

indicates to us a lack of detailed understanding of the various categories making up enemy strength.

In view of the importance of these figures and the apparent misunderstanding of them, I urgently recommend that a team from the Washington Intelligence Agencies concerned with this NIE visit this command as soon as possible to develop a common and valid set of enemy strength statistics.

Amb. Bunker concurs and believes that the visit might be helpful. (JX 776, Westmoreland 8/25/67 cable to Wheeler and Sharp)

When the SNIE representatives reconvened in Saigon in September, the MACV and CIA analysts and their chief representatives—George Carver of CIA and General Phillip Davidson of MACV—remained at loggerheads fundamentally over the presentation of the SD and SSD in the SNIE. Indeed, Carver's and General Davidson's personalities clashed, the debate grew acrimonious, bureaucratic rivalries boiled over and accusations of bad faith erupted, putting one in mind of Browning's monk in "Soliloquy in a Spanish Cloister." (See, e.g., JX 258A, Carver 9/12/67 cable to Helms, ¶¶ 3, 7, 11)

George Carver met privately with General Westmoreland on the morning of September 13, and General Westmoreland promptly solved the problem to Carver's and everyone else's satisfaction, including Ambassador Bunker and CIA Director Helms. In his September 13, 1967 cable, Carver reported to Director Helms that:

Circle now squared, chiefly as result of Westmoreland session Westmoreland most cordial and receptive, said he agreed with most of my observations and could see the clear logic behind both sets of figures, which were really not that far apart. He also saw the rationale behind our irregular quantification paragraph and had no problems with it (JX 259, ¶¶ 1, 4)

What George Carver proposed when he met General Westmoreland, and the General accepted, was that the SNIE 14.3-67 describe the putative role of the SD and SSD in South Vietnam, list earlier estimates of them, note the difficulty of reliably estimating them, and eschew any current estimates.

This the SNIE did:

36. Our current evidence does not enable us to estimate the present size of these groups (self-defense, secret self-defense, the "assault-youth" or other similar VC organizations) with any measure of confidence. Some documents suggest that in early 1966 the aggregate size of the self-defense force was on the order of 150,000. This force and the other groups, however, have

unquestionably suffered substantial attrition since that time, as well as an appreciable decline in quality, because of losses, recruiting of some of their members into the guerrillas or other VC military components and, particularly, the shrinkage in VC control of populated areas. Though in aggregate numbers these groups are still large and constitute a part of the overall communist effort, they are not offensive military forces. Hence, they are not included in the military order of battle total. Nevertheless, some of their members account for a part of the total communist military losses. (JX 273, SNIE 14.3-67, ¶ 36, p. 15)

When agreement was reached in the SNIE on the presentation of the SD, SSD and the political cadre, MACV conformed its OB to the presentation of these categories in the SNIE.

George Carver specifically explained the change in the OB categories in a memo he sent to President Johnson on November 15, 1967, entitled "Potentially Controversial Judgments or Data Holding Changes in 14.3-67," in which he listed and compared the *total* enemy strength by category, using the old MACV OB format and the new one. In describing the guerrilla and other paramilitary elements, Carver notes that the SNIE 14.3-67 contains an increase in the guerrilla component, from approximately 33,333-40,000 to 70,000-90,000. Carver specifically states that "the reader should be thinking in six digits" for the "other" paramilitary forces (like the SD and SSD). (JX 711, p. 3)

The Defense Department published a similar explanation in its widely-circulated Southeast Asia Analysis Report in December 1967.

If we assume that secret self-defense and self-defense forces still constitute two-thirds of the irregular forces, we get an estimate of about 480,000 VC/NVA, or twice the new military OB estimate. Thus the new estimate is 395,000-480,000 on a basis comparable to the old 294,000. The computations do not show that enemy strength has increased, but that previous estimates of enemy strength were too low. (JX 692)

When MACV published its revised OB in October 1967, incorporating the changes agreed upon at the Saigon SNIE Conference, and the SNIE was approved by Washington, the press was briefed. (JX 277, MACV 11/24/67 Briefing) The changes were explained and the story reported. The MACV briefing stated:

Information from the documents captured this year strongly suggests that the guerrilla forces have been considerably larger than we had believed. They probably totalled well over 100,000 a

year ago and some captured VC documents suggest that the early 1966 guerrilla strength was in the 150,000 range. Our recent studies put the probable guerrilla strength today between 70,000 and 90,000. Again, it should be emphasized that these figures are not as firm as the figures for the regular forces.

Whereas the guerrillas are a definite "Military threat," our newest intelligence indicates that the other subdivisions in the old "irregular" total—the self-defense and secret self-defense forces—should not be considered part of the military order of battle.

... The old system, then, attempted to break down the 100,000 to 120,000 irregulars into guerrillas and self-defense/secret self-defense forces. The new tabulation eliminates the broad irregular designation, estimates the number of guerrillas now to be between 70,000 and 90,000—actually a decline over a year ago—and removes from the order of battle the self-defense/secret self-defense estimate. (JX 277, MACV 11/24/67 Briefing)

Reports of this briefing appeared in the *Washington Post* the next day, November 25, 1967, and subsequently in *The New Republic* (December 16) and *The New York Times* (December 20). (JX 476 and 517)

The senior CIA officers, including Sam Adams' superior George Carver, and CIA Director Helms, were satisfied with the results of the SNIE and the revised OB estimates. (JX 260; JX 259; Helms Aff. ¶ 6; Colby Aff. ¶ 14; Walsh Aff. ¶¶ 3, 8) Indeed, Paul Walsh, the head of the CIA branch to which Adams transferred in January of 1968, stated in his affidavit:

The important issue in the S.N.I.E. 14.3-67 was not the size of the enemy force structure but whether the enemy had the capability to withstand the losses it was experiencing and to continue with the war. I believe that the S.N.I.E. 14.3-67 accurately and properly stated that the communists had the capability to support a protracted war of attrition for at least another year." (Walsh Aff. ¶¶ 3, 8)

4. 1967—*The Infiltration Story.*

Having first metamorphosed a well-known and rather scholastic intelligence debate into a Westmoreland-led conspiracy to deceive the U.S. government, CBS had little difficulty in the second part of its Broadcast fabricating a tale that General Westmoreland knew of and suppressed reports of North Vietnamese regular army infiltration of 25,000 a month for the five months prior to the 1968 Tet offensive: "But CBS REPORTS has learned that during the five months preceding the Tet Offensive, Westmoreland's infiltration analysts had actually been reporting not seven or

eight thousand but more than 25,000 North Vietnamese coming down the Ho Chi Minh Trail each month, and that amounted to a near invasion. But those reports of a dramatically increased infiltration were systematically blocked." (JX 1, p. 17)

This story is false. There was no North Vietnamese Army infiltration or any other enemy infiltration of more than 25,000 a month in the months before Tet. John Stewart, a highly regarded analyst in the MACV Current Intelligence Branch, said: "No intelligence on infiltration was suppressed. Nobody familiar with how MACV's intelligence operation worked would make such a charge." (Stewart Aff. ¶ 14) Robert Heon, MACV's chief of Current Intelligence said: "[T]he charge by CBS that there were over 100,000 unreported NVA infiltrators during this time [Fall 1967] is simply irresponsible and patently false." (Heon Aff. ¶ 9) General Chesley Peterson, J2 CINCIPAC, said: "I consider the claim that there were an unreported 100,000 or more NVA troops in South Vietnam at the time of the Tet Offensive simply ridiculous." (Peterson Aff. ¶ 18)

What in fact happened was that beginning in November 1967, MACV learned from information supplied from Washington through "Source X"⁹ of the movement of two to four enemy divisions, totalling at most 40,000 men, from their bases in North Vietnam to border areas around the Demilitarized Zone in the northern part of South Vietnam. (Rostow Aff. ¶ 8)

These enemy divisions threatened Khe Sanh and the two northernmost provinces of South Vietnam in the months beginning in December 1967 and ending in February 1968, in an unsuccessful attempt to divert American armed forces from their bases to the perimeters of South Vietnam. (*Id.*) They were unsuccessful in part because General Westmoreland, anticipating a massive attack by the North Vietnamese in an attempt to reverse a military tide that was running against the Viet Cong, changed the deployments of several units so that he could meet the threat to Khe Sanh without leaving other areas unprotected. (See, e.g., JX 326, *The Vantage Point*, pp. 380-381)

