instruction tantamount to direct order that VC strength total would not exceed 300,000 ceiling. Rationale seems to be that any higher figure would not be sufficiently optimistic and would generate unacceptable levels of criticism from the press.<sup>74</sup>*

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Morris gave him an order to keep the numbers down, and Morris testified that he never gave such an order.

72: The SD/SSD forces had been in the J-2 MACV OB since 1962; in the ARVN OB since 1956; and in the French OB since 1946. Adams, Notes, 11.

73: Brewin and Shaw, *Vietnam on Trial*, 236.

74: *Ibid*, 10. There is no evidence in Adam's article that he knew of the substance of this cable. According to Lieutenant General Phillips Davidson, the "admission" Carver said he made is *categorically false*. Davidson says he believed then (and now) that the J-2 MACV figures were more accurate. Letter to author, 28 September 1987.

On the third day of the conference, Carver got a response from Helms. The CIA Director's cable, according to Adams, "*for all its euphemisms, gave us no choice but to accept the military's numbers.*"<sup>75</sup>

Then, on 11 September, after dining with Carver, Komer met with Westmoreland and told him that "there was room for a meeting of the minds, if we could get the two sides to back off a little from their turf fight...." Westmoreland brought Carver and Davidson together and said that he believed the differences in position "were readily resolvable and that he by and large accepted the viewpoint that George Carver had presented." What Carver had proposed that the "civilian elements" of the Viet Cong would be "clearly separated" from the military order of battle. The civilian element would be discussed in the narrative section of the monthly J-2 MACV OB Book. Carver told the J-2 MACV officers that he agreed that the CIA evidence on the SD and SSD forces was "very tenuous, and that while at one point [the CIA] ,, had estimated that there might be more than 100,000 of them, it was very difficult to arrive at any valid numerical estimate at that time."<sup>76</sup> Afterwards Carver cabled Helms: "Circle now squared," which meant that he had done the impossible—he had reconciled the CIA and the military numbers.<sup>77</sup>

And so the Saigon conference ended on 13 September with the total count of the enemy combatants being set at 299,000—a number accepted by Carver.<sup>78</sup>

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75: Adams, "Vietnam Cover-up," 65. At the trial both Helms and Carver testified that no such cable was ever sent or received, and no cable was ever produced at the trial. In fact, both men said that they were prepared to use the CIA numbers and to tell MACV that the agency would no longer use the J-2 MACV numbers.

76: Brewin and Shaw, *Vietnam on Trial*, 237. Adams was upset in particular by the decision to delete the SD/SSD forces from the Viet Cong Militia category because at the Honolulu conference in February 1967 all of the conferees—Adams included—had agreed that they ought to be counted. Adams, Notes, 37a.

77: *Ibid.*, 10.

78: Adams, "Vietnam Cover-up," 65; Adler, *Reckless Disregard*, 54. According to Adams, it was J-2 MACV, and not Carver, who proposed the 299,000 number. Adams, Notes, 27.

This number was arrived at, according to Adams, "by simply marching certain categories of Vietcong out of the order of battle, and by using the military's 'scaled-down' numbers." Carver returned to Washington but Adams stayed on in Saigon to discuss the Political Cadre category. Over Adams' objection, J-2 MACV also dropped the entire Political Cadre category which lowered the final total Viet Cong OB number to 248,000.<sup>79</sup>

Adams was angry about the results of the conference—how could such a thing happen, he wondered? William Hyland, another member of the CIA contingent, tried to console him by explaining the reality of the event, saying: "Sam, don't take it so hard. You know what the political climate is. If you think [the J-2 MACV intelligence staff would] accept the higher numbers, you're living in a dream world."<sup>80</sup>

The Board of National Estimates reconvened at Langley in October 1967. Adams briefed the board on what had happened in Saigon. One board member said "it makes my blood boil to see the military cooking the books," and another, Sherman Kent—the board's head—asked, "Sam, have we gone beyond the bounds of reasonable dishonesty?" Nevertheless, the estimate was finalized by the board and sent forward for the signature of the Director of the CIA: the board used the MACV number of 248,000. Adams wrote a nine-page dissent and gave it to Carver, saying: "If we [at CIA accept the MACV number] ... we would not only be dishonest and cowardly, we would be stupid."<sup>81</sup>

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79: Adams, "Vietnam Cover-up," 65; Brewin and Shaw, *Vietnam on Trial*, 10. Adams says that Carver agreed to drop the Political Cadre. Adams, Notes, 27. While the Political Cadre were not shown on the military side of the J-2 MACV ledger, they were listed, with the concurrence of Carver, in the narrative part of the J-2 MACV OB Book.

80: Adams, "Vietnam Cover-up," 65.

81: Ibid. This paragraph appears to put the members of the Board of National Estimates in a very derogatory light—*i.e.*, they appear to have passed on to the USIB and to the President a document that the Board felt was false or misleading. It should not be read in that context, for the story being unfolded so far is one seen mainly through the eyes of Sam Adams, and what he has chosen to remember.

In November Ambassador Ellsworth Bunker in Saigon sent Walt Rostow at the White House a cable. He copied Helms. Bunker cautioned of "the devastating impact if it should leak out (as these things often do) that despite all our success in grinding down the VC/NVA here" some statistics showed "that they are really much stronger than ever. Despite all caveats, this is the inevitable conclusion which most of the press could reach."<sup>82</sup> On 21 November Rostow sent the cable to President Johnson with the notation: "Danger is press will latch on to previous underestimates and revive credibility gap talk."<sup>83</sup> That same month Director Helms signed the estimate—SNIE 14.3.67—and it was released.<sup>84</sup>

In November 1967 General Westmoreland returned to Washington and held a press conference at which he said that "the enemy is running out of men."<sup>85</sup> In early December the CIA sent McNamara another "Whither Vietnam?" memorandum—despite Adams protests, the MACV numbers were used. In January 1968 Helms briefed the Congress and used the J-2 MACV numbers.<sup>86</sup>

At about the same time, Colonel Hawkins on his return from Vietnam was assigned to Fort Holabird, then the Army's Military Intelligence Branch headquarters. He called Adams and said that he wanted to meet unofficially to talk about the order of battle numbers. A few days later Adams went to see Hawkins, who described the months of July to September as the "worst three

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82: M. A. Farber, *The New York Times*, 9 October 1984, 1.

83: Ibid.

84: Adams, "Vietnam Cover-up," 65-66; Brewin and Shaw, *Vietnam on Trial*, 255. In addition to Helms, the estimate was signed by Vice Admiral Rufus Taylor (Deputy Director, CIA), Thomas Hughes (Director of Intelligence and Research, Department of State), Lieutenant General Joseph Carroll (Director, DIA), and Lieutenant General Marshall Carter (Director, NSA). Brewin and Shaw, *Op. cit.*, 11. General Palmer states that Helms "reluctantly agreed to the figures in the interest of giving the president an agreed national estimate on enemy strengths." Palmer, *25-Year War*, 78. For more on the factors influencing Helms, see *Ibid.*, 161-62, 165-66.

85: Adams, "Vietnam Cover-up," 66.

86: Ibid.

months in my life." Hawkins told Adams that he had gone back to Saigon after the Honolulu conference believing in the 500,000 number that the conferees had agreed to. Then he was told to review the numbers with an eye to lowering the estimates. He told Adams that he had done so, retaining as many of the main-force Communist Regulars as possible. Hawkins also told Adams about having briefed Westmoreland on 28 May 1967, at which time he had explained the higher number. He told Adams of the General's discomfort with the higher numbers and of his concern about what he would tell the President, the Congress and the press. Adams—who was privy to Carver's September cable to Helms which suggested that Westmoreland was responsible for the 300,000 cap—was excited by Hawkins revelations concerning Westmoreland, but he was even more concerned about what Hawkins had told him concerning the main-force numbers.<sup>87</sup>

Sam Adams had never looked at the main-force number—when Hawkins told him that the J-2 MACV number for Communist Regulars was understated by about 60,000 men Adams could hardly believe it. Hawkins told Adams that when left Saigon in September 1967 the Communist Regular force category was twenty to twenty-five percent too low. Hawkins admitted that part of this undercount was due legitimately to "conservative counting techniques," but most was due to "deliberate arbitrary cuts, or the non-admission of new units to the OB."<sup>88</sup>

Adams reviewed the numbers for the Communist Regulars and decided that after Hawkins had left Saigon the undercount had become worse—"unreported infiltrators were flooding in from the North." By mid-January 1968 Adams estimated that the count of the Communist Regulars—about 115,000 according to

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87: Adams, "Vietnam Cover-up," 66; Brewin and Shaw, *Vietnam on Trial*, 12. Adams, Notes, 29 (was "privy to Carver's September cable"). The substance of this paragraph was refuted during the trial by Westmoreland, Davidson, Godding, Morris, Graham and others.

88: Adams, "Vietnam Cover-up," 65-66; Adams, Notes 94a.

the J-2 MACV OB Summary—was at least 60,000 too low.<sup>89</sup> He again made the rounds at the agency but could not get anyone at CIA to agree to reexamine the question of how many Viet Cong and North Vietnamese Army troops were in South Vietnam.<sup>90</sup> On 31 January 1968, in protest, Adams resigned, effective 1 February 1968, from Carver's Vietnamese Affairs staff. In his letter to Carver, Adams said:

*The pressures on the CIA and SAVA, I realize, have been enormous. Many of those pressures—but not all—have originated from MACV, whose Order of Battle is a monument of deceit. The Agency's and the office's failing concerning Viet Cong manpower, I feel, has been its acquiescence to MACV half-truths, distortions and sometimes outright falsehoods. We have occasionally protested, but neither long enough nor loud enough.*<sup>91</sup>

On the same day Adams was reassigned within CIA to the newly formed Viet Cong Studies Branch.<sup>92</sup>

At the same time the Viet Cong launched the Tet Offensive. Suddenly, many in Washington wondered how the Viet Cong could have staged such a massive and well-coordinated attack throughout the country if they only had 248,000 men. However, those "in-the-know" knew that the Communists had started the attack with about 84,000 men. For them the unsettled question was why the enemy had

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89: Adams, Notes, 94a.

90: According to Lieutenant General Davidson, there was never any dispute between the CIA and J-2 MACV concerning the main-force or Communist Regular OB numbers. Neither were there reports as of mid-January 1968 of "unreported infiltrators." Davidson, op. cit.

91: Brewin and Shaw, op. cit., 262.

92: Adams, "Vietnam Cover-up." 65-66; Adams, Notes, 30; Eleanor Randolph, *Washington Post*, 13 October 1984, 4.

only used 84,000 men out of 248,000 to launch what the Communists believed would be the war-ending offensive.<sup>93</sup>

A number of senior people concluded that the relatively small number of Viet Cong and NVA forces involved in the Tet offensive indicated that even the J-2 MACV figure of 248,000 probably was too high.<sup>94</sup>

However, by mid-February the CIA had agreed to re-open the order of battle issue and Adams was asked to revise and update his memorandum. In that same month the CIA accepted Adams' revised analysis—one which put the total number of Viet Cong in all categories at 600,000. In April 1968 another order of battle conference was convened at Langley. The J-2 MACV delegation, led by Colonel Graham, continued to argue for a lower number—one which adjusting for Tet casualties put 204,126 soldiers in all categories—but from that time forward, CIA stopped using the J-2 MACV estimates and accepted the 600,000 number that Adams proposed.<sup>95</sup> At the White House Walt Rostow continued to use the numbers he got from Ambassador Bunker—the J-2 MACV count—but he was aware that the CIA was using the higher number.<sup>96</sup>

Adams believed that he personally was vindicated, but he was not satisfied about the way the order of battle issue had been handled, especially by the CIA in Washington.<sup>97</sup>

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93: Davidson, op. cit.

94: Ibid.

95: Adams, "Vietnam Cover-up," 66. "After Tet 1968 and the turn-about in the Johnson administration's attitude toward the war, the intelligence clout in Washington shifted more in favor of the CIA." Palmer, *25-Year War*, 163.

96: Davidson, op. cit.

97: Adams, "Vietnam Cover-up," 66.

## ADAMS DEMANDS AN INVESTIGATION

Adams knew that Carver had discussed the higher order of battle numbers with Walt Rostow at the White House. He began to wonder whether Rostow had ordered MACV to falsify the numbers, and most of all he wondered why Rostow had not insisted that the CIA do an independent study of the issue. By then it was 31 March and President Johnson made his announcement that he would not seek reelection. In Adams' mind it was important that the next president, whomever that would be, should know about what Adams described as "the sorry state of American intelligence so that he could do something about it." Adams decided to set in motion the CIA internal oversight process to see that the whole story got told.<sup>98</sup>

On 1 April 1968 Adams went to the office of Gordon Stewart, Inspector General of the CIA, and said: "I've come here to file a complaint, and it involves both the research department and the director. I want to make sure that the next administration finds out what's gone on down here." On 28 May he signed formal charges and Helms ordered the Inspector General to start an investigation. That took two months, and then the report of investigation went to the CIA Review Board. Apparently the CIA's internal investigation had come up against an insurmountable hurdle—for Adams' case to have merit it had to be accepted that his numbers alone were the right numbers. Numerous documents captured during the Battle of Tet, which described the enemy's effort as "all out" could only be reconciled with a total number that was equal to or smaller than the pre-Tet J-2 MACV number.<sup>99</sup> It is probable that the review staff had access to some of the Top Secret Limdis Back-Channel messages that made it obvious—at a war-policy level—why a wholesale cataloging of combatant and non-combatant Viet Cong in the order of battle count was not then in the national interest, and at the same

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<sup>98</sup> Ibid, 68.

<sup>99</sup> Adams, "Vietnam Cover-up," 68; Adams, Notes, 4-4a, 31; Brewin and Shaw, *Vietnam on Trial*, 12-13.

time revealed that all of the policymakers who needed to be aware of the "numbers issue" were aware.<sup>100</sup>

In mid-September, frustrated at the apparent delay in the internal investigative process, Adams visited with the office of the General Counsel at CIA. Adams asked whether he would be breaking any laws if he took his memorandum to the White House. What he was told was that Helms didn't want Adams' memorandum—the one alleging that the CIA had "caved-in" and agreed to accept false numbers before Tet—to leave CIA headquarters.<sup>101</sup> Lawrence White, the CIA's Executive Director, spelled the problem out for Adams:

*This is not a legal problem but a practical one of your future within the CIA. ..[I]f you take that memo to the White House, it will be at your own peril and even if you get what you want by doing so, your usefulness to the Agency will thereafter be nil.*<sup>102</sup>

Adams said he intended to take it to the White House, but first he wrote a memorandum of his conversation with White. Soon Adams got a call: White said that neither he nor Helms intended to threaten Adams and that Helms would send Adams' memorandum to the White House as soon as the election was over.<sup>103</sup>

Soon after Richard Nixon was elected president, Adams called Helms' office and asked if it would be okay to send the memorandum over to the White House Transition Office. On 8 November 1968 Helms called Adams to his office and

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100 · Sam Adams says this was "not so," but he does not reveal who was not aware. Adams, Notes, 32. General Palmer, at USARV, says that even he was aware of the debate. Palmer, *25-Year War*, 78. The Top Secret Limdis message were part of a personal communication channel open to general offices for open and frank personal discussion of issues.

101· Adams, "Vietnam Cover-up," 68; Brewin and Shaw, op. cit., 12. It is probable that Helms did not consider that the CIA had "caved-in" to the military, and did not want Adam's characterization of the event to leave the agency.

102· Adams, "Vietnam Cover-up," 68; Adams, Notes, 32.

asked him what was bothering him—did he feel he was being treated unfairly by his section supervisors, or was he being promoted too slowly. To this Adams said that his problem was that Helms had caved-in on the order of battle numbers just before Tet. In the conversation that followed Adams told Helms that he expected the Director to take on the military at MACV and DIA in the interest of honest intelligence. Helms told Adams that it would not have made any difference in the U.S. policy if he had told the White House that there were a million more Viet Cong. Adams argued that the CIA should not be the one to prejudge the policy issue decisions—the CIA ought to have sent up the correct numbers and then let the White House decide whether the "truth" would make a difference in the formulation of the policy. In the end Helms told Adams that he would try to arrange for him to see either Maxwell Taylor or Walt Rostow.<sup>104</sup>

Adams wrote a memorandum of what he intended to say to these men and sent it to Helms' office for review and asked for permission to send the paper on to the White House. Meanwhile, Taylor, the head of the Foreign Intelligence Advisory Board, told Helms to send the memorandum to the Executive Secretary of the Board, J. Patrick Coyne. During the month of November the Board talked to Helms and several others. Vice Admiral Taylor told the Board that "at the time Adams was making his charges, neither Adams nor anyone else had enough evidence to prove or disprove them," and that both Walt Rostow, the President's special assistant, and General Abrams, Westmoreland's deputy, and others, were "fully aware of the possible gross error [in the order of battle numbers] all along."<sup>105</sup>

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103· Ibid.

104· Adams, "Vietnam Cover-up," 68-70; Brewin and Shaw, *Vietnam on Trial*, 13. The author has not found anything from Helms that would confirm Adam's recount of the meeting.

105· Adams, "Vietnam Cover-up," 68-70; Brewin and Shaw, *Vietnam on Trial*, 13. According to Phillip Davidson, this quote, while it probably is true, is misleading: "Every experienced man ... recognized the mushy nature of the figures." Davidson cautions that

Adams was not asked to testify before the Board; however, in early December Coyne met with Adams and told him that several members of the Board had read the memorandum and had asked that it be enlarged. And so it was that Adams wrote a thirty-five page paper explaining why he had filed formal charges against Helms. In January 1969, a few days after Nixon's inauguration, Adams sent the paper to Helms' office and asked for permission to send it to Coyne. Helms' reply came from the deputy director, Admiral Rufus Taylor. His message to Adams was simple: The matter is closed; the CIA is a team, and if Adams didn't want to accept the team decision, he should resign. Adams then decided to go outside of channels, and he gave a copy of the paper to John Court, a member of Nixon's incoming National Security Council staff. Relying on what Colonel Hawkins had told him, Adams also told Court that General Westmoreland was implicated in all of the false number business too, noting that Westmoreland had used the lower numbers in his Washington press conference before Tet. Three weeks later Court called Adams and said that the NSC had looked at the paper but they had decided not to do anything about it.<sup>106</sup> None of the people implicated by Adams would be fired. At that point Sam Adams decided to give up. If the White House was not interested in the matter, then there didn't seem to be any other place to go. He felt he had done all he could do, and he let it go at that.<sup>107</sup>

This story might have ended there, but for the fact that Adams stayed at the CIA and got involved in working up estimates of the numbers of Viet Cong covert agents within the South Vietnamese military and government and the size of the Khmer Communist Army in Cambodia. For Adams it was like *déjà vu*. He found both estimates to be significantly understated. In February 1970 Adams used Court at the NSC to pass the enemy agent numbers to Henry Kissinger, who subsequently asked Helms to release the agent study. Adams was unsuccessful

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such knowledge does not support the implication that anyone knowingly reported false OB figures." Davidson, op cit.

106· Adams, "Vietnam Cover-up," 70; Adams, Notes, 34.

107· Adams, "Vietnam Cover-up," 70.

in getting the NSC's attention concerning the Khmer Rouge numbers. While J-2 MACV estimated that the Cambodian Communists numbered no more than 10,000, Adams believed the true numbers were in the range of 100,000 to 150,000. He gave his Cambodian Communist order of battle paper to Court but the NSC did not ask that it be released. Instead, in November 1971, the CIA released its own estimate, one which placed the number of Khmer Rouge at between 15,000 and 30,000.<sup>108</sup> During the early part of 1972 Adams tried to get the CIA to revise its Cambodian estimate—all to no avail. But he did not let the matter rest.<sup>109</sup>

Adams knew that his career at CIA was in shambles: friends who said they admired his integrity and tenacity also told him that his one-man crusade had made it impossible for him to work effectively anywhere in the intelligence community. Adams described his attitude during this period as follows:

One of the problems with this thing is, besides being quixotic, it was also an awful lot of fun.... There was a lot of laughing going on. What can I do today, you know? And it wasn't the sort of elfish fun of a mischief maker. It was the calm confidence of a Christian with four aces. Because I knew I was right. It became sort of fun to see what would happen to the next memo. [And so it was that I would] stir the ant heap.<sup>110</sup>

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108· Ibid, 70-73. These large figures are not surprising. They reflect Adam's psychology and his methodology—both of which combined to produce inflated figures.

109· Ibid. In Palmer, *25-Year War*, 56, is an interesting anecdote on the penetration of the ARVN by Viet Cong agents: "[The commander of the 25th ARVN Division] strongly suspected that his own division G-2 .... was a Viet Cong agent; thus he did not dare discuss operational matters in his own command post." Palmer writes that the U.S. forces never achieved a "reasonably good [counterintelligence] posture in South Vietnam. Ibid, 167.

110· Brewin and Shaw, *Vietnam on Trial*, 14. In this author's view, Adams was a man being burned alive from the inside by the heartfelt flames of his own personal rage. He was about to become a dying star and turn into a super nova.

Colonel Daniel Graham, the J-2 MACV Chief of Estimates, had a simpler explanation for Adam's behavior—he thought Adams was just plain crazy.<sup>111</sup>

Starting in October 1972 and on into January 1973 Sam Adams tried to tell his story in Washington—tried to expose what he believed was the real "shoddiness of American intelligence." The Inspector General at the CIA would not listen, and neither would the staff at the Senate Armed Services Committee. He even tried to interest the Army's Inspector General, saying that it was possible that General Westmoreland had been directly involved in keeping the J-2 MACV numbers low. Official Washington would have nothing to do with Adams.<sup>112</sup>

In mid-January Adams read that the government was prosecuting Daniel Ellsberg in Los Angeles. When Adams found out that the charge included leaking the very J-2 MACV estimates that Adams believed were wrong, he agreed to testify in Ellsberg's behalf. As it turned out, his testimony about troop strengths reflected the problems in making the count.<sup>113</sup> On cross-examination in the case of *U.S. v. Russo and Ellsberg*, Adams conceded the following:

*The questions arose in the intelligence community's mind as to whether to count a guy who stuck a punji stick in the ground as part of the Order of Battle. That is among the problems which arose. It is very difficult to decide who to count.*<sup>114</sup>

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111: Ibid. Colonel John Barrie Williams (DIA OB Chief) and Colonel George Hamscher (CINCPAC OB Observer), among others, testified that it was Graham who arbitrarily lowered the J-2 MACV OB numbers. Adams, Notes, 36. Graham denied doing so when he testified at the trial.

112: Adams, "Vietnam Cover-up," 73.

113: Ibid; Adams, Notes, 37; Adler, *Reckless Disregard*, 32.

114: Adler, *Reckless Disregard*, 194; Adams, Notes, 36. General Westmoreland did not have the same difficulty as Adams—the General wanted a *bright line*: "Village defenders who were armed could be counted as Guerrilla [forces].... [I] would not let the J-2 put old men, women and children [in the Order of Battle Summary].... Keeping the book on the people who I wanted my troops to destroy (nobody in the civilian category) was my

and,

*Now, even in the guerrillas . . . you are not absolutely sure how many to count. The same problem arises with the Self-Defense, Secret Self-Defense and particularly the Political Cadre . . . . It is very difficult to decide who to count.*<sup>115</sup>

While Adams would concede that it is difficult to decide who in a category to count, he could never accept that the refusal of others to count the categories that he had decided to count was anything but wrong.<sup>116</sup>

When Adams returned to Washington in March 1973 the CIA threatened to fire him: when he complained about the threat the Agency backed down, but he knew that his days with the CIA were numbered. Then, after what he called a

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business.... The CIA could ... keep their own books [for their own reasons]...."  
Westmoreland, Conversation with this author, 21 May 1987.

115· Ibid, 195. According to a prisoner of war interrogation report produced during the *Westmoreland v. CBS* trial, a North Vietnamese Army defector—Colonel Dac—stated that the North Vietnamese did not know much more than the Americans did about the Viet Cong irregulars in South Vietnam. Paul Zucchini, *The Philadelphia Inquirer*, 9 December 1984, 3-G. According to Phillip Davidson, *nobody*—not even the Viet Cong or the NVA—really knew how many guerrilla were in South Viet Nam. When Davidson interrogated Dac in 1968, Dac said: "I don't know how many guerrilla there are in my area (the area around Saigon), but there are *less* than I was told. Davidson, op. cit.

116· According to Adams, "there was a problem deciding on what individuals to count. However, there were no disagreements among OB analysts on what categories to count." Adams, Notes, 37a. For Adams it was essential for the J-2 MACV OB Summary to contain the Self-Defense and Secret Self-Defense forces of the Viet Cong Militia, and to include the Political Cadre as well. Adams, Notes, 37a, 94a. Adams is wrong when he says that there was no disagreement among analysts about what categories to count—this is a half-truth at best. The analysts knew which categories to count, that much is true; however, the debate concerned the question of whether particular categories of "communists" should be included in the *military* OB count. There were important legal and political issues involved in sorting out the larger question, and Adams never recognized why it was important to differentiate between the *military* and *civilian* components of the Vietnamese Communist's organization in South Vietnam.

"decent interval" Sam Adams resigned from the CIA and retired to a 250 acre farm in northern Virginia.<sup>117</sup>

At last Adams felt he was free to tell his own story to the American people, and he began to work on a book. Then, in late 1974, novelist John Gardiner, a friend of Adams, introduced him to George Crile III, an editor at *Harper's* magazine. The meeting would eventually lead to Adams' thirteen page story which appeared in the May 1975 issue of *Harper's*—the article was titled "Vietnam Cover-up: Playing War With Numbers." The lead for the article described it as telling of "a CIA conspiracy against its own intelligence" which was Adams real thesis at that time.<sup>118</sup>

Crile, a man fascinated with any story smacking of government intrigue and duplicity, would later move to CBS and there, with Adams as his consultant, produce the CBS Report television show that accused General Westmoreland and Colonel Graham—a new thesis—of conspiring to deceive.<sup>119</sup>

It is important to note here that Sam Adams' *Harper's* article cannot be described as a reckless attack on the CIA or on General Westmoreland. It is thoughtful and very detailed. However, the reader is required to take Sam Adams' word about the correctness of his estimates—if one can accept the premise, then one also can accept the conclusion. In the article, the J-2 MACV Order of Battle officers in Saigon come across as men who know the "truth" but who also know how to follow orders from Davidson, the J-2. The thrust of Adams article is that Helms at CIA was the real villain because he "caved-in" to the J-2 MACV OB numbers. At two points in the article Adams notes that General Westmoreland might be implicated in the MACV G-2 numbers game, but he presents no proof to support that belief. His suspicion on that point was based solely on what Colonel Hawkins told him at Fort Holabird. Indeed, as he notes, Hawkins could only say

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117· Adams, "Vietnam Cover-up," 73.

118· Ibid, 41.

that it was Davidson's aide, Colonel Morris, who said that the J-2 MACV number cap was to be 300,000.<sup>120</sup>

In 1975 the Congress finally did get around to the task of investigating American intelligence, and in September of that year Adams testified before the House Select Committee on Intelligence—the Pike Committee. Then Adams retired from the limelight and resumed work on his book—for which he now had a contract—in which he proposed to lay bare in one definitive work, the origins and purpose of the conspiracy to cover-up the true intelligence about the size of the enemy forces in the war in Vietnam.<sup>121</sup>

## THE CBS DOCUMENTARY

By 1980 George Crile had left *Harper's* and was working at CBS where he had participated in the production of several television documentaries. He decided to produce his own program—one with a sensational message—and he contacted Sam Adams. The two of them agreed to try to put together a program that would document, beyond question, Adams' "intelligence suppression conspiracy" thesis. By 24 November 1980 Crile had put together a "Blue Sheet," which in CBS jargon was a program proposal. The proposal said that the show would detail the "story of how the U.S. Military Command in Vietnam entered into

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119· Adler, *Reckless Disregard*, 32.

120· At the trial Morris testified that he had never told Hawkins that there was to be a J-2 MACV cap of 300,000, and Hawkins would not testify that Morris had done so.

121· Ibid, 33. As if the time of this writing (February 1988) Adams had yet to see his book in print. *Who the Hell Are We Fighting Over There? A Story of American Intelligence on the Viet Cong* even though it was scheduled to be published early in 1987 by W. W. Norton & Co., Inc. As it happened, Adams died of a heart attack at his home in Vermont on 10 October 1988. His unpublished manuscript became part of the Samuel A. Adams Collection at the Howard Gottlieb Archival Records Center in Boston, MA. In 2006, *Who the Hell Are We For: The Story of Sam Adams and the Vietnam Intelligence War*, by Michael C. Hiam (Hanover, NH: Steerforth Press 2006), was published.

an elaborate conspiracy to deceive Washington and the American public as to the nature and the size of the enemy we were fighting." The Blue Sheet went on:

*This is, of course, the most serious of accusations, suggesting that a number of very high officials—General Westmoreland included—participated in a conspiracy that robbed this country of the ability to make critical judgments about its most vital security interests during a time of war.*

The Blue Sheet was relatively long—sixteen pages, single spaced—and the words "conspiracy" and "conspirator" were used twenty-nine times. As Crile wrote it up, Colonel Daniel Graham was named as the "key conspirator," but the Blue Sheet concluded:

*It is for us to go beyond—to find out whether Westmoreland was acting on his own authority or whether, as it seems more likely to me, he was receiving direct authorization or at least encouragement from above. The task will be to follow the trail of the conspiracy, to see how far up the chain of command it goes—first to the Pentagon, to the Joint Chiefs of Staff. Then to the Secretary of Defense, Robert McNamara, and finally to see what the White House knew about it.*

In the context of the "this-and-that-gate" journalism of the early 1980's, would-be producer Crile's Blue Sheet promised that the ninety-minute program, with Adams acting as CBS's paid consultant, would be a major sensation.<sup>122</sup>

The program was Crile's first solo production and he went to work on it as if it were a quest—an approach that truly befit his personality. Robert Shnayerson,

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122: Adler, op. cit., 33; Brewin and Shaw, *Vietnam on Trial*, 26-27. Adams received \$25,000 from CBS. Adams had nothing to do with the writing of the Blue Sheet. When he first read it—two weeks after Crile had submitted it to the CBS News management—Adams strongly advised against overuse of the word *conspiracy*. Crile accepted his advice—*conspiracy* was used only once in the broadcast. Adams believes that its use in the documentary was accurate. Adams, Notes, 39.

*Harper's* magazine editor, described Crile as having a "martyr's inclination. He is determined that he is so abstractly right and everyone else is wrong. It a very religious kind of zealotry ... a puritan mentality—which I mean in the original sense, the quest to purify, to be pure."<sup>123</sup>

Crile sought and received the required program approval from three key men at CBS News: Howard Stringer, the executive producer of CBS Reports, Bob Chandler, CBS News Vice President, and Bill Leonard, CBS News President. They gave Crile the go ahead on the condition that he would obtain the necessary interviews for use on the air which would support the show's thesis. Stringer later admitted that he never had a single doubt about the premise of the show, but he wondered whether Crile could line up the needed interviews. Adams, as part of the work on his book, had put together a list of eighty people who he believed would be able to give evidence on the subject of the intelligence cover-up at MACV. Crile and Adams, using that list, went to work getting the critical interviews lined up. Crile also got Mike Wallace, a regular on the CBS show "60 Minutes," to agree to do the on-camera interviews.<sup>124</sup>

Only two of the interviews merit mentioning in this article: Rostow's and Westmoreland's. Walt Whitman Rostow was interviewed on-camera by Wallace prior to the Westmoreland interview. When he was asked about the Guerrilla-Militia and the Political Cadre, Rostow said that he, and through him President Johnson, had been aware of the debate between MACV and the CIA concerning whether the numbers in the two categories had been underestimated by MACV. He said that neither he nor Johnson were aware of any MACV effort to put a ceiling on the enemy strength or to deceive the White House about the enemy's

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123: Brewin and Shaw, op. cit., 24. It is interesting to note that Carver, Adams boss at the CIA, described Adams as a man who "*was often in error but seldom in doubt.*" Adams, Notes, 40.