Predictions of this massive enemy attack, which MACV anticipated would begin around the time of Tet, were sent to Washington by MACV

⁹ In late November 1967, the Washington agency, which for reasons of national security the parties have agreed with the U.S. Government to call Source X, began distributing reliable information on the movement of enemy forces from North Vietnam toward South Vietnam. This very highly classified and reliable intelligence was sent *simultaneously* to the White House, the CIA in Langley, and MACV in Saigon.

and CIA analysts in Saigon beginning in December. (JX 384, Westmoreland 12/20/67 cable to Wheeler; JX 420, Hovey Memo) The White House was fully informed of the impending attacks. (Rostow Aff. ¶ 8)

Indeed, Lyndon Johnson warned the Australian Cabinet on December 21, 1967, that "The enemy is building his forces in the South We face dark days ahead" and that he "foresaw the North Vietnamese using Kamikaze tactics in the weeks ahead, committing their troops in a wave of suicide attacks." (JX 326, p. 379) CBS knew this to be true because they had, among other items in their film archives, a CBS interview by Walter Cronkite of Lyndon Johnson which was broadcast on February 6, 1970. In the interview, President Johnson described General Westmoreland's prediction of the Tet offensive in the following words: "We were all ready for Tet. . . . Westmoreland called it." (PTX 2, Benjamin Report, p. 36)

5. 1968 Tet Offensive

Neither General Westmoreland, nor his field commanders, nor anyone else in the military or CIA, believed that the enemy would attempt to attack on the day of Tet in provincial capitals and cities throughout South Vietnam. To do so would have been, and indeed was, suicidal, since it left the enemy in the open, with its forces dispersed and exposed to vastly superior allied firepower. The American military command, not surprisingly, was unwilling to assume that the Viet Cong were suicidal. In his book, *A Soldier Reports*, General Westmoreland quoted his J2, General Davidson on this point:

As General Davidson put it to me later: "Even had I known exactly what was to take place, it was so preposterous that I probably would have been unable to sell it to anybody. Why would the enemy give away his major advantage, which was his ability to be elusive and avoid heavy casualties?" (JX 328, p. 321)

Moreover, no one believed the enemy would attack on Tet itself, because it is the most sacred day in the Vietnamese calendar. (JX 326, *The Vantage Point*, p. 384)

Even so, General Westmoreland anticipated the attack and placed his troops on full alert prior to Tet. (JX 328, *A Soldier Reports*, p. 323)

President Johnson had more than 10,000 additional American troops flown to South Vietnam a few days *before* Christmas 1967, clearly not the actions of a President uninformed about a massive impending enemy attack. (JX 326, p. 371)

The Tet offensive was a military disaster for the Viet Cong. In the first 14 days the Viet Cong suffered 32,000 killed while the Allied forces suffered

about 3,000 casualties. By the end of February, the Viet Cong and North Vietnamese had suffered 45,000 killed, the Americans about 2,300 and the South Vietnamese about 2,400. (JX 642, Report on the War in Vietnam, p. 161; JX 900, South East Asia Statistical Tables 9/19/68)

Every reputable author who has written on Tet has stated that Tet was a massive military defeat for the Viet Cong. *See e.g., Braestrup, Big Story:* "As we have seen, there is fairly broad agreement among historians today that Hanoi suffered a military setback during the 1968 Tet Offensive." (JX 641, p. 119) The fact that Tet was a psychological victory for the enemy in this country did not stem from General Westmoreland's suppression of information on infiltration, or because there was a larger enemy than we had thought, but rather from Lyndon Johnson's admitted failure to adequately warn the American people of the coming attack. (JX 326, *The Vantage Point*, p. 380)

Every serious assessment of the Tet offensive shows that the enemy committed no more than 85,000 troops in the initial urban assaults on January 30 and 31. (*See* JX 13, Graham CBS Interview Tr. 1) The CIA never disputed these numbers in any material way. Indeed, in a March 1, 1968 memorandum, the CIA estimated that 77,000 enemy were involved in the Tet offensive. (JX 898, pp. 3-4) In an earlier memo, dated February 13, 1968, the CIA had estimated 58,000 main and local forces were committed in the attacks on the urban areas and military installations. (JX 716A, p. 4) No substantial new enemy units were discovered at Tet. (Joyce Aff. ¶ 9) In short, the enemy whose presence had been "hidden" by General Westmoreland never appeared.

Moreover, the infiltration report story simply made no sense. Why would a commander suppress reports of troops that were a serious and immediate threat to his soldiers and, indeed, to himself?

The Broadcast also said that General Westmoreland ordered Colonel Daniel Graham to erase a MACV computer's memory in order to "cover up" evidence of a larger enemy that appeared at the Tet offensive. (JX 1, p. 24) However, the people who supposedly participated in this "cover up" say it did not happen. (JX 13, Graham CBS Interview Tr. p. 114; Meacham Aff. ¶¶ 23-25; JX 11, Cooley CBS Interview Tr. 72)

Moreover, the information supposedly erased was at all times in the hands of CINCPAC and DIA—agencies above MACV in the chain of command (Ponder Aff. ¶ 10; Meacham Aff. ¶ 24)—and also existed in a book format that was distributed literally throughout the world. (Ponder Aff. ¶ 10; Meacham Aff. ¶ 24)

B. Comparison of False Broadcast Statements With Actual Vietnam Intelligence Events

1.

BROADCAST:

MACV intelligence discovered evidence of a far larger enemy while General Westmoreland was in Washington in April 1967. (JX 1, pp. 3-6)

FACTS:

MACV distributed to all members of the intelligence community the evidence it developed on the enemy, including translations of captured documents, prisoner of war reports, agents' reports and intelligence from other sources from the very start of its intelligence operation. General McChristian stated:

While I was J2, I made a conscientious effort to keep all higher headquarters (DOD, CIA, DIA, CINCPAC) accurately, timely and adequately informed of all intelligence in which each was interested. All of these headquarters were, from the day I became J2, placed on distribution of all J2 MACV intelligence reports to include translations of captured documents, interrogation reports (PW's, hoi chans), agent reports, intelligence studies, J2 estimates, Order of Battle summaries, and so forth. Much of the intelligence data base at each sector was maintained on card files which were created and used by all intelligence agencies. These files were under control of the CIA. (McChristian Aff. 12/21/83 ¶ 4)

There is no dispute that MACV regularly and routinely distributed all its raw data and intelligence information to the CIA and others. (Carver Dep. Tr. 81, 310; Kovar Dep. Tr. 58-64; Smith Dep. Tr. 122)

On January 21, 1966, MACV published its first collateral OB Summary. (JX 638, *The Role of Military Intelligence* p. 129) An Order of Battle ("OB") is a description of the enemy military force. (Finkelstein Aff., Exhibit A, p. 2) The MACV Order of Battle published by the MACV J2 from 1966 through 1968 was a collateral-source order of battle, *i.e.*, its estimates of enemy strength categories were based on hard evidence such as prisoner of war interrogations, ralliers, uniform identifications, identification

papers, and captured documents. (JX 227, Honolulu Conference Report: Hawkins Dep. Tr. 42-44) The MACV collateral OB's were only one of a number of intelligence reports on enemy strength which included the Daily Intelligence Summary ("DISUM") and the Weekly Intelligence Estimate Update ("WIEU"). (JX 227, Honolulu Conference Report, Annex C) These latter two reports contained intelligence from Source X, which was intelligence of an unimpeachable kind about the enemy. (Heon Aff. ¶¶ 2-3)

The DISUM's and WIEU's provided the best intelligence by far of current enemy strengths and intentions. The MACV Order of Battle Summaries were much more in the nature of a historical record of enemy strength for the months prior to the publication of an Order of Battle Summary. (Heon Aff. ¶ 4; Joyce Aff. ¶ 5) Therefore, people who needed current intelligence on enemy strength tended to rely very heavily on the DISUM's and WIEU's rather than on the OB Summaries. (*Id.*)

MACV inherited its earliest estimates of the enemy from the South Vietnamese army. (McChristian Aff. 4/20/84 ¶ 11) These included, aside from regular troops: an estimate for irregulars—guerrillas, SD & SSD—of 103,573 and an estimate for political cadre of 39,175.