124: Adler, *Reckless Disregard*, 33; Brewin and Shaw, *Vietnam on Trial*, 27.

strength. Rostow's interview, because it did not support the conspiracy thesis, was not used in the CBS News documentary.<sup>125</sup>

On 7 May 1981 Crile contacted Wallace and asked him to call Westmoreland and arrange for an interview. That same day Wallace spoke to Westmoreland who was at his home in Charleston, South Carolina. Wallace said that CBS News was planning to do a special program on Vietnam and to give it greater authenticity Wallace and CBS would be grateful for any help the General could give. When Westmoreland asked if it was going to be a "60 Minutes" *accusatory* type of program, Wallace assured him that it was not, saying that "this is going to be an educational and objective program." General Westmoreland had met Wallace in Vietnam and believed he was an honest reporter—he took Wallace at his word and agreed to be interviewed in New York.<sup>126</sup>

On 7 May Crile followed up Wallace's call and told Westmoreland that the program would use the Battle of Tet as a focal point and discuss the rôle of U.S. intelligence with regard to the Viet Cong strength and intentions. Crile called Westmoreland again on Sunday, 10 May and read to him the text of a letter he had drafted which listed the five topics to be covered in the interview with the General. They agreed to do the interview on the following Saturday, and Crile promised to send the letter to Westmoreland so that the General could better prepare himself. As it turned out the letter was delivered to Westmoreland on Friday, 15 May after Westmoreland checked into his New York hotel.<sup>127</sup>

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125· Brewin and Shaw, *op. cit.*, 49-50. Adams says that Crile did not use the Rostow interview in the broadcast because "*it was often self-contradictory.*" Adams, Notes, 41.

126· Ibid, 44; Don Kowet, "Behind the Scenes With Wallace and Westmoreland," *Washington Journalism Review* (May, 1984): 42.

127· Kowet, *op. cit.*, 42.

Crile's letter to General Westmoreland said:

*As promised, the following is a summary of the areas we will be considering in the broadcast and dealing with in the interview. We talked over all of them on the telephone last Sunday, but let me run it down for you once again.*

*Using the Tet offensive as a jumping-off point we plan to explore the role of American intelligence in the Vietnam war: How well did [American intelligence] ... identify and report the intentions and capabilities of the enemy we were facing...?*

*Among the questions we will be considering:*

- 1. Did American intelligence adequately predict the Tet offensive and the nature of the attack? Were those with a need to know adequately alerted? Were we surprised by the scope and timing of the attack?*
- 2. Was the Tet offensive an American victory or defeat? Why did so many Americans consider it a defeat when most military men claimed it was a major victory? How should we think about this critical event?*
- 3. Did the press present a reliable picture of the enemy we faced and the state of the war?*
- 4. What about the controversy between the CIA and the military over enemy-strength estimates?*
- 5. What about the differing views of the enemy and progress in the war as seen by Lyndon Johnson, Dean Rusk, Robert McNamara, Richard Helms, Walt Rostow, and of course Gen. William C. Westmoreland?*

We will, of course, want to discuss other areas as well, such as the antiwar movement and the pressures that antiwar sentiment placed on those

responsible for making decisions about the war. But the focus will be on the performance of American intelligence during the war....<sup>128</sup>

The letter did not say that the real subject of the show was to be item number four—the controversy between MACV and the CIA.

On the previous Monday, 11 May, Crile had sent Wallace a memorandum. It detailed Crile's conversation with Westmoreland and laid out the plan of attack Crile and Wallace were to mount:

We're on for Westmoreland next Saturday morning. I read him the letter yesterday, and he didn't complain about any of our proposed areas of interest. He puzzles me—seems not to be all that bright.

I spoke further with him about the strength estimate controversy, and he repeated his earlier statement that it was only an argument between "the theoreticians—really statisticians—at the CIA who wanted to count every old woman and child ..." and his "practitioners" at MACV, the people who had to fight the war and who really knew the enemy. He goes so far as to claim that Tet demonstrated to him that MACV itself had been exaggerating enemy strength estimates.

We have certainly covered our asses, technically at least. But I am a bit worried that he just doesn't understand that we are going to be talking about American intelligence, military intelligence during the Vietnam War. I just don't want to have him sit down and refuse to answer questions on the grounds that he can't remember certain things and that we hadn't told him what we were up to. So I think I will give him another call later in the week and try to bring him a little further along, without hitting him right on the head with a sledgehammer.

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128· Ibid.

I've redone the questions. There are less of them and better focused with comments at [the] front of each section. They're being typed now—will be sent up this morning. Would like to go over them with you when you can.<sup>129</sup>

The plan was simple. Crile had tricked Westmoreland into the interview arena, and Wallace was to mount the ambush.

Sam Adams was interviewed in Virginia at his farm on Tuesday and afterwards Wallace and Crile discussed the proposed Westmoreland questions which Crile retyped and sent to Wallace on Wednesday with a covering memorandum. "The Adams interview was ... a terrific interview.... Now all you have to do is break General Westmoreland and we have the whole thing aced," wrote Crile.<sup>130</sup>

When Saturday came, Wallace, Crile and the CBS film crew met with Westmoreland in a large hotel suite that CBS had rented. To heighten the dramatic effect during the editing of the interview, Crile had two cameras—one to film Wallace and the other to focus on Westmoreland. It did not take the General long to discover that the purpose of the exercise was not an "objective and educational" program: "Wallace was grilling me—grilling, grilling, grilling. It was like a torture chamber." During a pause in the interview, Westmoreland walked over to Crile and said angrily: "You rattle-snaked me." It went on for three hours, then Westmoreland left without saying a word to either Crile or Wallace. Wallace, perfectly scripted by Crile, summed up his reaction to the morning work: "Jeez, that was hard work."<sup>131</sup> It was the last ambush of the Vietnam War.

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129· Ibid, 43-44. According to Adams, the *sledgehammer* to which Crile referred was the fact that so many of Westmoreland's staff already had said in interviews that the order of battle numbers were fake. Adams told this author that Crile believed that if they told Westmoreland what his staff officers had said, then the General would have refused to be interviewed. Adams, Notes, 44.

130· Kowet, op. cit., 44.

131· Ibid, 46-47.

On Saturday, 23 January 1982, after a significant amount of pre-show press and television promotional hype, CBS News aired the "documentary" which it called "The Uncounted Enemy: A Vietnam Deception."<sup>132</sup> The ninety-minute program consisted of a series of interviews by Mike Wallace. It was presented as an exposé. According to Renata Adler:

*The program ... purported to describe, for the first time, certain events in 1967, which, according to the program's opening statement, reflected "a conspiracy at the highest levels of American military intelligence"—specifically, within the command and upon the orders of General William C. Westmoreland—"to suppress and alter critical intelligence on the enemy," and to deceive the American people, Congress, the Joint Chiefs and the President of the United States about the strength, in numbers, of the North Vietnamese Army and the Vietcong. The phrase "CBS Reports has learned" recurred at several dramatic moments in the program, and the deception CBS claimed to have discovered seemed to consist of understating enemy troop strength in two ways: by deliberate reduction of intelligence estimates of the rate of infiltration by North Vietnamese soldiers into South Vietnam in each of the five months before the Tet offensive of January 30, 1968; and by deleting, in 1967, from what is known in the military as the Order of Battle, intelligence estimates of the number of civilians in villages and hamlets, who actively, though irregularly and in no official capacity, supported enemy troops. The purpose of the deception, according to the broadcast, was to lead the people, Congress, the Joint Chiefs and the President to believe we were winning a war, which in fact we were losing. And among its results were a complete unpreparedness, in the White House and on the battlefield, for the size of*

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132: Adler, *Reckless Disregard*, 5-6.

*the Tet offensive; an incalculable and unnecessary loss of American soldiers; and, by clear implication, the ultimate loss of the war.*<sup>133</sup>

The program was a sensation and its conclusion was believed by a great many people and most of the American press.

On 24 January 1982 *The New York Times* ran an editorial entitled "War, Intelligence and Truth" in which the show was applauded for having shown how President Johnson had been "victimized by mendacious intelligence."<sup>134</sup> On 26 January, General Westmoreland, joined by five others—Ambassador Ellsworth Bunker, Dr. George Carver, General Phillip Davidson, with his former aide Colonel Charles Morris, and Colonel Daniel Graham—all men who were in a position to know the truth, held a press conference and denounced the CBS program. Westmoreland accused CBS News of "a vicious, scurrilous, and premeditated attack" on his character and said that the interview with Mike Wallace was "a star chamber procedure with distorted, false, and specious information, plain lies, derived by sinister deception—an attempt to execute me on the guillotine of public opinion." All six men spoke during the two-hour conference at the Army-Navy Club. Both Westmoreland, and Graham—who had been labeled as the key conspirator—demanded an apology from CBS.<sup>135</sup> No apology came, and as Renata Adler notes:

*William F. Buckley, Jr., in his column of February 2, 1982, called the program a "truly extraordinary documentary," which established its substance "absolutely"; and from The Nation to the Wall Street Journal, throughout the country and across the political spectrum, no serious journalist or publication called any element of the ninety-minute program*

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133· Adler, op. cit., 5-6. Crile's testimony at the trial made it clear that "on the broadened record" he did not believe that element of the show's thesis which ascribed to the "conspiracy" a military defeat at Tet. Ibid, 77.

134· Ibid, 6.

135· Adler, op. cit., 6; Brewin and Shaw, *Vietnam on Trial*, 50-51.

*into question. Editorials treated the broadcast as true and proceeded to draw various lessons from it.*<sup>136</sup>

But not all of the world was silent on the subject.

On 7 February 1982 *The New York Times* printed a letter from Walt Rostow which took the paper to task for blindly swallowing the CBS story:

The conclusion [of the show] is false; and those who produced the documentary know it is false.... President Johnson received directly and read voraciously the captured documents to which you refer—not summaries—as well as reports of CIA, State Department and AID officers in the provinces; prisoner-of-war interrogations; [signal] intercepts; and all manner of basic information....

[Tet was no surprise and] President Johnson was fully aware of the Vietcong Order of Battle debate, at the center of the CBS documentary.... It was precisely because Order of Battle estimates were so inherently difficult [to assemble] that we relied on the widest possible range of intelligence, [and] never on the Order of Battle numbers alone.<sup>137</sup>

A similar rebuttal of the show from Maxwell Taylor appeared in the 5 February issue of the *Washington Post*. Taylor characterized the numbers argument as "relatively trivial" and he pointed out that "the fact is that I was quite aware at the time of the nature of the issue that has stirred up this rumpus, as were most of the [senior] officials in Washington watching over the situation in Vietnam."<sup>138</sup> The country's newspapers were full of letters on both sides of the issue.

Then came the article in the 29 May 1982 issue of *TV Guide*—not a recognized scholastic journal to be sure—by reporters Don Kowet and Sally

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136· Adler, op. cit., 6. For various press reactions, see Brewin and Shaw, op. cit., 52-53.

137· Brewin and Shaw, op. cit., 53.

138· Ibid, 54.

Bedell. Their article, titled "Anatomy of a Smear: How CBS Broke the Rules and 'Got' Gen. Westmoreland," took CBS to task and detailed "errors and abuses ranging from arguably trivial violations of CBS network guidelines to distortions and misrepresentations of the most serious kind."<sup>139</sup> In particular the article alleged that CBS had set out to make a show being already convinced that there was a conspiracy, and that Crile and Wallace had ignored considerable evidence that contradicted the preconceived theory. Kowet and Bedell contacted General Davidson who denied Westmoreland's involvement in any conspiracy. Davidson said: "If the figures on enemy strength were going to be manipulated, I had to do it.... Westmoreland gave no orders about intelligence matters that didn't go through me."<sup>140</sup> The *TV Guide* article led to a highly critical internal CBS investigation which was done by journalist Burton Benjamin.<sup>141</sup>

In April 1983 on public television, Hodding Carter raised certain questions about the show's fairness and accuracy. Carter, in a 28 January 1982 column in *The Wall Street Journal*, praised the CBS News documentary and said it had "rendered an important public service." But he began to suspect otherwise, and after a probe of his own which he made public on 21 April 1983. Carter ended his "Inside Story" press analysis segment titled "Uncounted Enemy: Unproven Conspiracy," with this opinion:

*History may yet decide there was indeed a conspiracy in Saigon to fake the numbers. But at this point the evidence is less compelling, the*

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139· Adler, *Reckless Disregard*, 6-7.

140· Brewin and Shaw, *Vietnam on Trial*, 66-67.

141· Adler, *Reckless Disregard*, 7. In March 1983 CBS executives were embarrassed when Sigma Delta Chi, the Society of Professional Journalists, named Kowet and Bedell, the authors of the critical *TV Guide* article, as the winners of its 1982 Distinguished Service Award for magazine reporting. A month and a half earlier, the new president of CBS News had given a speech at the annual convention of Sigma Delta Chi in which he described Westmoreland's lawsuit as a "rallying point for people who seek to use it as an instrument for damaging the image, spirit, and aggressiveness of the news media." Brewin and Shaw, *op. cit.*, 92.

*witnesses more contradictory, and the possible conclusions less obvious than the documentary suggests.*

*CBS is entitled to its opinion. But we're entitled to a more balanced presentation. Even if you're sure of guilt, there's a vast difference between a fair trial and a lynching. It's a distinction that was badly blurred when CBS made "The Uncounted Enemy: A Vietnam Deception."<sup>142</sup>*

This theme was repeated and amplified on in the 1984 book by Don Kowet called *A Matter of Honor* and in the two post-trial books: *Reckless Disregard*, by Renata Adler; and *Vietnam on Trial*, by Bob Brewin and Sydney Shaw.

As time passed and the attacks on CBS mounted, a curious thing happened: most serious journalists considered that CBS, Mike Wallace and George Crile were the victims of the American right which was seen as mounting an attack on the doctrine of the freedom of the press.<sup>143</sup> American journalists are a curious breed.

## WESTMORELAND VS. C.B.S. ET AL.

Although General Westmoreland had demanded an apology, CBS would not give him what he requested. Westmoreland the asked Clark Clifford, the former Secretary of Defense and one of the most respected and influential attorneys in Washington, whether he should sue CBS. Clifford and several other noted attorneys counseled against the filing of a libel action—telling the general that for a public figure the burden of proof in a libel action is just too difficult, and that a suit would involve enormous costs. All of this advice was given before the *TV Guide* article.<sup>144</sup>

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142: Brewin and Shaw, op. cit., 182-82.

143: Adler, *Reckless Disregard*, 7.

144: Brewin and Shaw, *Vietnam on Trial*, 76-77.

In the wake of the Kowet and Bedell article some of the General's friends began to believe that there might be a hope for a victory in the courts. And so it was that in the summer of 1982, while Westmoreland was discussing ways to finance a lawsuit, Dan M. Burt, then age thirty-nine and the president of Capital Legal Foundation, contacted the seventy year-old Westmoreland and offered to bring the General's case, at no cost, against CBS.<sup>145</sup>

On 10 August 1982 General Westmoreland prepared to take on CBS. Acting on the advice of his new counsel he wrote to Thomas Wyman, the president of the CBS network. Westmoreland demanded that CBS "publish a complete apology, approved in advance by me, in the same manner and the same media in which you advertised the program." He also demanded a monetary compensation and "a full retraction, of not less than forty-five minutes' duration" that would present "the actual facts and methods of preparation concerning the story you published." It was the opening salvo in Westmoreland's counterattack.<sup>146</sup>

Two weeks later CBS wrote back, rejecting Westmoreland's request. Then, on 13 September 1982, William C. Westmoreland filed his \$120 million suit against CBS Inc., Sam Adams, George Crile, Van Gordon Sauter (President, CBS News) and Mike Wallace. The suit papers were filed in the United States District Court in Greenville, South Carolina, and alleged that CBS and the other defendants had libeled the General. The defendants managed to get the case transferred to the federal court in New York.<sup>147</sup>

Where an alleged libel concerns a public figure—and the General certainly fit that category of individuals—no damages will be awarded for admittedly false and

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145· Adler, *Reckless Disregard*, 13; Brewin and Shaw, *op. cit.*, 77. Capital Legal Foundation was a conservative group whose chief purpose up to that time had been to oppose federal regulation of private enterprise.

146· Adler, *op. cit.*, 10. Brown and Shaw, *op. cit.*, 77. It is interesting to note that the jargon used by trial counsel include many military terms. "Going to the bunkers" signifies preparation for the initiation of serious litigation.