Aside from increasing irregulars—guerrillas, SD and SSD—to 112,760 in May, General McChristian's intelligence operation made no meaningful changes in the irregulars and political cadre categories in 1966. But estimates of regular troops rose to 79,490 in March 1966 and to 101,335 in June of 1966. (*Compare* JX 198A, Extract from March 1966 MACV OB Summary *with* 198D, Extract from June 1966 MACV OB Summary)

By the summer of 1966, CIA believed that estimates for irregulars—guerrillas, SD and SSD—in Vietnam were probably too low. (JX 311, Pike Committee Testimony of William Colby, pp. 1684-85) In the summer of 1966, George Allen, deputy to George Carver, the Special Assistant to the Director of Central Intelligence for Vietnamese Affairs, suggested to Sam Adams that the enemy "insurgency base" was larger than the estimate reflected in MACV's Order of Battle. (JX 340, Adams' *Harper's* article, p. 43) Adams began a review of translations of captured enemy documents received from MACV. He discovered one document, Bulletin 689, which put the number of irregulars in Binh Dinh province at 50,000. The estimate in MACV's OB was 4,500. (JX 340, p. 43; Allen Aff. ¶ 15) Adams reported his findings of a larger number of irregulars to Allen. (Allen Aff. ¶ 15)

After spending one year developing intelligence on the more important regular forces, in late 1966, General McChristian directed his analysts to start studying irregulars—guerrillas, SD and SSD—and the political cadre, also known as the Viet Cong Infrastructure (“VCI”). (McChristian Aff. 4/20/84 ¶ 25; Allen Aff. ¶ 13)

a. 1966—*The intelligence community produces higher estimates.*

(1) *CIA’s estimates.*

The CIA in Langley, Virginia, began reviewing the irregular categories in the MACV Order of Battle, using MACV’s data and intelligence, in the summer of 1966. At the same time, the CIA began informing others of its belief that the published MACV figures were probably too low.

On August 18, 1966, CIA analyst Bobby Layton sent a memorandum to Abbott Smith, a member of the Board of National Estimates, stating that a recently captured Viet Cong document (captured, translated, and sent to Layton by MACV and ARVN) provided support for the argument that the figures for irregulars in the MACV Order of Battle Summary were too low. (JX 216; *See also* Layton Aff. 3/26/84 ¶ 3)

On August 26, 1966, CIA published and sent to Secretary of Defense Robert McNamara a memorandum entitled “The Vietnamese Communists’ Will to Persist.” (JX 217) This report noted that documentary evidence which MACV had routinely distributed to the CIA suggested that General McChristian’s numerical estimate of irregulars may require “drastic upward revision.” (JX 217, p. 3)

On September 28, 1966, George A. Carver, Jr., Special Assistant to the Director of Central Intelligence for Vietnamese Affairs (SAVA), sent a memorandum to Lt. Col. Robert M. Montague (Military Assistant to Special Assistant to the President Robert Komer), attaching a CIA study which said the estimate for irregulars “may be extremely low”:

1. Per your telephone request I am sending you the attached draft working paper which analyzes our strength holdings on Viet Cong irregulars. As you will see, this paper reviews evidence which suggests that our currently accepted figure of 100,000 to 120,000 may be extremely low. It was the evidence reviewed in this paper which prompted the cautionary footnotes on the Viet Cong strength in our memorandum of 26 August on “The Vietnamese Communists’ Will to Persist.”

2. Please understand that the attached paper is a working draft, a study of fragmentary evidence pointing in one interesting direction. It is *not* a finished product nor does it represent a firm CIA position. This working paper was passed to DIA and taken to Saigon by Mr. Fowler of DIA for discussion with appropriate elements of COMUSMACV. Mr. Fowler, who has just returned, advises that MACV's comments on Viet Cong irregular strength will be received in Washington by 1 November. MACV is presently engaged in a major review of its Communist order of battle holdings and its position on Viet Cong irregulars will constitute part of that review. (JX 559)

The referenced working draft was prepared by Sam Adams on September 8, 1966. (JX 418) Adams' draft working paper stated that:

[O]ur long-used estimate of the numerical strength of the Viet Cong irregular forces should be at least doubled from the present figure of 100,000-120,000. The low-level militia, who are often trained sketchily and at best poorly armed, probably constitute the largest part of the irregular strength. (JX 418, p. 1)

Adams' draft concluded that irregular strength was probably greater:

9. It would appear from the foregoing analysis that Viet Cong irregular strength, should be carried at 250,000. It may, in fact, be even higher.

10. It also appears that the relative numbers of guerrillas, militia and secret guerrillas [*sic*] have been misestimated by the U.S. intelligence community. The MACV OB, for example estimates the ratio of guerrillas to militia to secret guerrilla (or "Secret Self Defense") is approximately 1:1:1. Extrapolations of irregular strength figures from captured documents suggest the ratio is about 20:60:1. If this ratio is applied to a preliminary over-all estimate of 250,000 irregulars then there would be about 60,000 *guerrillas*, 180,000 militiamen, and a few thousand secret guerrillas. (JX 418) (emphasis added) ¹⁰

The CIA sent its estimates to other government departments as well. Thus, a November 9, 1966 State Department Research Memorandum to the Secretary of State observed:

MACV order of battle has carried this force at an estimated 120,000 for some years. There is considerable evidence, however, based in part on captured documents, that the size of this

¹⁰ Note that MACV's guerrilla estimate in May 1967 was 60,750 (JX 893, McChristian Report, p. 9) and its August 1967 estimate was 65,200. (JX 248, MACV Vu-Graph Slides for the August SNIE Conference)

Communist base is greatly underestimated. A detailed CIA analysis recently concluded that the Communist irregular force may well number 200,000-300,000. (JX 870, p. 3)

(2) 1966—MACV Begins Studying the Irregulars and Political Cadre Categories.

In the Fall of 1966, analysts from the Combined Intelligence Center Vietnam (CICV) began their review of the long-standing estimates of irregulars—guerrillas, SD and SSD—and political cadre. (McChristian Aff. 3/3/83 ¶ 12; McChristian Aff. 4/20/84 ¶ 25)

On November 9, 1966, the CIA's Saigon Station cabled Director Helms that MACV's study of irregulars was underway and that its conclusion was likely to be that the irregulars figure in the Order of Battle Summary was probably too low. The cable stated, however, that General McChristian was giving the study low priority:

[A]ll reports submitted by sectors would be collated, evaluated and analyzed by CICV prior to release as new estimate in CICV study form. Due other quote more pressing unquote studies, irregulars have been placed on back burner. Official interim results probably to be announced late December or early January with complete study out 1st of February. (JX 906, p. 2)

General McChristian's analysts also apparently devoted some resources to studying the political cadre or VCI. CICV analysts came up with a total of 90-120,000 political cadre in late 1966, and they apparently presented General McChristian with that estimate at an "acceptance briefing." (JX 916, Adams' Political Order of Battle Chron.) General McChristian did not accept the figures which were briefed to him and had the analysts continue their study. General McChristian was not prepared to brief General Westmoreland on his revised guerrillas, SD, SSD and political cadre estimates until May 1967. (JX 916, Adams' Political Order of Battle Chron.)

On December 20, 1966, "in answer to a request from Komer's office," the CIA Saigon Station sent a cable to the CIA Director regarding MACV's interim estimate:

Total number of VC irregulars is 139,297. If MACV estimates (30 November 1966 Order of Battle) for missing provinces are added on, total VC irregular force figure will be about 144,082, as opposed to current MACV estimate of 112,760." (JX 701)

Beginning in the late Fall or very early Winter of 1966-67, MACV began briefing visiting Washington officials on the higher interim estimates. MACV did this even though General McChristian had not accepted the higher figures. (JX 916, Adams' Political Order of Battle Chron.)