147· *Ibid.*

defamatory statements about the official conduct of the public figure unless it can be shown that the libel was done with "actual malice" or "reckless disregard." That rule of law defined the objective of the General's attorneys. The attorneys for CBS and the individual defendants had the mission of showing either that the accusations were true—for truth is a defense in such an action—or that the libel was done with an absence of malice or by way of an excusable error. CBS had the easier task—legally speaking—but the network's lawyers knew that they were up against a tough and determined opponent and that a mistake during discovery or at trial could severely damage CBS, both financially and in a professional sense.<sup>148</sup>

And so began two tough years of discovery in preparation for the trial of the lawsuit.<sup>149</sup> Among the materials obtained for use in the trial were over 500,000 pages of what had previously been highly classified government and military documents. Deposition after deposition was taken. Interrogatories were sent and answered by both sides. On 24 September 1984, District Judge Pierre N. Leval denied CBS's motion for a summary judgment in its behalf—a motion that CBS's attorney David Boies at Cravath, Swaine & Moore, had hoped would put an end to Westmoreland's suit.<sup>150</sup>

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148: Fred Barnes, in an article in the 6 April 1987 issue of *The New Republic* entitled "Westy's Revenge: Against CBS, the General lost a battle and won the War," (21-25), puts forth the view that the adverse publicity concerning the making of the documentary led to the corporate takeover attempts aimed at CBS which ended in September 1986 when Lawrence Tisch, the man CBS had brought in to defend it against Senator Helms' Fairness in Media Group and Ted Turner, united with CBS founder William Paley to stage, as it were, a palace coup. The first effect noticed by CBS News was a ten percent cut in their annual budget of \$300 million. According to Barnes: "At CBS the arrogance, the swagger, was gone. Call it Westmoreland's revenge." *Ibid*, 25.:

149 Discovery in federal actions consists mainly of the taking of depositions (oral testimony under oath) and the answering of interrogatories (written questions answered under oath). The discovery process is designed to expose all of the facts known to either side.

150: Adler, *Reckless Disregard*, 13; Brewin and Shaw, *Vietnam on Trial*, 100. A motion for summary judgment is based on the proposition that there are no material disputed

On 11 October 1984 the actual trial of *Westmoreland v. CBS et al.* began—it would last more than four months and produce a transcript of 9,745 pages. The selection of a jury had begun two days earlier and once twelve regular and six alternate jurors had been seated, U.S. District Judge Pierre Level told the jury what was at issue in the case: did the defendants make defamatory statements about General Westmoreland; if so, were they false; and, if false, whether they were made in the knowledge they were false or in a reckless disregard of truth or falsity?<sup>151</sup>

Then Dan Burt made the opening argument for plaintiff William C. Westmoreland. Burt picked up Level's theme and noted that the war in Vietnam was not the issue—no, the question for the jury to decide was whether Westmoreland lied to his superiors and ordered his staff to hide evidence on the enemy's troop strength from the government. He told the jury that they would learn how television documentaries are made and edited, and that they would see how the defendants made the unreal real, saying:

*We will show you how [Crile] ... did it, show you statements taken out of context, half quotes, misattributions, hypothetical questions paired with lead-ins to make it appear that answers were being given to questions that were never asked, and collapsing multiple events to create events which never existed.*<sup>152</sup>

Burt told them that materials contradicting CBS's charges, notably the entire Rostow interview, were never used. He told the jury that the evidence would show that when CBS aired the show they knew its conclusions were false.<sup>153</sup>

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questions of fact requiring a trial to a jury and that as a matter of law on the undisputed fact one side is entitled to a judgment.

151: Brewin and Shaw, op. cit., 218; M. A. Farber, *The New York Times*, 9 October 1984, 1.

152: Brewin and Shaw, op. cit., 218.

153: Ibid, 217-223.

David Boies, the lead counsel for the defendants, made his opening. His theme was that the evidence would show the subject of an intelligence deception was not something that CBS and George Crile had just made up: no, the evidence would show that enemy strength figures were concealed from war-policy decisionmakers, which he defined to include the Congress.<sup>154</sup>

It has been estimated that the trial costs for CBS were about \$10 million, and that Capital Legal Foundation received \$5 million dollars in donations to defer its legal costs.<sup>155</sup> CBS knew in advance what a long trial would cost and, like many defendants made an offer of settlement in the early days of the trial. Westmoreland was offered a nominal sum, the reimbursement of his legal costs and a carefully worded retraction. Westmoreland and his counsel believed that things had gone well in discovery, and, feeling that the trial had opened well, they decided to press on to set the historical record straight.<sup>156</sup>

The testimony relevant to this article given by the various witnesses will be detailed in the next section. For now it will suffice to say that the case went on until 19 February 1985 when the parties agreed to a joint stipulation of dismissal.<sup>157</sup> The joint statement issued by the two sides announcing the decision to terminate the litigation said this:

*General William C. Westmoreland and CBS today jointly announced the [immediate] discontinuance of the Westmoreland suit against CBS, Mike Wallace, George Crile, and Sam Adams.*

The suit pertained to a CBS News broadcast "The Uncounted Enemy: A Vietnam Deception," broadcast on January 23, 1982.

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154: Ibid, 223-26.

155: Samuel Adams, conversation with author, 8 April 1987 (\$10 million); Adams, Notes, 53 (\$5 million).

156: Adler, *Reckless Disregard*, 144-45.

157: Ibid, 75.

*The matters treated in that broadcast—and the broadcast itself—have been extensively examined over the past two and a half years both in discovery and then through documents and witnesses presented by both sides in Federal Court.*

*Historians will long consider this and other matters related to the war in Vietnam. Both parties trust their actions have broadened the public record on this matter.*

*Now both General Westmoreland and CBS believe that their respective positions have been effectively placed before the public for its consideration and that continuing the legal process at this stage would serve no further purpose.*

*CBS respects General Westmoreland's long and faithful service to his country and never intended to assert, and does not believe, that General Westmoreland was unpatriotic or disloyal in performing his duties as he saw them.*

*General Westmoreland respects the long and distinguished journalistic traditions of CBS and the right of journalists to examine the complex issues of Vietnam and to present perspectives contrary to his own.<sup>158</sup>*

The popular lore that sprang up in the post-trial period relates Westmoreland's decision to end the case to what is called the "damaging" trial testimony of McChristian and Hawkins who were called to testify for the defense. That is a nice myth. Renata Adler is of the view that Dan Burt, Westmoreland's chief counsel suffered a severe crisis of confidence after Judge Leval finalized the jury

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158: Ibid, 75. Some of Westmoreland's supporters believed that the implications of the settlement statement actually were more derogatory than the broadcast. Not being familiar with the way in which the statements that accompany the settlement of litigation are written they see in the penultimate paragraph the implication that Westmoreland conspired, as CBS had charged, but that he did it from an excess of patriotic zeal. This author does not share that view of the settlement statement.

charge which included that the instruction that on the issues of whether the broadcast's statement was false, and whether the defendants published with the prohibited state of mind, the plaintiff must prove this by "clear and convincing evidence."<sup>159</sup>

Whatever the reason, and there probably were many relevant considerations, two things are clear: General Westmoreland put his side of the story on the record—nothing was left on the cutting room floor; and CBS, which had earlier accused Westmoreland of a "conspiracy," ended the case by acknowledging that CBS "does not believe ... that General Westmoreland was unpatriotic or disloyal in performing his duties as he saw them."<sup>160</sup> The trial record had made it clear that all those who conceivably had a need to know about the "numbers dispute" for policy-making purposes did know—and if the press, American public or Congress did not know, it was because it was not their business. Second, the trial record made it clear that the decision about whether to include this or that category of the so-called irregular forces was a decision for the officers at MACV and there is where the decision properly was made. All this was made clear by the testimony of many witnesses and by the introduction of numerous documents.

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159· Ibid, 77, 224-25. For the full text of Judge Level's draft jury instructions, see Brewin and Shaw, op. cit., Appendix B, 380-400. In January 1987 "Dan Burt, who for six years ... presided over the Capital Legal Foundation, ... quietly tendered his resignation amid signs that the conservative law group [was] ... on the verge of collapse.... [The] non-profit foundation has serious financial problems—problems that some insiders attribute to Burt's high profile and controversial handling of *Westmoreland v. CBS, Inc.*.... Burt's representation of Westmoreland—it was his first jury trial—was sharply criticized. And his decision ... to drop the ... libel claim ... angered many conservatives." Eric Efron, "Legal Group Dwindling as Burt Surrenders Reins," *Legal Times*, 26 January 1987, 1, 5.

160· Among other thing, Westmoreland believed that "the jury was confused" and he came to the conclusion that "you cannot [easily] reconstruct history on a courtroom." Westmoreland, Conversation with Author, 21 May 1987.

## TESTIMONY OF KEY WITNESSES

Despite their obvious biases, the testimony of the witnesses in *Westmoreland v. CBS et al.*, and the many documents declassified and produced in response to Freedom of Information requests, have created a unique record with regard to the War in Vietnam. This section of the paper contains a summary of the testimony given by twenty-nine of the witnesses. To keep things in the 1966-68 time perspective, each witness will be referred to in relation to the rank and position he then held.

The first witness called by plaintiff Westmoreland was Robert S. McNamara, the Secretary of Defense.<sup>161</sup> He testified that in the period relevant to the matter at issue in the case, he and President Lyndon Johnson had a close personal relationship, but they did disagree about the conduct of the war in Vietnam. He noted that on 19 May 1967 he had sent the President a strategic options paper titled "Future Action in Vietnam." In the paper he advocated a limited increase in troop strengths and a strong push toward a negotiated settlement—this was in contrast to the plan of the Joint Chiefs and Westmoreland which called for a large increase in U.S. troop strength in South Vietnam. McNamara recalled that in August 1966, and again in May 1967, he had received two detailed reports from the CIA, both of which forecast that no matter how large a force the U.S. military fielded in South Vietnam, the war there was unwinnable. The first, dated 26 August 1966, titled "Memorandum: The Vietnamese Communists' Will to Persist," noted that despite the fact that the Viet Cong were seemingly significantly outnumbered, the number of actual combat troops on the two sides was about equal. The report also noted that it trying to stop the flow of supplies south by

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161. The following paragraphs recounting McNamara's testimony are based on Brewin and Shaw, *Vietnam on Trial*, 103-115.

bombing the North back to the Stone Age was doomed to failure, because their repair effort was based on a Bamboo Age technology.<sup>162</sup>

McNamara testified that by the beginning of 1967 the military had begun to believe that it had the enemy at a disadvantage. On 17 February 1967 General Wheeler told Admiral Sharp and General Westmoreland that he had told President Johnson in mid-January 1967 that "the adverse military tide has been reversed and General Westmoreland has the initiative." McNamara recalled Wheeler saying that the U.S. "can win the war if we apply pressure on the enemy relentlessly in the North and the South." McNamara said that by April 1967, when Westmoreland was in Washington, the general was less optimistic, but he did report that a key goal—the "cross-over point"—had been reached; *i.e.*, the Allied forces were killing or capturing Viet Cong and North Vietnamese troops faster than they could be replaced.

Secretary of State Dean Rusk testified that it was not the Battle of Tet that prompted President Johnson to decide not to seek a second term. Rusk said Johnson had confided his decision not to run again to Rusk prior to November 1967, saying that he would announce it no later than March 1968 in order to give the other Democratic Party candidates a chance to get ready to run. Rusk said that Johnson's concern was his health, and that the president had spoken of Woodrow Wilson lying paralyzed while his wife tried to run the cabinet. Rusk testified that, unlike McNamara, he believed that the war could be won militarily—that is, the U.S. could deny the achievement of Hanoi's goal.<sup>163</sup>

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162: The contrast between the technological approaches of the two sides could hardly have been more marked. It has been said that during one of the politico-military war games involving senior U.S. Officials, Air Force General Curtis LeMay made the oft-referenced proposal to bomb North Vietnam "back to the Stone Age.." Palmer, p. 29. It is interesting to note that the B-52 bomber, particularly when employed tactically against enemy troop positions in the hinterlands of South Vietnam, was said to be the U.S. weapon most feared by the Viet Cong. *Ibid*, p 36. See also *Ibid*, pp 163-63

163: This paragraph recounting Rusk's testimony is based on Brewin and Shaw, *Vietnam on Trial*, 118-21.

Walt Whitman Rostow was President Johnson's National Security Advisor.<sup>164</sup> He said that while he had not attended it, he remembered an April 1967 meeting in the White House attended by Johnson, McNamara, Rusk, Wheeler, Helms, and Westmoreland. Rostow recalled hearing that Westmoreland had reported on the war in Vietnam but could give no details. Rostow said that Westmoreland was not under any pressure from Washington to deliver good news on the war. Rostow testified that he had first heard of the debate about the order of battle count from Carver at CIA. After Carver had explained the nature of the difference in opinion, Rostow said he had called Wheeler and suggested to him that the parties should be brought together so they could debate and resolve the matter—a suggestion that led to the Honolulu order of battle conference. Rostow said that in addition to getting information on the enemy from MACV, the White House also received it from NSA.

Under cross-examination Rostow said that he considered the order of battle dispute a "good faith" inter-agency argument. When the defense counsel showed him a minute of the April 1967 White House meeting which had been written by John McNaughton, Assistant Secretary of Defense, Rostow said he did not deny the accuracy of the note. McNaughton's memorandum said:

The VC/NVA 287,000-man order of battle is leveling off, and General Westmoreland believes that, as of March, we reached the "cross-over point"—we began attriting more men than Hanoi can recruit or infiltrate this month.<sup>165</sup>

The defense also drew from Rostow the admission that he personally had not had any talks with Westmoreland about enemy strength figures, and that he was not present at any meeting when Westmoreland talked about strength figures with the president.

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164: The following paragraphs recounting Rostow's testimony are based on Brewin and Shaw, *op. cit.*, 229-34.

165 Brewin and Shaw, *Ibid*, 233-34.

Ambassador Robert Komer was the Pacification specialist in Vietnam.<sup>166</sup> He testified that in mid-1966 he did not feel that MACV had a good "handle" on "the more shadowy and less military parts of the VC lineup." In the fall of that year he approached Westmoreland with his concerns. In response to his requests for more study on the point McChristian's staff prepared a report which, *inter alia*, discussed the difficulty in defining the composition and size of the irregular forces. The report was sent to Komer by McChristian with a cover letter saying that it represented J-2 MACV's "best estimate at the time." Komer later asked the CIA station chief in Saigon to give him a report on the strength of the irregular forces—a report he would use as an independent check on the J-2 MACV numbers. Komer testified that what he got back from the local CIA office was a paper titled "MACV J-2 Estimate of VC Irregular Strength—Comments." The CIA report endorsed the J-2 MACV methodology of counting the irregular forces and said that the 1967 MACV estimate was "the most comprehensive and coordinated effort to date to accumulate meaningful statistics on a frequently shadowy subject...."

Ambassador Komer testified that he personally had attended two briefings in Vietnam concerning the problem of quantifying the size of the enemy's irregular or guerrilla forces and came away with the impression the process was a bit "Byzantine." Part of the problem, said Komer, was that the analysts had to rely on a sampling of captured enemy documents which, in themselves, often were unreliable. He noted that the "inflation of strength figures was not something confined exclusively to our Vietnamese." Komer said that he personally had discussed the Viet Cong Self-Defense and Secret Self-Defense forces with U.S. tactical unit commanders who routinely dismissed both sub-categories as effective fighting forces. Komer said that in September 1967 he met with Carver from CIA and expressed to Carver his belief that the information on the SD and SSD forces was too vague to be in any military order of battle estimate. He also

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166 The following paragraphs recounting Rostow's testimony are based on Brewin and Shaw, *op. cit.*, 235-38.

told Carver that if the U.S. press discovered a difference in the MACV and CIA figures—a difference that reflected CIA's desire to count the SD and SSD forces—a serious "credibility gap" would be the result. Komer said that Carver had been insistent on the listing of the SD and SSD forces with a strength of 120,000 and that Davidson and Carver were at a "head-to-head impasse."

Then, testified Komer, after a dinner on 11 September with Carver, he reported to Westmoreland that "there was room for a meeting of the minds, if we could get the two sides to back off a little from their turf fight...." Westmoreland brought Carver and Davidson together and said that he believed the differences in position "were readily resolvable and that he by and large [had] accepted the viewpoint that George Carver had presented." Komer said that what Carver had proposed was that the "civilian elements" of the Viet Cong would be "clearly separated" from the military order of battle. The civilian element would be discussed in the narrative section of the monthly J-2 MACV OB Book. Komer testified that Carver had told the group that he agreed that the CIA evidence on the SD and SSD forces was "very tenuous, and that while at one point [the CIA] ... had estimated that there might be more than 100,000 of them, it was very difficult to arrive at any valid numerical estimate at that time."

Ambassador Komer testified that in November 1967 information from the National Security Agency on the rate of North Vietnamese Army infiltration became available to him and to others in both Saigon and Washington. Komer said he did not believe the stories that as many as 500,000 or more Viet Cong and North Vietnamese troops were involved in the Battle of Tet. He said he had never conspired to suppress or alter information on the size of the enemy's forces, and he had never received any orders to withhold any strength reports.