(3) 1967—MACV Continues Its Study.

On January 16, 1967, General McChristian sent a cable on behalf of General Westmoreland to MACV's superior commands, including the Joint Chiefs of Staff and the Secretary of Defense. The cable stated with respect to "estimated strength of militia forces," that "current studies indicated the present reported strengths are low, and a revised estimate probably will be in the range of 130-160,000." With respect to:

political cadre i.e. the leadership of the insurgency base, the current reported political cadre strength figures are based on a study initiated by the JGS [the Joint General Staff of the South Vietnamese military forces] in July 1965. There are now indications that the estimate is low. (JX 897, MACV J2 1/16/67 cable)

Thus, as of early 1967, the intelligence community as well as the Administration knew that MACV's irregulars and political cadre estimates in its OB Summary were undergoing revision, reflected only a transitional estimate of enemy strength, and were probably too low. Communications on this point went to or from the CIA, Defense Intelligence Agency (DIA), the JCS directly, the Secretary of State and Presidential Advisor General Maxwell D. Taylor. (JX 47, Adams' Order of Battle Chron.; JX 897, MACV J2 1/16/67 cable; JX 216, Layton 8/18/66 memo to Smith; JX 221, Carver 11/22/66 memo to Komer)

b. *The February 1967 Honolulu Conference.*

There were numerous reports of higher enemy strength estimates by early January 1967, and the White House became concerned about the flood of conflicting figures. Walt W. Rostow, the President's Special Assistant for National Security Affairs, heard concerns expressed by, among others, "members of Congress." Rostow thereupon contacted General Earle Wheeler, chairman of the JCS, who cabled Admiral Sharp, CINCPAC, and General Westmoreland:

I am becoming increasingly concerned over the contradictory order of battle (OB) and infiltration statistics which are contained in the numerous documents currently being circulated throughout Washington. Recently, there have been specific inquiries by

members of Congress, White House Representatives and others calling attention to these discrepancies. (JX 669, Wheeler 1/20/67 cable to Sharp and Westmoreland)

At General Wheeler's direction, a conference was held in Honolulu in early February 1967, with representatives of CIA, NSA, DIA, the State Department, MACV and others. (JX 227, Honolulu Conference Report) General Wheeler stated that the purpose of the conference was to "insure the use of standardized methods for developing and presenting statistics on order of battle and infiltration trends." (JX 669, Wheeler 1/20/67 cable)

At this conference, MACV, represented by General McChristian, presented interim studies of enemy strength for the categories of irregulars (guerrillas, SD and SSD) and political cadre. Adams says that at the conference MACV said its studies "indicated that there were 198,000 Viet Cong irregulars" and "that the Viet Cong political infrastructure had some 90,000 members." (JX 269, Adams 11/9/67 Memo for the Record)

The conference issued a final report which said:

[O]rder of battle figures for the strength of administrative service units, irregulars, and political order of battle are at present incomplete. It is noted that efforts to develop a better data base probably will involve major book increases in the numbers listed under the above three categories. Means are being considered by MACV to reflect these figures in the order of battle in a manner which will help prevent consumers of intelligence from viewing the increases as indicative of a sudden growth in the enemy force structure. Consumers should view such changes as an increase of our knowledge of enemy strength already in being. (JX 227, Honolulu Conference Report, p. 8) (emphasis added)

At the conference, General McChristian also insisted that MACV's methods and criteria for reporting enemy order of battle be accepted and followed by the intelligence community. (JX 591, Adams' manuscript, Ch. 4, pp. 34965-6) General McChristian wrote later in his monograph, *The Role of Military Intelligence*, that the criteria and methods were "readily accepted by all the conferees" in Honolulu. (JX 638, p. 128) The conference also accepted General McChristian's Order of Battle manual. (*Id.*)

The February 1967 Honolulu Conference resulted in several important decisions regarding order of battle, some of which are discussed in more detail below. The acceptance by the conferees of the McChristian Order of

Battle methodology meant acceptance of a MACV Order of Battle Summary which relied only on collateral sources, such as captured documents and prisoner of war interrogation reports, and required "hard" documentation before new units could be listed. The MACV Order of Battle Summary would not use Source X intelligence, i.e., highly classified unimpeachable intelligence collected by and disseminated to the intelligence community by an agency in Washington, D.C. Also, the Order of Battle was to be a South Vietnam OB; that is, only those enemy units physically in South Vietnam would be listed in the OB Summary. Enemy in North Vietnam, Laos and Cambodia would be listed elsewhere. (JX 227, pp. 6, 8)

Infiltration estimates likewise would be based solely on collateral sources. The Conference Report recognized that:

In many instances maneuver and combat support units are accepted into the order of battle several months after they are activated or enter the country. This is due to the strict acceptance criteria which demand highly credible evidence before a unit is entered into the order of battle. (JX 227, p. 8)

The conferees understood and accepted the fact that "it generally takes from three to six months before infiltration for any given month can be ascertained with an acceptable degree of accuracy." (JX 227, p. 15) The Conference Report also noted that "the changing character of the data base and the possible variation in the stabilization period make a statistical analysis of infiltration trends a misleading proposition" and that "average infiltration cannot be used to project infiltration trends." (JX 227, p. 3)

The conference also agreed:

The ratio of wounded in action to killed in action was 1.5 to 1, and the number of persons who died of wounds or were permanently disabled was a figure equal to 35% of the figure for those killed in action. In other words, under typical combat conditions in Vietnam, for every 100 enemy killed, an estimated 150 would be wounded; of those 150, 35 would die of their wounds or be permanently disabled. (JX 227, p. 5)

-A listing of a new category of enemy support elements, called administrative services, would "be included in the MACV Monthly order of battle, and that such units [would] be subject to the same acceptance criteria that apply for current units." (JX 227, p. 11)

-Changes in the order of battle should be coordinated with other intelligence agencies prior to acceptance and release to the public. (JX 227, p. 29)

c. 1967—Post-Honolulu Conference Estimates.

Between the February Honolulu Conference and the time General Westmoreland left Saigon for Washington in late April 1967, there were many communications from MACV on the subject of its anticipated guerrilla, SD, SD and political cadre estimates. A partial list of these communications includes:

1. A conference at Guam was convened on or about March 20, 1967, attended by President Johnson, Secretary McNamara, Ambassador Bunker, Ambassador Komer, General Wheeler and General Westmoreland, among others. MACV prepared for this conference "Fact Book 11," which stated that:

We have carried the irregular and political forces at 171,000 (sic). This estimate is currently undergoing review and the resulting figures will be considerably higher than those we have been carrying. This retroactive recomputation based upon more intelligence will reflect strengths which have existed rather than strengths resulting from recent increases. (JX 652)

2. On March 23, 1967, based on a memorandum that General McChristian gave the CIA Saigon Station a few days earlier, the CIA Saigon Station cabled the CIA Director as follows:

Thorough review all information available concerning VC irregulars recently completed.... Revised estimates for irregulars strength approximately 198,000. This estimate may be slightly conservative but is best documented estimate available.

* * *

Political cadre numbers still under review but unofficial preliminary estimate is about 90,000. Will advise when estimate firms up. (JX 575)

MACV's estimate of approximately 198,000 irregulars was undoubtedly the product of its March 24, 1967 RITZ study, which was an analysis of reports by American advisors in the field and translations of captured documents from each province and sector of Vietnam. That study gave a total figure for irregulars of 197,754. (JX 662)

3. Sometime between March 15 and April 4, 1967, DIA and the Joint Chiefs of Staff sent a team to visit MACV and CINCPAC to answer questions "relating to enemy order of battle in South Vietnam and evaluate procedures being employed by J2 MACV." (JX 767) Part of that team was Col. (then Major) John Barrie Williams, whom defendants interviewed

before the Broadcast. Williams and his colleagues interviewed General McChristian and Col. Hawkins in Saigon. On April 10, 1967, DIA completed its report, which stated:

Initial attempts by MACV to determine the strength of irregulars resulted in an estimated figure of 197,000 . . . This study has not been approved by MACV and has been returned to each respective Corps and sector for review and substantiation of the estimates. The subject was also to be addressed in a conference held at MACV April 5-8 1967 with both US and ARVN personnel in attendance. (JX 767, Tab C)

* * *

MACV's draft study on enemy political order of battle, along with supporting documentation, was reviewed by the DIA Team. Although it is felt that a definite increase in the infrastructure total of 40,000 presently being carried is warranted, the draft study seemed to be based on tenuous methodology and did not validly substantiate the strength of approximately 88,000 indicated therein. (JX 767, Tab D) (See Plate 1)

Two weeks later, General Westmoreland left for Washington, where he briefed the President.

2.

BROADCAST:

When General Westmoreland briefed the President in late April 1967 he gave mostly good news—that the Viet Cong army had leveled off at 285,000 men and the cross-over point had been reached. (JX 1, p. 6)

FACTS:

In April 1967, President Johnson directed General Westmoreland to travel to Washington to meet with him and address a joint session of Congress.

There were two meetings with the President on April 27, 1967. In his book, *A Soldier Reports*, General Westmoreland described these meetings, which were also attended by Secretaries McNamara and Rusk, Deputy Secretary of Defense Vance, Undersecretary of State Katzenbach, JCS Chairman Wheeler and Special Assistant for National Security Affairs Rostow. President Johnson also described these meetings in his autobiog-

raphy, *The Vantage Point*. Rostow described them for Wallace in his interview prior to the Broadcast.

During the three-hour interview of Rostow, none of which was shown in the Broadcast, Wallace asked him about the April 1967 meetings and the cross-over point:

WALLACE: In April '67 . . . the crossover point is reached. We're destroying more of them than they can put in. In November of 1967, the enemy is running out of men.

ROSTOW: *No you're . . . you haven't got it right. April '67 was different. I was there. It was, we have made slow progress. We're now in a position to move forward decisively if I can have an extra two hundred thousand men. Otherwise, I cannot guarantee when the end of the war will come, but we can manage slow attrition. Now, that's a very different picture than the one you've drawn. (JX 14, Rostow CBS Interview Tr. 89) (emphasis added)*

This recollection is confirmed both by General Westmoreland's 1976 autobiography and President Johnson's 1971 autobiography. Westmoreland's *A Soldier Reports* reads:

As the discussion neared a close, Secretary McNamara wrung from me an estimate of how long it would take "to wind down our involvement" under each of my two plans. Assuming that the air war against North Vietnam and in the Laotian panhandle would continue, I said finally: "With the optimum force, about three years; with the minimum force, at least five." (JX 328, pp. 227-28)

President Johnson's autobiography, *The Vantage Point*, contains a similar account of the meetings:

Even though the North Vietnamese and the Viet Cong followers were suffering one defeat after another, they showed no evidence they were ready to pull back. I discussed this with General Westmoreland in the spring of 1967. *I asked him whether total enemy forces had been reduced as a result of the heavy losses they were suffering. "No, sir, not yet," he answered. He pointed out that heavy infiltration and continuing recruitment in the South were making up for battle casualties, but he was hopeful that the "crossover point"—when losses exceeded their ability to replace those losses—might be reached reasonably soon. He was not making optimistic predictions, however. (JX 326, pp. 258-59) (emphasis added)*

Thus, all three of the key participants at these White House meetings—Westmoreland, Rostow and the President—state that General West-

moreland did not say that we were killing more of the enemy than they were replacing (*i.e.*, that we had reached a cross-over point). (*See also* Rusk Dep. Tr. 108)

3.

BROADCAST

General McChristian and Colonel Hawkins confronted General Westmoreland with the bad news of a far larger enemy at a single private briefing when he returned from Washington. General Westmoreland suppressed this report and directed Colonel Hawkins to cut his estimates. (JX 1, pp. 4-6)

FACTS:

a. *There were four meetings in May and June 1967.*

It is undisputed that there were four meetings with General Westmoreland in May and June 1967 regarding the revised VC irregulars and political cadre estimates. They all were part of a process of review and consideration of the MACV collateral Order of Battle that had been going on for over a year, and continued into September 1967.

In mid-May, General McChristian came into General Westmoreland's office late in the evening with a cable containing his revised estimates for irregulars (guerrillas, SD and SSD) and political cadre. General McChristian did not need General Westmoreland's authorization to send the cable and could have sent it without mentioning it to General Westmoreland. (McChristian Aff. 12/21/83 ¶ 6)

Only the two generals were in the room. This was apparently the first time General Westmoreland had been told of the revised estimates by his J2 and he wanted more information. General Westmoreland had not been briefed on the irregulars studies, had not focused on the SD and SSD and, therefore, was somewhat skeptical of the McChristian Report. (Westmoreland Dep. Tr. 395) He noted the SD and SSD were poorly armed, if at all, untrained, and composed of old men, women, and children. (*Cf.* JX 693, McChristian Report) Therefore, he did not send the cable and requested a briefing on the Report. (McChristian Aff. 12/21/83 ¶ 6-8; Westmoreland Dep. Tr. 92-101)

The second meeting at which the revised estimates were discussed was the next CIIC meeting, a weekly conference of General Westmoreland and his senior staff members, including his Chief of Staff, Assistant Chiefs of Staff and his Deputies—Ambassador Komer, Civilian Deputy for Civilian Operations and Rural Development Support (CORDS) and General Abrams. General McChristian was ordered to prepare a full briefing. (JX 670, Hendry Memo) General Hendry fixed the date of this meeting as May 20, 1967, although it was almost certainly May 19. (JX 670, Hendry Memo., Plate 3)

At the third meeting, on May 28, 1967, Col. Hawkins briefed General Westmoreland. This was another Commanders' regular weekly meeting. Not only were the senior military staff in attendance, but General Westmoreland's civilian science advisor, William McMillan, was also there, as the minutes of the meeting confirm. (JX 670, Hendry Memo.) Col. Hawkins remembers General McChristian being present. (Hawkin's Dep. Tr. 136, 425)

Adams has said Col. Hawkins told him that General Westmoreland, who was hearing the higher estimates for the third time in two weeks, was shocked by his briefing, and exclaimed "What am I going to tell the press? What am I going to tell the Congress? What am I going to tell the President?" (JX 105A, Adams' notes on Hawkins, pp. 27893-94) According to another version by Adams, General Westmoreland supposedly turned to General McChristian and said, "General, I want you to take another look at those numbers." (JX 311A, Pike Committee Testimony of Sam Adams, p. 705) But General McChristian says he does not remember being at the meeting. (Hawkins Dep. Tr. 182) Adams now is not sure if General McChristian was ever there. (Adams Dep. Tr. 49)

When he testified at his deposition, Col. Hawkins said that General Westmoreland never asked "What am I going to tell the President?" (Hawkins Dep Tr. 136) At his taped CBS interview, Col. Hawkins was unsure of what was said. (JX 9, Hawkins CBS Interview Tr. 13) Adams stated to the Pike Committee that Hawkins had told him some version of the story in 1968, but, he confessed, "This is totally hearsay and I am not sure I have the story right." (JX 311A, p. 714) General Westmoreland recalls telling Col. Hawkins he wanted a review of the OB categories in light of the capabilities of the various elements. (Westmoreland Dep. Tr. 1620)

Col. Edward Caton, who was in charge of Current Intelligence at MACV J2 at this time, was at the May 28, 1967 meeting and does not recall

General Westmoreland's alleged reaction, but "would remember it if it had occurred since it would be a unique and uncharacteristic reaction on General Westmoreland's part." (Caton Aff. ¶ 16)

There was a fourth meeting on June 14, 1967, at which Col. Hawkins gave another briefing. It is not clear whether General Westmoreland was there. Col. Hawkins says he was, but that General Westmoreland did not say anything; General Westmoreland has no recollection of the meeting. (JX 213M, Hawkins 6/14/67 letter; JX 9, Hawkins CBS Interview Tr. 17; Westmoreland Dep. Tr. 695-96)

Ambassador Robert Komer, General Westmoreland's Civilian Deputy for CORDS, who reported to Ambassador Bunker as well as to General Westmoreland and, at times, Special Assistant to the President for National Security Affairs Rostow, was present. Ambassador Komer reacted to the briefing by telling Col. Hawkins the briefing was "Byzantine." (JX 9, Hawkins CBS Interview Tr. 19; Komer Aff. ¶ 5)

b. *There was no suppression.*

Defendants charged: "Westmoreland suppressed his intelligence chief's report." (JX 1, p. 6)

On May 18, 1967, the CICV staff produced a revised study of irregulars—guerrillas, SD and SSD—for General McChristian. The government produced the McChristian Report pursuant to one of plaintiff's Freedom of Information Act requests. It was found in the CORDS files addressed to Ambassador Komer under a cover letter signed by General McChristian on May 21, 1967. (*See* Plates 2A-D) There were three pages of comments on the McChristian Report attached to it which plaintiff believes were made by the CIA.