Under cross-examination Komer acknowledged that Westmoreland did not want to count the SD and SSD forces, but that it was Davidson and Godding that had done the detail work in establishing that "command position"—adding that he

knew of no J-2 MACV officers who had believed that their position was either deceptive or misleading.<sup>167</sup>

U.S. Air Force Colonel Edward Caton was the Chief of the MACV Joint Intelligence Branch from June 1966 to June 1967.<sup>168</sup> The JIB was the "all source" current intelligence branch of J-2 MACV. One of the tasks of JIB was to conduct daily briefings for the senior MACV officers, and he testified that he often briefed General Westmoreland on the enemy order of battle based on what he called "highly classified intelligence." Caton said that in June 1966, McChristian had tasked JIB with the obligation of determining the identification, location, and strength of the enemy's forces—primarily its military combat units.

Caton described the Combined Intelligence Center Vietnam (CICV) run by Colonel Hawkins as "a production and training center for the South Vietnamese intelligence" corps, and he dismissed the value of the low-classification CICV reports in comparison to the "all source" product of the JIB staff. He said that the order of battle document that was put together by Hawkins at CICV was only a reference document—not something to be "confused with a real military order of battle"—and that it was, at best, an out-of-date and "sanitized" version of the JIB's accurate OB data. Caton said that there were no restrictions on what he reported: "To the contrary, my instructions were to collect everything I could, analyze it and report it."

Under cross-examination Caton said that there could not have been much of a conspiracy to keep down the number of guerrillas in the order of battle count because he did not know "anyone in the intelligence community that wasn't aware of the ongoing struggle." He went on to call Hawkins' material on the SD and SSD

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167: According to Adams, Komer either did not know of Hawkin's view or did not know that Hawkins believed the J-2 MACV numbers were deceptive or misleading. Adams, Notes, 61. According to Davidson, neither he nor Morris knew that Hawkins thought the numbers were false. Davidson, op. cit.

168: The following paragraphs recounting Caton's testimony are based on Brewin and Shaw, op. cit., 239-41.

as "useless.... If you can't use it, why bother to remember it?" When defense counsel tried to establish that perhaps Caton was not at the May 1967 briefing when Hawkin's higher SD and SSD figures were publicized within MACV he got an answer that illustrates why a lawyer should never ask a question unless he already knows—and needs—the answer: "Are you saying the Weekly Estimate Update [briefing]? The hell [I wasn't there], that was my responsibility."

Major General Phillip Davidson became the J-2 MACV in June 1967.<sup>169</sup> His testimony did little more than corroborate Komer's testimony. In the CBS News broadcast, Wallace had said that Davidson was not interviewed because he was extremely ill and near death. Davidson, as witness, testified that he had never been called by CBS about the show and that he had not been seriously ill during the time interviews were being filmed for the show. This was testimony that damaged the credibility of the CBS News staff.

Colonel George Godding was the MACV Chief of Intelligence Production in 1967.<sup>170</sup> He testified that in August 1967 he had headed the J-2 MACV delegation to the National Intelligence Estimates Board meeting at Langley. Prior to leaving Saigon he had met with Westmoreland and Davidson and briefed them on the J-2 MACV position. Godding said that Westmoreland commented: "Your estimate is good. I stand behind it." Godding testified that Westmoreland had not made any statement to the effect that MACV would not accept a figure in excess of the current strengths then being given to the press in Saigon at the MACV daily press briefings. Godding testified that the numbers that J-2 MACV took to the Langley conference represented its "best estimate."<sup>171</sup>

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169· This paragraph recounting Davidson's testimony is based on Brewin and Shaw, *op. cit.*, 243.

170· The following paragraphs recounting Godding's testimony are based on Brewin and Shaw, *op. cit.*, 244-48.

171· According to Adams, in early August 1967, Godding was told by Westmoreland "to stay within the parameters of the May OB," *i.e.*, to keep the total number below 300,000.

Under cross-examination Godding testified that in May 1967 McChristian and Hawkins had briefed Westmoreland about a report—the RITZ study—that showed that the number of Viet Cong guerrilla and irregular forces in South Vietnam was significantly higher than the figures for those forces carried in the monthly order of battle figures. Godding testified that he personally did not consider the fact that the RITZ study showed that the under-count might be as much as 100,000 was significant—he termed the study as being simply a re-evaluation of the irregular force strength question. Godding said that it was his belief that only about ten percent of the irregular forces were armed.

Colonel Everette Parkins had served in the Order of Battle Section of J-2 MACV in 1967.<sup>172</sup> He denied the allegation made in the CBS News report that he had been "fired" by Colonel Charles Morris after getting into a shouting match when Morris refused to forward a report showing higher enemy strengths. The truth of the matter, he said, was a bit simpler. Parkins said that in late 1967 he had taken his report to a Colonel Liewer and that when he dropped it off, Morris had started to read it and said he did not agree with the conclusions. Parkins said that he disliked Morris and believed the feeling was mutual. So, when Morris' comments about the quality of the report became abusive, Parkins retaliated in kind. In the end, the shouting match led to Morris firing Parkins from the J-2 MACV staff.

Under cross-examination Parkins said that he did not know why Colonel Russell Cooley had said in his interview on the CBS News show that Parkins had been fired by Morris after verbally abusing Morris for suppressing his report. He said that while he and Morris had argued about the report, "it was still a personality clash."

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Adams says that "this is the genesis of the accusation that General Westmoreland imposed a ceiling on the OB count." Adams, Notes, 13.

172: The following paragraphs recounting Parkin's testimony are based on Brewin and Shaw, *op. cit.*, 248-52.

Colonel Daniel Graham, was the J-2 MACV Chief of Estimates in 1967.<sup>173</sup> He testified that the analysts at CICV were a bunch of "bean counters" and that he had some real difficulties with the CICV product: "For one thing, their strength [count] would have a lot of mock certainty in it. You would see a figure like a total in Vietnam of 246,113 people ..., as if we knew there weren't 246,111 or 246,114, and that was preposterous." He said that the Order of Battle Book was not an estimate: "This is an order of battle summary, and so long as it's treated as such, then these mock-precision figures ... are acceptable." Graham dismissed the various categories into which McChristian, Hawkins and Adams wanted to subdivide the guerrillas as worthless, saying that it was impossible to determine which ones were Self-Defense, Secret Self-Defense, Political Cadre, et cetera, and any attempt to do so was "a pedantic exercise that bore little connection to reality." Graham denied that there was any ceiling on the number of enemy troops that J-2 MACV would allow to be counted and he denied that he had ordered Godding and Hawkins to cut any strength figures during a meeting at the Pentagon in August 1967. He also denied that he had tried to get anyone to erase certain categories of enemy strength figures from the CICV computer's data base. Under cross-examination Graham continued to deny that the J-2 MACV order of battle summary was a proper place to list the Viet Cong infrastructure: "Politicians are normally not arranged in battalions, companies and platoons."

John Stewart had been an intelligence officer in Vietnam in 1967 and 1968.<sup>174</sup> He testified that contrary to the thesis of the CBS News show, the Self-Defense and Secret Self-Defense forces did not pose a significant military threat. He said they were "little more than a motley crew" and were, at best, a very "insignificant" fighting force.

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173: This paragraph recounting the testimony of Graham—now a Lieutenant General—is based on Brewin and Shaw, *op. cit.*, 252-58.

174: This paragraph recounting the Stewart's testimony is based on Brewin and Shaw, *op. cit.*, 261.

Paul Nitze was an Assistant Secretary of Defense in 1967.<sup>175</sup> He testified that it made no sense to try to include the Viet Cong irregulars in the MACV order of battle strength count because the total of the regulars and irregulars could not be added up to get a meaningful figure: "When you aggregate elephants and flies you get nonsense."

Dr. George Carver was CIA's Special Assistant for Vietnamese Affairs, and he was Sam Adams' boss.<sup>176</sup> He described Adams as being full of "enthusiasm, energy and imagination," but also prone to jump to conclusions and "intolerant." He said that General Westmoreland's command had never hidden enemy-troop-strength information from anyone. He said that he was the CIA's liaison to Defense Secretary McNamara and that he had directed the preparation of the two CIA reports that advised the Secretary that the ongoing bombing campaign could not win the war.

Under cross-examination Carver was forced to concede authorship of a January 1967 memorandum to the CIA's Director of Intelligence in which he wrote:

*We believe the MACV Order of Battle of Communist ground forces in South Vietnam, which on 3 January carried the number of confirmed Vietcong, including North Vietnamese at 277,150, is far too low and should be raised, perhaps doubled.*

Carver said his memorandum was an expression of his concerns and that he wanted further study done on the MACV figures.

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175: This paragraph recounting the Nitze's testimony is based on David Zucchino, *The Philadelphia Inquirer*, 9 December 1984, 3-G.

176: The following paragraphs recounting Carver's testimony are based on Brewin and Shaw, *op. cit.*, 261-62.

It was 15 November before General William C. Westmoreland was called to testify.<sup>177</sup> He said that during his tour in Vietnam, he visited the field on three or four days of every week, and in the talks he had with tactical commanders down to the battalion and company level, the subject of the Viet Cong Self-Defense and Secret Self-Defense forces never came up. Westmoreland said that there was no connection between McChristian's May 1967 cable and the J-2's transfer back to the states. He said that McChristian had wanted an armored command and in April 1967 he got orders to re-port to the 2d Armored Division in June.

Westmoreland said he remembered the day in May that General McChristian had brought him the briefing cable, and his reaction to it: "Joe, we're not fighting these people, they're civilians. They don't belong in the numerical strength of the enemy."<sup>178</sup> He said he had just come back in from a trip to the field, and he told McChristian that he wanted to "reflect" on the contents of the cable for several days. Westmoreland said that he was not going to send a cable to Washington showing higher enemy strength figures without an understanding of the

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177: The following paragraphs recounting General Westmoreland's testimony are based on Brewin and Shaw, op. cit., 263-70, 271-81.

178: In *A Soldier's Report*, Westmoreland writes that:

*Having taught a course on the Geneva Convention and the laws of war at the Command and General Staff College in the late 1940s, I was conscious of the responsibilities they placed on field commanders. Shortly after assuming command in South Vietnam in 1964, I called in my judge advocate general, Brigadier General George Prugh, and instructed him to form a study group to recommend what to do. From that study and from frequent later consultations emerged the strict MACV regulations [which established the rules of engagement for the U.S. military forces.]*

Westmoreland, *A Soldier's Report*, 348. The General wanted a *bright line* which would assist his commanders and troops in the conduct of the war: "Village defenders who were armed could be counted as Guerrilla [forces].... [I] would not let the J-2 put old men, women and children [in the OB Summary].... Keeping the book on the people who I wanted my troops to destroy (nobody in the civilian category) was my business.... [The armed Viet Cong were fair game for mu forces; unarmed] civilians were not fair game. [I considered the unarmed Viet Cong— the enemy noncombatants— to be in] categories outside the order of battle." Westmoreland, conversation with author, 21 May 1987.

background to the cable, and said this to General McChristian: "If this cable goes in without further explanation it will create a public relations problem." The General said that he "was not about to send a cable without a briefing.... Such a cable, with its numbers, would be terribly misleading and could be misconstrued by people not familiar with [the Guerrilla-Militia] .. category." He denied that he had ordered McChristian to reduce the estimate of the guerrilla strength. Westmoreland said that he had an "open door" policy in his command, and that if Colonel Hawkins was asked to see him to complain about being ordered to suppress information on the guerrilla irregulars, he would have been seen, and added that Hawkins had never tried to see him to raise such a complaint. Westmoreland noted that another of the written policies of the command was to "give priority emphasis to matters of intelligence, counterintelligence and timely and accurate reporting" of the same.

Westmoreland testified that his deputy, General Abrams, had written the 20 August 1967 cable to General Wheeler which expressed a concern for an adverse press reaction to the announcement of higher enemy strength figures, but he agreed with what Abrams said. Asked by his counsel to explain why the press reaction was of great concern, Westmoreland said:

*The Vietnam War was unique in many respects, namely that we were fighting an unorthodox enemy halfway around the world, an enemy supported by armies to the north, namely North Vietnam.*

*It was also unique by virtue of the fact that the war was territorially confined to the territory of South Vietnam, except for the bombing to the North.... In the context of answering this question, this was the first war without censorship, it was the first war ever fought that was covered by television, it was a unique experience for those of us on the battlefield and it was a unique experience to the media. Considerations were given to press censorship and they were ruled out. I did not approve at the time for the initiation of press censorship.*

*My troops did a wonderful job.... I was proud of them, [and] they were proud of themselves—and properly so. They did a difficult job in this time frame. They were doing it magnificently. They never thought—and I got this everywhere I went—they were getting a fair shake from the media.*

*How the war was reported was important to my troops in the field—they got clippings from home—and when they didn't get this credit it was detrimental to their morale.*

*At one time I had 500 reporters credited to my headquarters. They were not organized as a group. Every individual was on his own. There was great competition for lead stories. Most of the stories were very good and accurate, but there [was] a number that weren't....*

*Sure we were sensitive to press reaction. We would have been dumb oxes if we weren't. I felt an obligation to my troops ... and to come out publicly with a statement that we were fighting, which was a distortion—the additional people were not fighters, they were not fighters we wanted to do battle with, they were not people we wanted to kill, they were basically civilians—and to come out with a hard figure that was brought about by adding these people would have been terribly detrimental to the morale of my troops....*

*Certainly we were sensitive to press reaction, and it's was very logical that we were. So I certainly agreed with General Abram's language. I agreed with it then, I agree with it now, and if I had to do it over again I would agree with it.*

The general was in his second day of testimony, and his "own simple elegance won in points in the ongoing media battle." As Eleanor Randolph of *The Washington Post*, put it: "It was a moment that would have warmed Perry Mason's heart.... Clearly the surprise witness so far in Westmoreland's case has been [General] Westmoreland."

After a weekend to rest, Westmoreland's counsel began to ask him about the television show. When he testified that Mike Wallace had told him that "this is going to be an educational and objective program," the packed courtroom audience roared with laughter. He said that neither Crile nor Wallace had been candid with him about their real purpose. He said that during the interview, when it became evident to him what they were up to, he had said to Wallace and Crile that he was deceived as to the nature of the interview and he accused them of "rattlesnaking" him. He also testified about the critical mail that he had received after the show—this was evidence to prove that he had been damaged in his reputation by the show. The direct examination of Westmoreland ended with the general saying that in his forty years of service he never lied to his superior officers.

Under cross-examination General Westmoreland confirmed that on 27 April 1967 he had briefed the President on the strength of the enemy and used the figure of 285,000, a figure he called "McChristian's best estimate" of the enemy's strength, and said that he did not think the number to be "seriously understated." He said that the purpose of the February 1967 Honolulu order of battle conference was to assure that everyone was "playing off the same sheet of music," that is, were using one and not several different order of battle summaries. Westmoreland said that he could not recall the details of McChristian's briefing after the J-2 MACV delegation returned from the Honolulu conference. The General testified that Political Cadre were included in the order of battle data, but that was because the order of battle tables had been obtained first from the South Vietnamese who had counted the Political Cadre. He also testified that the Self-Defense and Secret Self-Defense categories had been taken out of the J-2 MACV figures in October 1967, and that certain charts made thereafter which compared the enemy strength figures for a several year figure period had been adjusted to exclude the same categories in the earlier periods as well.

Under the close press of opposing counsel Westmoreland said that he was aware that the Johnson administration was under an increasing political attack because of the war and that they wanted assurances of progress; nevertheless, said the general, he had never felt any pressure to report progress.

The redirect examination of General Westmoreland commenced on 4 December. Dan Burt asked Westmoreland to recall the 19 May 1967 Command Information and Intelligence Conference, and the Weekly Intelligence Estimate Update portion of it. Westmoreland said that it was then that for the first time that he had been fully briefed on the revised enemy strength estimates. He also remembered that Admiral Sharp, CINCPAC, had been present. Dan Burt then read aloud a document that had been found in the Military History Institute archives at Carlisle and declassified by the Army only a week earlier:

Memorandum for the Record. Subject: CIIC Meeting, 19 May 1967. This memorandum confirms oral guidance issued by COMUSMACV [Westmoreland] following the subject meeting.

A, the advisability of releasing the information presented in a VC Irregular Forces strength in South Vietnam briefing without further refinement was questioned. J-2 will pull together representatives from IO and J-3 to analyze the study in depth and to determine how this information should be presented, both officially and publicly. COMUSMACV requested specifically that those irregular forces that are armed be identified. Additionally the data presented in the political order of battle briefing will be analyzed by this group with the same objective as the foregoing. COMUSMACV will be briefed [further] on this before the information in either study is released by this headquarters.