The purpose of the McChristian Report was: "[t]o present the revised US-JGS RVNAF estimate of the strength of VC irregular forces in South Vietnam." (JX 893, McChristian Report, p. 1)

The McChristian Report outlined the considerable effort that had gone into its preparation, including the heavy reliance on senior intelligence advisors in the field. The discussion section states:

Corps representatives agreed unanimously that the guerrillas (*Du Kich*) are the one category of VC Irregulars which represent a real military threat. The *Du Kich* normally are well armed and are committed as a unit. They conduct offensive operations and assist in defending VC controlled areas.

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DATE: 6/22/84

AMBASSADOR KOIMIER

ESTIMATE OF VC

IRREGULAR STRENGTH

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UNITED STATES MILITARY ASSISTANCE COMMAND, VIETNAM
OFFICE OF THE ASSISTANT CHIEF OF STAFF, INTELLIGENCE

DATE: 21 MAY 1967
SUBJECT: Strength of VC Irregular Forces

TO: MR. ROBERT W. BORN
AUSAID
ACTY 1, 139 MYSTRE STREET
SAIGON, RVN

Attached is the revised MACV estimate of the strength of Viet Cong Irregular Forces as you requested. This study is for your information only, since the figures contained therein have not been released outside of this headquarters. A limitation has been indicated by COMUSMACV to revise this new estimate as well as the Infrastructure Study.

J. A. McClinton
J. A. McClinton
Major General, USA
MACV, 72

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ANNEX A THE STRENGTH OF VIET CONG IRREGULAR FORCES

This study presents the revised MACV estimate of the strength of VC Irregular forces in SVN. The figures shown are the results of an intensified and coordinated intelligence collection program directed at VC Irregulars.

The primary means of implementing this collection program has been through Intelligence Collection Program RITZ. Under RITZ the focal point of collection is at the GVN province level.

Thus, the RITZ estimates from the various provinces are based on the most current information available to the U.S. Sector Advisors and represent what they believe to be the strength of Irregular Forces within their provinces. While these reports are the primary basis of the revised MACV estimate, they have not been accepted automatically in all cases. For example, in some provinces captured VC documents are available which give a good picture of Irregular strength in that province. Frequently when this is the case the actual VC figures are used.

VC IRREGULAR FORCES STRENGTH IN SVN

Former MACV Strength Figures

CTZ	Guerrillas	SD Forces	SSD Forces	Corps Totals
I	UNK	UNK	UNK	27,450
II	UNK	UNK	UNK	16,895
III	6,000	6,475	5,175	17,650
IV	16,990	10,530	23,245	50,765
SVN Totals	UNK	UNK	UNK	112,760

Revised MACV Strength Figures

CTZ	Guerrillas	SD Forces	SSD Forces	Corps Totals
I	17,150	48,000	9,600	74,750
II	16,450	26,450	5,750	48,650
III	8,550	5,550	2,900	17,000
IV	18,600	21,150	5,150	44,900
SVN Totals	60,750	101,150	23,400	185,300

(The report under McChristian's cover letter reads, in part, as follows:)

18 May 1967

USMACV-JGS RVNAF Estimate of the Strength
of Viet Cong Irregular Forces in SVN

1. **Purpose:** To present the revised US-JGS RVNAF estimate of the strength of VC irregular forces in South Vietnam.

* * * * *

3. **Discussion:**

* * * * *

d. These new recommended figures are presented in the study on irregular strength at Annex A. This study is the final version of the original draft study published on 24 March 1967.

* * * * *

f. Corps representatives agreed unanimously that the guerrillas (*Du Kich*) are the one category of VC Irregulars which represent a real military threat. The *Du Kich* normally are well armed and are committed as a unit. They conduct offensive operations and assist in defending VC controlled areas.

g. The self defense and secret self defense forces (*Tu Ve* and *Tu Ve Bi Mat*), on the other hand, are predominantly concerned with village and hamlet defense. They are poorly armed and consist of both the old and very young members (many of them women) of the village or hamlet. US and ARVN tactical unit commanders and intelligence personnel do not consider them an effective fighting force. They are included in MACV Order of Battle in order to present a complete picture of enemy strength, but with the notation that as a combat force they are only marginally effective.

h. The estimate of guerrilla strength is considered accurate. US and ARVN forces are frequently in contact with guerrilla elements, and US and ARVN intelligence personnel at the sector and subsector levels, have access to valid information on their strength, disposition and leading personalities. Files have been maintained on these guerrilla units, and collection efforts have been targeted at them. This is not the case with self defense and secret self defense forces, and strength estimates on these forces are not as accurate as the estimates on guerrilla strength.

4. **Conclusions:**

a. The strength estimate for guerrillas is valid, and these forces are the only category of VC Irregulars which constitute a real military threat in SVN.

b. The strength estimate for self defense and secret self defense forces is not as well supported as the guerrilla strength estimate, and these forces do not constitute an aggressive enemy threat within SVN.

* * * * *

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MACV J-2 "Estimate of VC Irregular Strength" -- Comments

Conclusions:

The attached MACV J-2 draft "Estimate of VC Irregular Strength" is the most comprehensive effort to date to develop meaningful figures on the subject that we have seen to date. The methodology is about as good as can be practically developed, and the conclusions seem reasonable. We note that DIA and CINCPAC tend toward lower figures while at CIA the Special Assistant for Vietnam Affairs and OCI believe the total irregular force may be as much as 200,000 -- nearly 15,000 higher than the MACV estimate.

We believe the scattered and sometimes conflicting nature of the available evidence calls for more caveats than the MACV paper contains. For example, the paper states that "the estimate of guerrilla strength is considered accurate."

As would be noted, the data base for the guerrillas is more available and more accurate than that for the self defense forces. In fact, the data base for the self defense forces is so limited that we must regard the figures for these forces to have a probability of error of +50% and -100%.

In any case we would urge that the guerrillas and self defense forces never be lumped together as a single figure for "irregulars" because of the big difference in validity of the two figures.

Commentary

The MACV J-2 "Estimate of VC Irregular Strength" is the most comprehensive and coordinated effort to date to accumulate meaningful statistics on a frequently shadowy subject. It is obvious that much time and effort has gone into the study, and it is also apparent that a vigorous effort has been made to develop a realistic consensus, based on the commentary of a variety of observers and sources.

The methodology is generally sound. The systematic collection, analysis, and review of statistics from as many intelligence sources as is available in any one province is an ambitious effort which has produced what is probably the best province-by-province estimate which could be produced at this time. Those responsible can take great pride in their labors.

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It is necessary, however, to dissent from the occasional implications of certainty which appear in the paper, e.g., in paragraph 3h7 "the estimate of guerrilla strength is considered accurate...based on access to valid information on their strength, disposition..." Although the figure is the product of the best estimates of several officers at each province, viewed and collated by ARVN and MACV analysts in Saigon, it is still an estimate, subject, as the study itself says, to the same "fallacies as all estimates, especially estimates made by top echelon on information supplied by lower echelons." The data base, available in the provinces, is still fragmentary. Sector advisors in I Corps qualified their estimates by citing a plus or minus margin of error ranging from 10 to 30 percent. Although percentages of error were not noted in other Corps areas, the S-2 in Vinh Binh Province is quoted as stating, "This estimate is believed to be below the actual figure for the province. However, our information will not support a higher estimate at this time." The implication is strong that information is not always complete, and that estimates, at times, are on the low side.