Westmoreland said that the oral guidance he had given was to "identify the fighters [and] ... the non-fighters." The general said the 19 May briefing presented strength figures that were higher than those eventually released by MACV. He

also confirmed that Admiral Sharp was present when the higher figures were discussed on 19 May.

William Bundy had been Assistant Secretary of State for Far Eastern Affairs. Westmoreland's testimony was interrupted to allow Bundy to testify, but, as it turned out, his testimony was of no particular value to either side—he was merely another of the many actors of the period who was aware of the numbers debate.<sup>179</sup>

Dan Burt, Westmoreland's attorney, called George Crile to give his testimony as a "hostile witness," which meant that Dan Burt could ask leading questions and attack the credibility of witness.<sup>180</sup> The object in calling Crile was to put on some evidence of malice before closing the plaintiff's case. General Davidson had already testified in the case but had not been interviewed for Crile's show. Asked to explain why, Crile said, that he had not pursued his efforts to contact Davidson because "it was the word in the intelligence community at that time that he had [a medical] problem." Crile said he understood that Davidson was on his deathbed. Burt had intended to use CBS's own highly critical "Benjamin Report" to get at Crile, but Judge Level ruled the internal CBS document inadmissible. When Crile left the witness chair it was obvious to most of the court that Burt had lost the momentum of his case and gained little of legal value from Crile's testimony.

The last witness called by the plaintiff was Ira Klein who had been Crile's editor of the documentary.<sup>181</sup> Klein testified that he had tried unsuccessfully to give the show balance, and that he had told Crile that the show's credibility would be weakened if they did not give Westmoreland "time to present his point of

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179: This paragraph recounting Bundy's testimony is based on Brewin and Shaw, *op. cit.*, 270-71.

180: This paragraph recounting Crile's testimony is based on Brewin and Shaw, *op. cit.*, 282-89.

view," to which, according to Klein, Crile said that "he was deciding what was true and what wasn't." Klein said that during the making of the CBS show Crile had described Adams as being "obsessed." Klein contradicted Crile's testimony and said Adams told him during the making of the show that Davidson was not ill as was said on the show to excuse his not being interviewed. He said that after Westmoreland's post-show press conference Adams had come to him and said "we have to come clean, we have to make a statement; the premise of the show is inaccurate."<sup>182</sup> Klein said he told Adams "it's a little bit late," to which Adams said that he had been telling Crile all along "that LBJ had to know."

Under cross-examination Klein was attacked by defense counsel Boies on account of his "deep-seated and vicious bias." He got Klein to admit that he told *TV Guide* reporter Kowet that Crile was "a social pervert." Klein admitted that during the making of the show he had never voiced any objections to Mike Wallace or any of the CBS News management.

And so the plaintiff's case was rested and the calling of the witnesses for the defense began.

For eight months Greg Rushford had been an investigator for the Pike Committee.<sup>183</sup> He was a devout believer in Adams. Under cross-examination he denied that this person and that was involved in any conspiracy, but he kept alluding to what he characterized as a "larger web," or "wider conspiracy" existed.

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181: The following paragraphs recounting Klein's testimony are based on Brewin and Shaw, *op. cit.*, 289-94.

182: Adams told this author that he never said this to Klein. Adams, Notes, 74.

183: This paragraph recounting Rushford's testimony is based on Adler, *Reckless Disregard*, 197-99. According to Adams, Rushford sued Adler for libel. Adams, Notes, 74. In May 1987 federal district judge Albert V. Bryan, Jr., dismissed Rushford's suit, and an appeal was filed. According to the judge, Adler's article "is no more than the author's opinion, albeit scathingly critical, of the media, libel trials, libel lawyers, and libel laws." Eleanor Randolph, *The Washington Post*, 9 June 1987 (per "The Source" Information Network).

He said that he suspected something was afoot, but never was quite sure what it was.

Daniel Friedman was called to explain how simple it is to make a booby trap with an ordinary fragmentation or "pineapple" grenade.<sup>184</sup> Friedman, a twice-wounded veteran, testified that booby traps were a "primary cause of concern to the men in Vietnam because "they were causing a very, very high percentage of ... casualties." Friedman said that these booby traps were set by the kinds of people that Westmoreland called harmless—the civilian irregulars. Friedman called the Self-Defense forces a special threat to the U.S. forces. He described them as being "an integral part of the irregulars of the Vietcong ...," saying that "they gave the appearance of performing everyday civilian chores [while committing] ... many terrorist acts against us and we were able to identify them as such."<sup>185</sup>

Howard Embree was a West Point graduate who had spent his year of service in Vietnam from May 1966 to May 1967 acting as an advisor to a South Vietnamese Army unit in South Vietnam's northernmost Quang Tri province. He said that fifty percent of his unit's casualties were caused by mines and that the mines were the work of the Viet Cong irregular units operating in and around the villages and hamlets. "Those people were fighting us and we were fighting them.

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184: The following paragraphs recounting Friedman's testimony are based on Brewin and Shaw, *Vietnam on Trial*, 295-98. This author notes that unless you actually caught someone planting a bomb, you could not shoot them, rationalizing that she or she looked like someone who might have VC sympathies and might plant a bomb.

185: Westmoreland, and other military officers, dispute the claim that the Viet Cong Militia, as a group, were responsible for the most of the mines and booby traps. Such devices can be as dangerous to the side using them as to the enemy. The decision to employ mines and booby traps is a controlled command decision and the location of mines and traps has to be accurately mapped: military commanders entrust the business of planting mines and constructing booby traps to trained engineer-type military personnel—"people you can depend on to do the job right without jeopardizing your own organization." The Viet Cong understood this military doctrine. Westmoreland, Conversation with author, 21 May 1987.

That's what we understood our job to be, and I'm very surprised to discover that General Westmoreland did not know that's what we were doing," he said.<sup>186</sup>

Samuel A. Adams was called as a witness in early January.<sup>187</sup> Boies asked him to explain why his "obsession" with the order of battle numbers was so important: "Because we lost the Vietnam War. It's the first war ... we ever lost, and it seems to me that there had never been an adequate reason as to how we had managed to do it.... I don't think it's enough to say that the press did it.... And I remembered when I visited the Vietnam Memorial [in Washington that I asked myself] ... how many of those 45,000 [killed in combat] ... were killed probably by people who weren't listed in the official order of battle ..., and I said to myself, trying to figure the odds, that it was probably at least a third were killed by people not in the [J-2 MACV] OB."<sup>188</sup>

It was while Adams was on the stand that the defense played the entire documentary—only excerpts had been shown before—and from time to time Boise would stop the tape and Adams would explain the relevance of the preceding segment. Some of the reporters present in the courtroom believed that Adams gave the appearance of a young man with "knowledge, stability, and deep concern for his country and its soldiers."

On cross-examination Adams explained away a 1967 memorandum in which he described the Viet Cong militia as "noncombatants." Adams said that while

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186: This paragraph recounting Embree's testimony is based on Brewin and Shaw, op. cit., 298-99.

187: The following paragraphs recounting Adam's testimony are based on Brewin and Shaw, op. cit., 299-303, and Adler, *Reckless Disregard*, 198.

188: It is worth noting here that no one has ever been able to prove, or give a reasonable estimate regarding, the number of casualties that may have been caused by the SD and SSD. Davidson is other the opinion that the number was significantly less than a third of the total casualties. Davidson, op. cit. There is no denying Adam's point that there were a number of casualties caused by Viet Cong who were not "combatants," and who were not in the J-2 MACV OB Summary; however, this fact does not prove that there

they did not "mix into firefights" they did make mines and booby traps, "the devices that accounted for about a third of all American casualties in Vietnam."

George W. Allen was the Deputy Special Assistant for Vietnamese Affairs at the CIA: he reported to Carver.<sup>189</sup> Allen had spent a total of two years and thirty-five weeks in Vietnam by the end of 1966 and considered himself an "old Vietnam hand." He called the November 1967 SNIE "the mistake of the century." Allen testified that the 1967 estimate was misleading because it did not include some of the sub-categories that had been included in the earlier estimates. Allen said he believed the evidence—the evidence Adams had amassed—supported an enemy force numbering about 500,000. He said that he had told Adams that in going along with the November 1967 estimate "the agency had sacrificed its integrity on the altar of public relations and political expediency." He called the compromise reached in Saigon by CIA and the J-2 MACV a "sell-out" and he said that he told Adams that he was "going to have great difficulty determining how" he was going to continue his career as an intelligence officer (Allen did not resign as did Adams).

Allen said that he had gone to Vietnam after Tet with a task force headed by General Wheeler, and said that he personally concluded that J-2 MACV was still "tinkering with the numbers. He said that while "[J-2] MACV had originally estimated early in the Tet Offensive that a force of 84,000 men had ... participated in the offensive," he concluded that the MACV number was a gross underestimation."<sup>190</sup> Allen then testified that he estimated that "the enemy force that conducted the Tet Offensive had totaled at least 400,000," a number that fit with Adams' estimate of the total forces available. Allen said he was convinced

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189· The following paragraphs recounting Allen's testimony are based on Brewin and Shaw, *op. cit.*, 203-305, and Adler, *op. cit.*, 235-36.

190· Both J-2 MACV and CIA reached the 84,000 figure by separate analysis.

that the irregular militia—described by J-2 MACV as essentially noncombatants—had participated in the offensive.<sup>191</sup>

The defense counsel was careful to document that Allen had told all he knew to both Adams and Crile prior to and during the making of the documentary. He did, however, admit that he had not said some of those things on-camera: "I had some feelings of guilt about my involvement in it and was reluctant to ... publicly acknowledge that guilt." Allen accused Carver of forcing him to "whitewash" the numbers controversy in his testimony before the Pike Committee. Carver did this, he said, by sending Allen a copy of his testimony so that Allen would know what the CIA "line was to be." He also said that he had gone to the hearing with CIA Director Colby who had told him to be "very careful in answering questions from the committee and not to give them answers that went beyond the point of the question." Allen said that when he got to the committee hearings he heard Colby read a statement that did not attack the military in regard to either the estimate or the estimative process. Allen said that when it came his turn to give testimony he "played his rôle."

On cross-examination Allen conceded that before he was interviewed by Wallace on-camera he was rehearsed, and that he was then shown the film of the interview and was filmed a second time. Allen also admitted that he had agreed to be interviewed only after Crile had agreed not to say anything derogatory about the CIA on the show.

Doug Parry was a low-ranking intelligence analyst in the South Vietnam Branch of the DDI at CIA.<sup>192</sup> He worked with Adams after 1 February 1968 when Adams was reassigned within CIA. His testimony added nothing of substance to the case.

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191· According to Phillip Davidson, no SD or SSD elements were involved in the Tet Offensive. "Not one of the 6,000 plus Commie PW's of the Tet Offensive stated that he or she was a member of the SD or SSD (See Halpin Memo, 28 Feb 68)." Davidson, *op. cit.*

Ronald Smith was Sam Adams' new boss after 1 February 1968 in the South Vietnam Branch of the CIA.<sup>193</sup> Smith had been appointed head of the South Vietnam Branch in 1967 and had met Adams. He described Adams as "one of the finest analysts that I ever worked with.... He was always full of vigor, always upbeat about getting the work done, intelligent and co-operative with other analysts and last but not least ... he was a very good writer."

Smith said that he had told Adams in 1967 that he believed that the J-2 MACV Order of Battle Summary was not an honest depiction of the situation, and that the November 1967 SNIE had numbers in it that were "grossly inadequate" and which would mislead senior people. Smith said that his meetings with J-2 MACV officers convinced him that "there was a massive effort to distort these numbers to Washington policy makers that would have been impossible without the leadership of General Westmoreland." He testified that he believed that the J-2 MACV order of battle figures were "rampantly dishonest" and that "MACV had misrepresented not only every element of the force structure in a very serious manner, [and] ... that, added together, this representation of the order of battle misrepresented the very nature of the war we were fighting."

Smith also testified that he believed that the J-2 MACV data on infiltration from the North was seriously understated in the five months prior to Tet. He said that captured documents and the electronic intelligence received from NSA led the CIA to conclude that in the months just prior to Tet "the enemy had turned the infiltration spigot of the Ho Chi Minh Trail wide open. He said that in the five months prior to Tet the agency had estimated that the North was sending between 20-30,000 men a month south, while the J-2 MACV analysts were showing infiltration rates of 7-8,000 men a month.

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192: The following paragraphs recounting Parry's testimony are based on Brewin and Shaw, *op. cit.*, 305.

193: The following paragraphs recounting Smith's testimony are based on Brewin and Shaw, *op. cit.*, 203-307, and Adler, *Reckless Disregard*, 236.

Smith had a bit of trouble on cross-examination. He was shown a 31 March 1968 CIA document in which the CIA's "best estimate" of the enemy's pre-Tet regular force troop strength differed from the J-2 MACV number by only 5,000 men. Smith was asked "what happened to the 100,000 infiltrators?" Smith could not explain why they were not mentioned but insisted that there were 100,000 to 150,000 infiltrators that J-2 MACV was not reporting. When plaintiff's counsel pressed the point Smith gave an answer that marked the low comedy point of the trial: "I will tell you exactly what happened to those troops. Probably one hundred thousand of them were *killed*...." Westmoreland's counsel then put this question to Smith: "Are you saying, Mr. Smith that MACV [also] underestimated [enemy] *casualties* by 100,000?" To this question, Smith answered yes! Even with that, Smith was unable to find a single reference in the March 1968 document that supported his claim that he and the CIA had concluded that the pre-Tet infiltration rate had been 100,000 to 150,000 men higher than the J-2 MACV was reporting.

Richard Kovar worked in the office of the DDI at CIA where from 1962 to 1968 his task was to "monitor all cables, memorandum, and analytical products relating to Vietnam that passed through the DDI's office."<sup>194</sup> Kovar testified that the Viet Cong's Self-Defense forces were the enemy's "first line of defense" in the South, and were people who harassed the U.S. forces by sniping and the laying of mines and booby traps. Kovar said that an intelligence estimate that did not count the enemy's Self-Defense troops "did not fulfil its purpose" and "did not describe or estimate accurately the capabilities of the Vietnamese communists for fighting in South Vietnam."

When asked by defense counsel Baron if Adams was a mental case, Kovar testified that "what Sam did wrong was that he didn't ... salute and shut up. He didn't close ranks. Not only did he not shut up, he pushed his arguments and he pushed his outrage at the CIA's acquiescence in this process beyond the levels

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194: The following paragraphs recounting Kovar's testimony are based on Brewin and Shaw, *op. cit.*, 307-10.

that a subordinate is supposed to go. And that frightened a lot of [agency] people and made people mad."

Kovar had nothing good to say about Colonel Daniel Graham. He described Graham as an "upward-climbing [officer] who [would] let nothing stand in the way of his grandstanding efforts to win the favorable attention of his superiors." Kovar accused Graham of being a man of few principles. He said that Colonel Graham was "infamous in the intelligence community as a man who would take whatever analytical position he thought would bring him the greatest reward from his superiors and [he would] pursue that position doggedly— or change it for another expedient—regardless of facts, logic or analysis which indicated a contrary position."

On cross-examination Kovar admitted that he had not been in Vietnam since 1958 and had had no contact with Colonel Graham who he professed to hate. He admitted that his testimony was based on what he characterized as "corridor talk"—mostly with Sam Adams and George Allen. Kovar repeatedly testified that SNIE 14.3.67 was deficient because it never mentioned the Viet Cong irregulars. He said he had seen every draft of it and the Self-Defense and Secret Self-Defense forces were never mentioned. In actual fact, the SNIE contained five paragraphs that discussed these forces, as was pointed out to the witness after he had so adamantly denied that it did. Kovar was a man with firm opinions and a credibility problem.

Joseph McChristian went to the witness stand on 6 February 1985.<sup>195</sup> He served as the J-2 from 13 July 1965 to 1 June 1967 at which time he became the commanding general of the 2d Armored Division at Fort Hood, Texas. McChristian testified that when he became the J-2 in 1965 he had organized the Combined Intelligence Center Vietnam for the purpose of making it "the data base for the command—not only on Order of Battle information, both ground forces

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195. The following paragraphs recounting McChristian's testimony are based on Brewin and Shaw, *op. cit.*, 313-16, and Adler, *Reckless Disregard*, 78-93.

and political—but it was a data base on all analysis, on all mapping, on all photography of the country, on all studies of terrain, all studies put out to assist units in their planning for activities—it was the research and analysis center where you could get all this information." He said he viewed it as "one of the finest supports of combat intelligence that was ever developed in support of our forces in wartime and [as] absolutely an essential part of what we were doing."<sup>196</sup> McChristian testified that Colonel Hawkins, the CICV OB chief, was a truly superior officer: "I found that he was extremely conscientious, paid great attention to detail, [and] worked well with his people. I had full confidence in him and I thought he did an outstanding job."

McChristian testified that from the very beginning of his tour, he had the "strong conviction" that the Viet Cong irregular forces should be included in the J-2 MACV order of battle. He said that he believed that the Viet Cong Self-Defense and Secret Self-Defense forces constituted a military threat, but he also conceded that they did not have any significant offensive military capabilities.

McChristian told the jury about the day in mid-May 1967 when he took General Westmoreland the draft cable which contained the higher enemy strength figures—the figures which included the SD and SSD irregular forces in the total order of battle count. The cable was in the form of a briefing paper which McChristian proposed be sent to CINCPAC and to the Joint Chiefs and others in Washington:

*I took that cable to General Westmoreland, and I stood in front of his desk and I handed it to him. I gave him a little background on what it was. He read it. He looked up at me and he said, "If I send that cable to Washington, it will create a political bombshell." ... I was so surprised by it*

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196 For more on the general subject of intelligence support in Vietnam, see Joseph A. McChristian, *The Role of Military Intelligence 1965-1967 (Vietnam Studies Series)* (Washington: Department of the Army, 1974).

*that [the words "political bombshell"] ... burned themselves into my memory....*

*I said, "General, I don't see why it should. General, let me take [this cable] back to Washington when I go, and let me brief them on what we are doing. I'll explain to anyone who wants to know what we've been doing to collect this information." And he said, "No. Leave it with me. I want to go over it."*

Defense counsel then asked whether McChristian believed that it was improper for Westmoreland to have held up his cable. To this question McChristian said: "I think that for a military man to withhold a report based upon political considerations would be improper—it was a non-responsive answer.

Under cross-examination McChristian said that after he left the cable with Westmoreland he has no recollection of having looked into what was done with it, or what briefings the J-2 staff may have given. McChristian said that he had briefed the MACV chief of staff about the higher order of battle numbers before he took the cable to Westmoreland, and that while Westmoreland had not requested a full briefing, McChristian said that "it doesn't mean that he wasn't aware of what was going on and that higher figures were expected...." McChristian finally admitted that General Westmoreland "had every right to go over the material, especially since he had not been briefed in detail on intelligence holdings."

McChristian said that after he left the cable with General Westmoreland he did not make any effort to see what had been done with it because he was preparing to leave Vietnam. He could not remember whether he attended the briefing on 19 May 1967 which was part of the Command Information and Intelligence Conference and which was attended by Westmoreland and Admiral Sharp. He also could not recall the briefing given by Colonel Hawkins to the high-level Mission Counsel on 28 May 1967. Plaintiff's counsel did produce a letter dated 21 May 1967 from McChristian to Komer which showed that he was not completely

out of touch with the order of battle numbers matter. In the letter, he told Komer that Westmoreland was appointing a new committee "to review this new estimate [of irregular forces] as well as the infrastructure study" in what he said had become known as "the McChristian Report." McChristian could not explain how all of the briefings, and the "new committee" were consistent with a conspiracy to suppress intelligence information—the intelligence that *his* intelligence organization had created.

Under cross-examination McChristian became very defensive of his rôle as J-2 MACV: "I had under me—maybe [I had] as many as 5,000 army intelligence troops under my operational control." He admitted that on the night before he left Vietnam he learned of a study that was underway—a study that would drastically reorganize the intelligence forces in South Vietnam: "I had a very, very negative reaction to that study." He considered that the proposed J-2 MACV reorganization was wrong and that it would "destroy what I have been building." McChristian would not admit—what some believe to be true—that he "loathed" both Ambassador Robert Komer and General Phillip Davidson who followed him as J-2 MACV.

McChristian admitted that when he was interviewed by Don Kowet, author of *A Matter of Honor*, he had told Kowet that at the time he did not feel that he was being asked to suppress information, but then added that "talking to a journalist was different from talking under oath." McChristian said that he "would never lie to anybody." He then was asked to explain why, when Crile had interviewed him, and asked him if he remembered any of General Westmoreland's exact words, he had said *no*, adding: "I had the definite impression that he felt [that] if he sent those figures back to Washington at that time, it would create a political bombshell." When McChristian's testimony ended the jury was left to ponder the question of whether the man who said it was dishonorable for Westmoreland to have held up the cable really had heard the General use the words "political bombshell" or whether that notion was born in the mind of McChristian, the man

who drafted the cable—perhaps even drafted it in order to create a dramatic stir at the end of his tour as J-2 MACV.

Colonel Russell Cooley can best be described as the witness who never came to court.<sup>197</sup> Cooley testified to be sure, but his testimony was given by way of his deposition being read into the record. He testified about his impression that Colonel Daniel Graham had "altered the data base" in the CICV computer where the data on the enemy forces was stored and updated. In his mind the question was whether Graham changed the data in the computer data base because of what he thought or because of what he could back up with "hard intelligence."

Barrie Williams worked for DIA in the Pentagon in 1967.<sup>198</sup> He testified that he made a trip to Saigon in March of that year. One of the officers he talked to at J-2 MACV was Colonel Hawkins who gave him information on an increase in the strength of the enemy's irregular forces.

Colonel Gains B. Hawkins was a World War II veteran who had made a career of his intelligence specialty.<sup>199</sup> He had begun to focus on Southeast Asia in the late 1950's and had toured Vietnam and Malaya as part of his job as the Indonesia desk officer at the Pentagon. He had served as McChristian's OB officer at USARPAC in Hawaii in 1962 and joined McChristian's J-2 staff in February 1966. He was considered to be an expert in guerrilla warfare. He was made chief of the J-2 MACV OB Section.

In the fall of 1966 McChristian asked Hawkins to do two studies of the guerrillas in South Vietnam. RITZ, one of Hawkin's two study projects, concentrated on the Viet Cong Self-Defense forces; the other, CORRAL, focused

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197: The following paragraphs recounting Cooley's testimony are based on Adler, *op. cit.*, 96-96.

198: This paragraph recounting William's testimony is based on Brewin and Shaw, *Vietnam on Trial*, 341.

199: The following paragraphs recounting Hawkin's testimony are based on Brewin and Shaw, *op. cit.*, 327-43, and Adler, *Reckless Disregard*, 99-116, 121-31.

on the Political Cadre. When he finished both studies in the spring of 1967, Hawkins concluded that the J-2 MACV order of battle was undercounting the Viet Cong forces by about 200,000. Since he viewed the war in South Vietnam as an insurgency, Hawkins believed that it was essential to count the enemy's irregular forces in the order of battle tables. He had studied the Indochina War and remembered Giap's description of the guerrilla war conducted against the French: "Each inhabitant was a soldier, each village was a fortress; each party cell, each village administrator a staff."

Hawkins testified that on 28 May 1967 he briefed Westmoreland on the results of the RITZ and CORRAL studies. He said that the general reacted strongly to Hawkins' work saying: "What am I going to tell the press? What am I going to tell the Congress? What am I going to tell the President?" Hawkins said that the sum and the substance of Westmoreland's comments were that he found the new higher numbers to be politically unacceptable. He said that in August, when he was preparing to go to the National Intelligence Estimates Conference at Langley, General Davidson "reiterated to me that these [higher] figures were unacceptable." Hawkins said that Davidson's objections to the numbers were political because "I never heard any criticism of our methodology." Hawkins said that he had told Crile, when he was interviewed for the CBS News show, that "the figures we brought [from J-2 MACV] to Langley were crap, that they did not represent what I thought to be—considered to be the true estimate of enemy strength." Hawkins said that he believed that General Westmoreland had established a ceiling on the total number of enemy forces that would be shown in the J-2 MACV Order of Battle Summary.

Hawkins described the second time that he briefed General Westmoreland. The second briefing on the enemy guerrilla forces occurred on 14 June 1967 and also was attended by Ambassador Komer. Hawkins said that at the June briefing his figures were a little lower than those he had used in May. He said that he tried to explain that what he was talking about should not be viewed as a "dramatic sudden increase in enemy strength," but as a "book increase—that there had

been enemy [forces] there all along but [J-2 MACV had not had] ... intelligence information to process and document this increase." Hawkins could not recall anything said by Westmoreland at the 14 June briefing, but he did remember Komer saying that the whole business was "Byzantine." It was at this point that Judge Level took defense counsel Boies to task for the lack of a proper foundation for any testimony by Hawkins that Westmoreland had led any sort of an intelligence suppression conspiracy. Among other things, Judge Level said this: "I would suggest that if the analogy is to [Byzantium], that you don't build a cupola before laying the foundation stones, but you do it the other way around." The judge went on to say that there was no basis for Hawkins' testimony that Westmoreland had established a "command position" which "established a ceiling of 300,000" on the enemy strength count. His belief about what Westmoreland did or thought is "just floating there, unsupported." The problem for Boies was that Hawkins did not come across as a strong witness—he lacked the certainty of belief that he had exhibited at Fort Holabird when he confided his conspiracy theory to Adams, and when he was interviewed for the documentary.

Hawkins said that when he kept insisting in the summer of 1967 that the total of the enemy force was about 500,000, Morris would come and see him and they would go over the figures until Morris had "subtracted down to the original" figure of 300,000 troops. This happened after Hawkins had told Davidson and Morris that his number was 500,000 because "this is the way we have developed our methodology.... Now, if you want a different figure you need to change the rules of the game." General Davidson and Colonel Morris did just that—they decided not to count the Viet Cong irregular forces that Hawkins insisted on counting. Hawkins said that before heading to Langley he had a talk with Godding, who was his boss, and while he could not remember the details of their conversation, he remembered that the "substance ... was that the figures we would agree to would not exceed 300,000." Hawkins admitted that after returning from Langley he ordered his own people to drop the irregular forces from the enemy troop

count. When he was asked if he had orders from a higher officer telling him to do that, he said he did not.

Under cross-examination Hawkins identified a letter that he had written to his wife on 21 March 1967. In it he mentioned that McChristian was leaving for Fort Hood in June. It was a letter that he had given to Adams prior to the broadcast of the CBS News show. The fact that McChristian and his staff knew in March, long before the fateful briefings in May, that the general was on his way to take over the 2d Armored Division, undercut the claim by CBS that McChristian had been fired for coming up with higher numbers. In another letter to his wife, Hawkins said that he had told her that he couldn't see how the enemy can take many more big losses. He said he wrote that on 4 May 1967 at the same time he was finalizing the RITZ and CORRAL studies.

Hawkins said that he had no recollection of having prepared the cable that McChristian had taken to Westmoreland in mid-May. Hawkins said that he could remember a briefing he had given to Westmoreland on 28 May, but he could not remember anything that Westmoreland might have said. Hawkins testified that he could not remember briefing Westmoreland on 19 May, and he certainly did not remember giving a briefing on that day to Admiral Sharp from CINCPAC. Counsel for Westmoreland showed Hawkins a letter he wrote to his wife on 17 May in which he had told her that Sharp was going to visit in Saigon—it did not refresh his memory.

Norman House was a lower-echelon officer at the CIIED and later at CICV.<sup>200</sup> House testified that J-2 MACV had "evidence, hard evidence," that at the time of the Tet Offensive "all the South Vietnamese civilians would rise up and throw the foreigners out." He also said that "the infiltration—the official infiltration estimates that were provided [by J-2 MACV prior to Tet] were completely dishonest" and

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200: The following paragraphs recounting House's testimony are based on Adler, *op. cit.*, 238.

that it was his belief that "General Westmoreland must have orchestrated that party line."

On cross-examination House managed to demonstrate that he was not quite in tune with all that was going on in Vietnam prior to, or even after Tet. House testified that those in the chain of command with Westmoreland must have been involved with him in what he saw as a "party line" conspiracy. Then, after Westmoreland's counsel had elicited from him that General Abrams had "come to his shop" and asked him "personally" for the intelligence conclusions and estimates that he was arriving at, and that he "found Abrams to have the highest integrity" and enjoyed working with him because Abrams had "a lot of insight, as to what the war ... the Tet offensive was all about," House admitted that he didn't know what Abrams did—that he was Westmoreland's deputy!

House was the last witness that testified and he proved to be one of the least sophisticated of the defendant's witnesses. After he had testified that there was "hard evidence" that the South Vietnamese would respond to the call for the national uprising, he was asked why they did not. His answer: "I felt the enemy had made a strategic blunder, because we had good solid evidence which showed the deployment around Saigon.... The mistake that I personally observed was that the enemy, because they did not commit their reserves of North Vietnamese forces that were around Saigon, made a tactical mistake—Thank God." House said he believed that there were about 100,000 to 150,000 North Vietnamese infiltrators that were not committed in the battle of Tet. When asked what happened to these phantom infiltrators that he believed that "Westmoreland's party line" was concealing, House said that they were "killed" during the battle of Tet. The witness would not concede the fact that his estimates of the size of the enemy forces might have been too high—if he had testified that he might have been wrong he might have had to testify that he was wrong in believing that there Westmoreland had orchestrated a conspiracy to suppress intelligence—that would never do.

## INTELLIGENCE AND POLICY DEMANDS

The dispute between Sam Adams and the men at J-2 MACV, and between a number of the officers within J-2 MACV, reflects a fundamental struggle between information processing—the ability to analyze more data and to define more subcategories across a spectrum of dedication that ranged from the Viet Cong main force maneuver battalions to the marginally sympathetic old men, women and children in the villages and hamlets—and the publication of a genuinely *useful* and *helpful* intelligent product. Sam Adams' focus, and that of General McChristian, was on the ability to make the total count without a true concern for policymaking relevance. The concern of General Davidson as J-2 was to focus on and understand the strength of the statistically significant segment of the enemy's main combat force and the immediately supporting infrastructure. Sam Adams and Gains Hawkins demanded that the order of battle count include everyone who regularly was part of the Viet Cong infrastructure.<sup>201</sup> Davidson, McChristian's successor as the J-2 MACV, wanted to continue to restrict the order of battle count to those armed men and women who were going to fight as part of the Viet Cong's military effort on a regular basis, and were fair game for attack by U.S. ground and air forces.

This author believes that the fact that some segments of the Viet Cong irregular militia infrequently made booby traps and laid mines, and the fact that mines and booby traps may have caused as much as one-third (15,000) of the total U.S. casualties, according to Sam Adams, was not determinative of the question of who should be counted in the J-2 MACV order of battle summary.<sup>202</sup>

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201.: Adams and Hawkins stopped short of wanting to count everyone who had Viet Cong sympathies—"to have done so would have given the Viet Cong an order of battle of several million." Adams, Notes, 94. Westmoreland wanted only to count the armed Viet Cong—the ones he considered to be "fair game" under the MACV rules of engagement (civilians were not "fair game"). Westmoreland, Conversation with author, 21 May 1987.

202.: As the Allied armies prepared to enter Germany in the fall of 1944, Field-Marshal Montgomery issued the following special order: "When we enter Germany, Headquarter

The nature and degree of the threat of the Viet Cong irregular militia was defined by the acts they committed.<sup>203</sup> The J-2 MACV carried the Guerrilla-Militia strength at just over 103,000 in September 1966.<sup>204</sup> That estimated number was responsible for a certain number of casualty-producing incidents in 1966. Therefore, if, as Adams and Hawkins believed, the Guerrilla-Militia force was three times as large, then man-for-man they were one-third as effective a force. If the J-2 MACV had slashed the number in half, then they would be seen as being twice as dangerous. In short, MACV did not need to include the Guerrilla-Militia in the order of battle count in order to understand the nature of the threat that this segment of the Viet Cong sympathizers represented. That does not mean that Sam Adams and Gains Hawkins should not have assessed the threat the Viet Cong irregulars presented or tried to count them.

Of Sam Adams, James Wirtz has written, "he never realized that other organizations which employed dozens of analysts, diverse methodologies, and multiple sources of information could develop legitimate estimates of the Viet

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leaguers, and units and sub-unit areas, will require to be tighter, and special [counter-intelligence] arrangements will have to be made to prevent spies and gestapo agents getting in. Sniping may be a problem, and senior officers must exercise due care when traveling about their areas." He did not suggest that the enemy's order of battle numbers be increased. The quoted order is para. 22, M.525, 21 Army Group, General Operational Situation and Directive, 14 September 1944, Ref. No. PP/MCR/C 30, Reel No. 10, BLM 107/23, Imperial War Museum, London.