There is within the data base a difference in validity of information. Information on guerrillas is more available and more accurate than that for the self defense forces. In fact, the data base for the self defense forces is so limited that we must regard the figures for these forces to have a probability of error of +50% and -100%.

Whatever the approach to the statistics of irregulars, we would suggest that, because of the large difference in validity, the totals for guerrilla forces and for self defense and secret self defense forces never be lumped together as a single figure. In addition, we would suggest that figures for guerrillas be rounded off to the nearest 100 and figures for the self defense and secret self defense be rounded off to the nearest 1000.

Through the study, the criteria for acceptance and non-acceptance of captured document information raise the major question on methodology. Strength figures for five provinces (Phuoc Long, Kien Phong, Binh Duong, Tay Ninh and Phong Binh) and Military Region IV are based primarily on captured documents.

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In addition, the strength figures for Phu Yen and for Ninh Thuan are cited as being supported by captured documents. Of these captured documents, some are relatively recent, some are a year or more old. In Binh Dinh Province several captured documents give higher strength figures than the RITZ estimates, yet the captured documents are not accepted because they are old and do not reflect extensive Allied military and pacification activity which has subsequently taken place. Yet, in Binh Duong, where friendly forces have also made military and pacification gains, the old captured document figure is accepted, with the proviso that it may be downgraded at a later date.

There is an inconsistency in weighing of capture document data which leads the authors of the study into a major problem: how to face up to the several high-level, captured documents which cite a guerrilla strength of 170,351 to 180,000 at the beginning of 1966. The authors resolve the problem by citing the evidence and then dismissing it as being outdated and probably padded. There is, however, one important factor they failed to consider in their argument. As they state the figures of 170,351 guerrillas (from one document) and 180,000 (from two documents) are dated, may have been padded then, and are subject to downgrading to account for KIAs, MIAs, deserters and those guerrillas upgraded to the main forces. At the same time, it seems likely that the guerrilla force was replenished to a large extent by upgrading self defense forces. Even allowing for a reduction of the 170,351-180,000 figure to a more realistic estimate, the MACV guerrilla strength figure of 60,750 seems low.

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MACV J-2
"ESTIMATE OF VC IRREGULAR STRENGTH"
COMMENTS

We would prefer to say that 60,750 is a fairly sound figure for the guerrillas though it is subject to change as further evidence becomes available. *The figures for self defense forces and for secret self defense forces are much too precise and fail to reflect the paucity of good evidence.*

In any case we would urge that the guerrillas and self defense forces *never* be lumped together as a single figure for "irregulars" because of the big difference in validity of the two figures.

There is within the data base a difference in validity of information. Information on guerrillas is more available and easier to check. Consequently we could say that the figures for guerrillas are more accurate based on access to evidence of high validity on some guerrillas units. However, when we come to the figures of 101,150 for self defense forces and 23,400 for secret self defense forces, we must regard the limited information available and the difficulties in terminology as providing us with a less valid set of statistics. Considering the amorphous nature of the self defense forces at the lower levels (part time service, untrained, and often unarmed) and the inadequacy of the evidence, we consider the figures for these forces to have a probability of error of +50% and -100%.

The self defense and secret self defense forces (Tu Ve and Tu Ve Bi Mat), on the other hand, are predominantly concerned with village and hamlet defense. US and ARVN tactical unit commanders and intelligence personnel do not consider them an effective fighting force. They are included in MACV Order of Battle in order to present a complete picture of enemy strength, but with the notation that as a combat force they are only marginally effective. (JX 893, p. 3) (emphasis added)

The McChristian Report's conclusions were:

The strength estimate for guerrillas is valid, and these forces are the only category of VC Irregulars which constitute a real military threat in SVN.

The strength estimate for self defense and secret self defense forces is not as well supported as the guerrilla strength estimate, and these forces do not constitute an aggressive enemy threat within SVN. (JX 893, p. 3) (emphasis added)

The McChristian Report sets forth General McChristian's best estimates of the size of the irregular components. That current estimate of irregulars (composed of guerrillas, SD and SSD) totalled 185,300. Of these, 60,750 were guerrillas. Since General McChristian has sworn that he always reported his best estimates, and that General Westmoreland never pressured him to reduce his estimates, and that MACV received no new reports from the field on irregulars between May 10 and May 18, these irregular figures in the McChristian Report must have been the figures included in the proposed cable which General McChristian submitted to General Westmoreland. (McChristian Aff. 12/21/83 ¶ 14; McChristian Aff. 4/20/84 ¶¶ 47-48)

General McChristian has stated in his affidavit that his reports represented his best intelligence and that he reviewed them carefully:

The CORRAL and RITZ studies were completed in May 1967. Col. Hawkins had been working on these studies for a long time, and I went over them carefully myself until I was convinced of their validity. Col. Hawkins prepared a cable to be sent to Washington, D.C., which included strength estimates for both the Political and Irregular components which were far higher than those then being carried in the Order of Battle Summary.¹¹ I reviewed the cable carefully, was convinced that the figures in the cable were fully supported by the evidence, and approved the cable.

¹¹ In his affidavit dated December 21, 1983, General McChristian swore that his draft cable showed 198,000 irregulars and 88,000 VCI. (McChristian Aff. 12/21/83 ¶ 6) Since General McChristian says no one ever asked him to change his figures, his memory of the figures in the cable appears to be in error.

* * *

To the best of my recollection, the cable I submitted to General Westmoreland contained updated estimates for the Irregular and Political categories which, when added to our estimates on Maneuver and Combat Support categories, amounted to a total enemy personnel strength figure of approximately 429,100—keeping in mind that adding these different categories together is like adding apples, oranges, bananas and pears and that the total represents “fruit” and not one of the specific varieties.

* * *

I stand by every intelligence report that I signed during my tenure as MACV J-2 in Vietnam from July 13, 1965, to June 1, 1967. Every estimate on which I put my name was the best estimate available—timely accurate, adequate, well-documented and based on all the available evidence. As I look back on the two-year period in which I served as MACV J-2, there is not a single thing in any of my intelligence estimates that I would want to change. (McChristian Aff. 4/20/84, ¶¶ 32, 47)

General Westmoreland made no attempt to keep the Report under wraps. He received the full briefing he had requested on all the OB categories on May 21, 1967. In his memorandum of the May 28, 1967 meeting, MACV Deputy Chief of Staff General Hendry states that General Westmoreland ordered the J2 to “brief the Mission Council and obtain their endorsement before forwarding to higher headquarters and Washington.” (JX 670, Hendry Memo., Plate 3) General Westmoreland gave the J2 a week to brief the Embassy’s Mission Council, the body composed of the heads of all U.S. agencies in Vietnam and chaired by Ambassador Bunker.

Col. Hawkins briefed Barry Zorthian, a member of the Mission Council, on May 30, two days later. (JX 213, Hawkins 5/31/67 letter; Hawkins Dep. Tr. 427) (See Plate 4)

It appears that CINCPAC had been informed of General McChristian’s revised irregulars and political cadre estimate in a cable dated May 19, 1967, the day after he finished his Report. (See JX 242 Sharp 6/10/67 cable to Westmoreland) By June 10, 1967, as reflected in a cable from Admiral Sharp to General Westmoreland, MACV had informed CINCPAC of the McChristian Report. (JX 242)

Sweetheart,

Saigon
Tues night
30 May

Quit a little before after 7
o'clock & came by the agency to
change clothes before going to Gen
McC's farewell party at the club.
Thought I'd get a note off to
you since I've still got 30
minutes before party time & it's
only a short walk.

Briefed a Mr Zorthian
today. He's head of the Joint US
Public Affairs Office. Had a
rather pleasant afternoon. We've
got a rather sensitive strength
change & everyone's concerned
about the "credibility gap" business.
Guess I'll be hustling on this
project for several weeks to come.