203.: According to Adams, in the populated areas—where the Viet Cong Militia were located—over half of the U.S. casualties were caused by mines and booby traps. In the unpopulated areas—like the DMZ, where there were no Militia forces—only about three percent of the casualties were so caused. Adams, Notes, 94. This author suggest that the proof afforded by this statistic is not self-evident. The most authoritative figures are: "Booby traps, mines - Deaths 11% & Wounds 15%; Punji stakes - Deaths none & Wounds 2%." *DA Pamphlet, Vietnam Studies, Medical Support* (1973). These figures are for the period from 1965 to 1970. While there

204.: Linking the guerrilla and the "militia" may lead to confusion. The guerrilla *did* cause casualties, while as a general rule the militia (SD and SSD) did not. Thus, after mid-1967 the single category was separated and only the guerrillas were listed in the military OB tables. Davidson, op. cit.

Cong which were quite different than his own."<sup>205</sup> It is hard to find real support for this alleged error in Adam's analysis. On the question of how many Communist regulars were in the south, MACV and Adams are very close, with Adams being more conservative. However, the accepted J-2 MACV figures for the other three categories had been fixed for two years. Prior to May 1967 those numbers cannot be described as being the legitimate product of an independent, thorough and sifting inquiry. Beginning in 1965 J-2 MACV was concerned about finding, fixing and fighting the Viet Cong main force regulars and the official figures for this category of the enemy force were reasonably accurate. It is clear that the J-2 MACV OB analysts were concentrating on these forces, to the general exclusion of the other three categories. Colonel Hawkins, testified that "his estimates of main force units were far more important to him than estimating the strength of the part-time guerrillas." But that exclusive focus had changed by mid-1967 and the J-2 MACV, in conjunction with the CIA, began to develop a better understanding of the three order of battle categories—the Guerrilla-Militia, the Service Troops and the Political Cadre—that it had inherited along with the South Vietnamese order of battle methodology. Accordingly, it is fit and proper that least by mid-1966 both were looking at a problem that the J-2 MACV had yet to come to grips with.

Were Sam Adams and Gains Hawkins right about their numbers—were there really a total of 500,000 to 600,000 Viet Cong in South Vietnam in mid to late-1967? Probably there were not.

This author believes that the J-2 MACV estimate, as flawed as it surely was in some respects, was a good deal closer to the mark than the numbers Sam Adams and Gains Hawkins believed in.<sup>206</sup> Their solutions to the order of battle

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205: James J. Wirtz, review of *Reckless Disregard*, by Renata Adler, *Intelligence and National Security*, 2 (October 1987): 183.

206: Bruce Palmer writes that "in May 1970 during the Cambodian invasion, the capture of numerous important enemy documents roughly confirmed the validity of the generally higher enemy strength estimates held by the CIA in November 1967." Palmer, *25-Year*

number riddles were truly elegant—one has to credit Adams and Hawkins for doing the basic research—but neither reached the right solution. Renata Adler notes that "there is evidence even in the memoirs of Troung Nhu Tang, a founder of the National Liberation Front and Minister of Justice of the Vietcong, that the President's, the Joint Chiefs' and Westmoreland's estimates of the total enemy troop strength, including irregulars ... were more accurate [than those] of Sam Adams."<sup>207</sup> Adams and Hawkins surely demonstrated an expertise in the art of analysis by *sagacity*; both lacked the *acumen* needed to temper their judgments.

Sagacity relates to the ability to make keen discernments. It is a statistical approach to problem-solving. While there are a number of intelligence predictions that can be made using the sagacity approach, it is—at best—a "bean counter" methodology. The use of base rate statistical analysis may be appropriate when occurrences are repetitive and when the predictions are expected to be in error proportional to the probabilities contained in the base rate. This explains why the J-2 MACV count of Communist regular forces was so accurate.<sup>208</sup> The enemy's main force or maneuver battalions were regular in their establishment or

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*War*, 213 n.4. Phillip Davidson does not agree, saying "no such documents [were captured] ... at the time (1970)." Davidson, op. cit. In a conversation with this author, General Westmoreland made it clear that he never doubted the higher CIA numbers which counted all of the Viet Cong military and civilian infrastructure; however, the General did not believe that the J-2 MACV Order of Battle Summary should count the Viet Cong non-combatants. Westmoreland, Conversation with author, 21 May 1987.

207· Adler. *Reckless Disregard*, 36-37. According to Adams, Adler "doesn't know what she's talking about. Troung's memoirs make no mention whatsoever about VC troop strength, even obliquely. In his forward, he disclaims knowledge of military matters." Adams, Notes, 96. However, this author notes that in an interview published in the Book Review Section of the *New York Times*, Tang obliquely discussed the strength of the VC forces. The author has been unable to find the citation for that interview.

208· "The main reason we had a solid count of Main Forces was that we had frequent contact with them, with the resultant windfall of PW's, defectors and documents." Davidson, op. cit.

TO&E.<sup>209</sup> Thus, if a regularly established enemy division, regiment, battalion, or part of any of them, was known to be in an area, then sagacity analysis would give a reasonably accurate count for the total manpower of the unit, assuming it was up to strength. No such rule of correlation applied to the other categories of Viet Cong forces—the Guerrilla Militia, the Service Troops and the Political Cadre. Originally this author believed that both Sam Adams and Gains Hawkins made their whole case on the false premise that the other categories also had regular TO&E's but Adams says that this was not so as far as his count of the Guerrilla Militia was concerned. Instead, Adams used selected captured enemy documents which contained country-wide counts of the Viet Cong Guerrilla Militia forces.<sup>210</sup> While Adams' approach was not the same as Hawkins, it nonetheless was based on the sagacity approach.<sup>211</sup>

What Adams and Hawkins lacked, and what some officers at J-2 MACV apparently were able to bring to bear on the key questions of whether, and how,

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209: A unit's *establishment* (U.K.) is the same as its *Table of Organization and Equipment*, or *TO&E* (U.S.). For more on *sagacity*, and perceptual bias, see T. L. Cabbage II, "The German Misapprehensions Regarding Overlord Understanding Failure in the Estimative Process," *Strategic and Operational Deception in the Second World War*, Michael I. Handel, ed. (1987: Frank Cass & Co. Ltd, London) p 132.

210: Adams, Notes, 97-97a. Adams admittedly did use the sagacity method to estimate the number of Service Troops. Adams, "Vietnam Cover-up," 65 ("I had estimated that there were about seventy-five service soldiers in each of the VC's districts, explaining I had averaged the numbers in a sample of twenty-eight documents."). His estimates of Political Cadre also appear to have been based on a sagacity approach.

211: By May 1967 Adams had three Viet Cong documents that were the cornerstone to his calculations. All three were captured under different circumstances in widely separated locations. They all said that the total of Viet Cong Guerrillas was about 180,000 in the third quarter of 1966. One was the notebook from an unidentified general; another was the text of a COSVN-level speech; and the third—the one Adams believed to be the most important—was a Viet Cong accounting document which broke down the number of guerrillas by region. Adams cross-checked the regional accounting list with other more localized list which he believed to be accurate. Adams, Notes, 97a. Because he used a small sample of uncertain validity, and compared it with other small samples, this too is a sagacity technique. The technique is not wrong—the product of the method often may be wrong.

to count the Viet Cong's so-called "irregular forces," was that superior mental astuteness called *acumen*. Some of the analysts in Vietnam seemed to have been possessed of the instinct, the imagination, the touch—*Fingerspitzengefühl*, that enabled them to discern correctly that as much of a problem as the irregular forces might appear to be, they were neither armed nor numerous nor capable of being organized efficiently or quickly into anything like a combat-ready unit.<sup>212</sup>

This brings up the final point: What was J-2 MACV to do with the Viet Cong irregular force numbers once they were finalized? As has been seen, the question was whether to add them to the existing "historic" order of battle table—one which by definition presumptively had counted the enemy's full-time "fighters" and the close-support irregulars—or to ignore them. In the end MACV did neither. The non-combatant Guerrilla-Militia and Political Cadre numbers were dealt with in the narrative materials that accompanied the order of battle summary and tables. This was the so-called "compromise solution" or "cave-in" that so angered and was criticized by Adams.

There is always the danger that intelligence officers may be influenced by the policy makers and become, in the end, simply "intelligence waiters" that serve up tasty morsels of intelligence according to the taste and appetite of the policy-making consumers of intelligence.<sup>213</sup> Such was not the case in regard to the J-2

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212: For more on *acumen*, and perceptual bias, see Cubbage, "The German Misapprehensions Regarding Overlord," 47-48.

213: For a sampling of good articles on the role of intelligence vis-à-vis policymaking see: Thomas L. Hughes, "The Fate of Facts in a World of Men: Foreign Policy and Intelligence Making," *Headline Series (Foreign Policy Association) # 233* (December, 1976): 1-60 ("The Butcher, . . . the Baker, . . . the Intelligence Maker."); Richard K. Betts, "Intelligence for Policymaking," III *The Washington Quarterly* (Summer, 1980): 118-29; Richard K. Betts, "Careerism, Intelligence and Misperception," in *Soldiers, States-men and the Cold War Crisis*, Richard K. Betts (Cambridge, MA: Harvard University Press, 1977), 183-208, 270-77; Arthur S. Hulnick, "The Intelligence Producer-Policy Consumer Linkage: A Theoretical Approach," 1 *Intelligence and National Security* (May, 1986): 212-33; Yehoshafat Harkabi, "The Intelligence-Policymaker Tangle," 30 *Jerusalem Quarterly* (Winter, 1984): 125-131; Patrick J. McGarvey, "DIA: Intelligence to Please," in *Readings*,

MACV order of battle figures. Every policymaker in Washington—Johnson, McNamara, Rusk and Wheeler—knew about the numbers and the disagreement between MACV and CIA over how to handle the counting and public reporting of the information—for, after all, the J-2 MACV order of battle numbers were made public and that was part of the problem the policymakers had to deal with. Every policymaker in Washington, and all of the policy-shapers—Rostow, Helms, Carver, Westmoreland, Komer, Sharp, and Davidson—understood the policy implications of an improvident publication of the J-2 MACV numbers. The only people who appear not to have been privy to both the intelligence debate and its full policy implications were McChristian, Hawkins, Adams, Allen and Smith. Everyone, save those five, understood the damage—assuming a misuse by the press—that the improper publication of the revised and updated order of battle intelligence could have on the war effort.

It would appear that McChristian, Hawkins, Adams, Allen and Smith could not be content in the knowledge that they had done their jobs as best they thought they could, and that it was time to let others do their jobs. They had analyzed the raw data and they had drawn their conclusions—then they wanted for J-2 MACV and other to accept and to act on their intelligence product, no matter what the consequence of such action might have been. It did not work that way—it should not work that way. Military intelligence is a product that is designed to assist the policymaker and not to make his task more difficult. It is clear that each of the errant five was mistaken in his understanding of his rôle in relation to the policymakers; Sam Adams compounded that error by going public with his misguided "exposé"

## CONCLUSION

*It is a paradox that in our time of rapid, drastic change, when the future is in our midst, devouring the present before our eyes, we have never been less certain about what is ahead of us. Our need for [greater] predictability is far more urgent than in times past, and we are addicted to forecasters and pollsters. Even when forecasters are wrong we go on asking for them. We watch our experts read their graphs the way the ancients watched the soothsayers read the entrails of a chicken.*

— Eric Hoffer<sup>214</sup>

Sam Adams never admitted that he was wrong—both about his estimates of the Viet Cong strength and about the existence of a conspiracy.<sup>215</sup> When one examines this matter on the whole record it is clear that Adams was wrong on both counts. Adams built his whole case on what was said in certain captured enemy documents, but he refused to accept as true the post-Tet documents and evidence which corroborated the J-2 MACV figures. Adams accepted the theories of Smith and Hawkins that a MACV conspiracy—led by Westmoreland—existed to hide the very numbers that every single relevant policymaker already knew about, and he did it either with or without the knowledge that neither

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214: Hoffer, *Between the Devil and the Dragon*, 302. "There has been a gradual narrowing of the range of predictability during the past five hundred years. In the heyday of Christianity predictability reached the utmost limit—the life beyond. In the idea of progress, which took the place of millennial prognostication, the range of predictability was narrowed to a century or so. With the end of the First World War, predictability shrank further: the craving for security took the place of hope, and people were satisfied if they could foresee the course of a single lifetime. If the shrinking continues, we shall be satisfied if we can predict in the evening the eventualities of the next morning...." *Ibid.*, 302-303.

215 "Initial impressions tend to persist even after the evidence that created them is fully discredited." Richard J. Heuer, Jr., "Cognitive Factors in Deception and Counter-deception," in *Strategic Military Deception*, Donald C. Daniel and Katherine L. Herbig, eds. (New York: Pergamon Press, 1981), 51-51.

Westmoreland nor his J-2 MACV staff controlled all of the intelligence production channels. This author agrees with James Wirtz who noted that "Adams' refusal to recognize that honest differences of opinion could exist in the realm of intelligence analysis led him to an error which is rare among individuals with experience in large governmental organizations. He claimed that the workings of a conspiracy offered a better explanation of the shortcomings of intelligence analysis than human frailty or organizational pathologies."<sup>216</sup>

"If one were to pick the chief trait which characterizes the temper of our time it would be impatience."<sup>217</sup> Sam Adams, a man who otherwise might have had a brilliant career as a CIA analyst seems to have been a victim of that trait. He had produced what he believed was a "definitive study" of the Viet Cong irregular forces and he literally demanded, again and again, that it be accepted and used by all and immediately. He was invested in his product and assumed it had to have special importance. For him to think otherwise would have made him feel that all his hard work had been for naught. With the passage of time, as his predictions became history, Adam's numbers proved to be wrong.

This author, like Renata Adler, in *Reckless Disregard*, must conclude that "Westmoreland led no ... conspiracy. Tet was a public relations catastrophe but not a military defeat; and though the war was lost, the loss could hardly be attributed to a conspiracy or a defeat that never was."<sup>218</sup>

The so-called "documentary" produced and broadcast by CBS News rightly should be branded as contemporary news-fiction.<sup>219</sup> For George Crile and for Mike Wallace, in lasting remembrance of their lackluster part in the Adams

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216· James J. Wirtz, op. cit., 183.

217· Eric Hoffer, *The Temper of Our Time* (New York: Harper and Row, Publishers, 1964), 99.

218· Adler, *Reckless Disregard*, 76.

219· See Palmer, *25-Years War*, 78 ("deliberate manipulation of intelligence is neither a fair nor true judgment").

conspiracy fantasy, an apt epitaph for each should be: "He was on the alert constantly for every signal, shrewdly sensitive to relationships and situations that did not exist."<sup>220</sup>

"In human affairs every solution serves only to sharpen the problem, to show us more clearly what we are up against. There are no final solutions."<sup>221</sup> Some intelligence officers understood that the order of battle debate that Rostow asked Wheeler to initiate, and which Komer, Carver and Westmoreland resolved, led to a better understanding of the problems attendant to defining and categorizing the enemy in a counter-insurgency situation; others seem to have learned nothing. Fortunately for all, in the process, the military intelligence on the Viet Cong military order of battle was not corrupted by policy demands.



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220: This saying is from an anonymous quote on a plaque that hung over this author's desk when he was a current intelligence analyst in the Pentagon. It served to remind that, while it is true that if one seeks, then one shall find, there is no guarantee that what the seeker finds will be true. For more on the impact of *current expectations* on problem analysis, see Cubbage, "The German Misapprehensions Regarding Overlord," 48-51.

221.: Hoffer, *Between the Devil and the Dragon*, 11.

## EPILOGUE

When this author read his paper at the War College conference, Sam Adams was an invited guest, and was present. During the scheduled Q&A period that immediately followed, he asked me three questions that did not directly challenge my statement of facts or conclusions. I have no reason to think that he was not sincere in his beliefs, but, as noted, wrong in his conclusions, especially about General Westmoreland and the integrity of the MACV OB documents.

Samuel A. Adams, age 54, died of a heart attack at this home in Strafford, Vermont.

— Tom Cabbage, September 13, 2015

## APPENDIX I

**Authors Note:** Sadly, the cartoon that should appear has been lost. What it showed were two teams of NVA soldiers, each carrying a short bamboo bridge that they were racing to place over bomb craters along the Ho Chi Minh Trail.

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