No letter today. Was pleasant
again weatherwise. Felt much
better after a good night's
sleep & finally going to the
bathroom after being so gassy.
The days are gone by pretty fast,
I guess - but not fast enough.
A lot has happened on this tour
to give me much personal
satisfaction - but I'm afraid
it's been hard on you. Hate
to think I'd have gained something
in the way of self-satisfaction
& love something with you -
the process - that would be
a gain at all - self-satisfaction
is the only way I could be put at
I don't really know what to
make of it all. I hope you
will

Saigon
Tues Night
30 May

Briefed a Mr. Zorthian today. He's head of the Joint U.S. Public Affairs Office. Had a rather pleasant afternoon. We've got a rather sensitive strength change + (and) everyone's concerned about the "credibility gap" business. Guess I'll be hustling on this subject for several weeks to come.

JX 894

[Hawkins' letter introduced and read at Hawkins Dep. Tr. 427]

c. *There was no reduction in MACV estimates in the summer of 1967.*

The estimates for the various categories in MACV's Order of Battle Summary were not reduced. A comparison of General McChristian's May 1967 enemy strength totals, with the totals presented by MACV in August 1967 shows the following:

	<u>May 1967</u> (McChristian)	<u>August 1967</u> (Davidson)
Regulars.....	118,357	120,400
Irregulars.....	185,300	183,100(sic)
Political Cadre.....	88,000	83-92,000
Administrative Services.....	24,083	17-35,000
Total.....	416,470	403,500—430,500

(JX 198M, Extract from MACV OB Summary 1 May-31 May 1967; JX 893 McChristian Report, p. 9; JX 248, MACV Vu-Graph Slides)

Col. Hawkins admits he was not ordered to reduce numbers, but does claim he "deduced" that was what General Westmoreland wanted him to do. (JX 9, Hawkins CBS Interview Tr. 22) The others present at General Westmoreland's May 28, briefing do not agree. General McChristian does not remember any such order. General McChristian says that he never was told to reduce estimates and would not have allowed such a thing to occur. (McChristian Aff., 4/20/84 ¶¶ 48, 49) Col. Caton, who was certainly there, said he would have remembered the incident if it occurred and he does not remember it. (Caton Aff. ¶¶ 14-15) In any event, there is no evidence that Hawkins reduced any "numbers" after the May 28 briefing.

The MACV guerrilla analyst until July 10, 1967, was Capt. Joseph Price. Price has sworn:

I was aware of no falsification or wrongful manipulation of intelligence and no pressures to report anything other than the best estimates and analyses we could provide. To the best of my knowledge, our estimates were reviewed by more senior officers who combined them with data from other sources. (Price Aff. ¶ 3)

d. *1967—Higher estimates were widely disseminated in the late spring of 1967.*

Higher estimates of irregulars (guerrillas, SD and SSD militia) and political cadre received wide circulation within the Government in the late spring of 1967.

Adams prepared a memorandum on or about May 22, 1967, which referred to "MACV's latest unofficial estimate of 198,000" for irregulars and states that "MACV has estimated that, as a rock bottom minimum, the number of political personnel is 80,000." (JX 706)

On May 23, 1967, five days before Col. Hawkins briefed General Westmoreland and his senior staff, the CIA gave a highly classified report to Secretary McNamara and other senior Administration officials. The report was entitled "The Vietnam Situation: An Analysis and Estimate" and is frequently referred to as "McNamara II." McNamara II reads in part:

The Viet Cong paramilitary and political structure is still large—probably considerably larger, in fact, than carried in the official US order of battle.

* * *

In the case of the irregular forces, for example, the latest US order of battle holdings list their strength at 113,000.

Studies by COMUSMACV, however, indicate that irregular strength is more likely in the neighborhood of 190-200,000, although a final judgment has not yet been made. The strength of the so-called 'administrative service' forces (staffs and non-combat support troops) are now listed in the OB at 25,000, but may be several times higher—possibly in the neighborhood of 75,000-100,000. The number of Viet Cong political personnel, listed at 39,000 in the OB, may be well over twice as high. Part of the difficulty in estimating the strength of the above categories is that we are not sure to what degree political cadre, for example, can be clearly delineated from irregulars in counting for OB purposes.

In any event, it appears that strength of the insurgent apparatus in South Vietnam, *instead of totalling 292,000 as listed in the 15 May 1967 OB, may actually be in the half-million range.* (JX 237, Part II, pp. 1-2; Footnote omitted) (emphasis added)

However, MACV did not have the authority to make substantial changes in the Order of Battle Summary without the comment and concurrence of the DIA. MACV's obligation is reflected in two contemporaneous documents, the April 10, 1967 DIA report prepared in part by a team including Col. Williams (JX 767), and a June 10, 1967 cable from Admiral Sharp to General Westmoreland. (JX 242) (JX 227, Honolulu Conference Report, p. 29)

In the Spring of 1967, CIA Director Richard Helms, in his capacity as head of the U.S. intelligence community, commissioned an assessment of the strengths and capabilities of the communists in South Vietnam. This assessment, entitled Special National Intelligence Estimate 14.3-67 ("SNIE"), was drafted initially by CIA's office of National Estimates but reflected input and, ultimately, the collective judgment of the intelligence community. (Helms Aff. ¶ 6) The first session of the SNIE was held on June 23, 1967. (JX 587, Adams Manuscript, Chp. 5, p. 34603) Final approval of MACV's higher estimates was deferred until the intelligence community, including DIA and CIA, could address them at the SNIE sessions to prevent, at a minimum, the release of "contradictory order of battle statistics," which had concerned General Wheeler in January 1967. (JX 669, Wheeler 1/20/67 cable to Sharp and Westmoreland)

On June 10, 1967, Admiral Sharp cabled General Westmoreland to note that he had been advised that DIA was anticipating "new and significantly different MACV/CAS¹² Saigon estimates of irregular and political OB strength." DIA desired information on this subject for use in the preparation of the SNIE. DIA expressed concern about "premature release of new . . . uncoordinated intelligence estimates to Washington visitors" and stressed that "continued close coordination between COMUSMACV, CINCPAC and DIA" was essential. (JX 242)

MACV briefed some representatives of Congress in late June. A transcript of the briefing shows that General Davidson, the new J2, his deputy, Col. Charles Morris, and Col. Hawkins briefed the Chief Investigator and the Minority Council of the Senate Armed Services Committee's Preparedness Subcommittee. Col. Hawkins presented a chart which contained figures for enemy strength. He stated that the combat troop figures had changed but that the irregulars and infrastructure figures "will not change until we complete a new study on them." (JX 651, MACV Current Intelligence Briefing 6/28/67, p. 7)

Between the 7th and the 11th of July 1967, Secretary of Defense McNamara visited Saigon with General Wheeler to reach a judgment on General Westmoreland's troop request, outstanding since March 1967. Secretary McNamara was given a full briefing on MACV's new estimates. Secretary McNamara was originally supposed to visit Vietnam in mid-June. On June 10, Hawkins wrote to his wife that they had "a hot problem on"

¹² CAS means "Controlled American Source," and is a euphemism for CIA Saigon Station.

enemy strength and the chairman of JCS and Sec Def are due to hear it soon." (JX 213K, Hawkins 6/10/67 letter)

General Davidson presented the intelligence briefing and told Secretary McNamara, among other things, that:

[O]verall, the enemy must be having personnel problems. His losses had been heavy, and his in-country recruiting efforts unsatisfactory. He is probably attempting to make good his losses by heavy infiltration, but we cannot conclusively prove this, nor do we know how successful he has been. We hear frequently of the so-called "cross-over point"—that is, when we put out of action more enemy per month than we estimate he brought into country and recruited for that month. This is a nebulous figure, composed as you have seen of several tenuous variables. We may have reached the crossover point in March and May of this year, but we will not know for some months. (JX 317, Pentagon Papers, p. IV. C. 6. (b) Vol. II, pp. 201-02)

e. Suppression of MACV evidence was impossible.

There was no suppression of any evidence by MACV. MACV routinely and uniformly distributed the evidence in its possession to other intelligence agencies. Thus, General McChristian has sworn that:

While I was J-2, I made a conscientious effort to keep all higher headquarters (DOD, CIA, DIA, CINCPAC) accurately, timely and adequately informed of all intelligence in which each was interested. All of these headquarters were, from the day I became J-2, placed on distribution of all J-2 MACV intelligence reports to include translations of captured documents, interrogation reports (PW's hoi chans), agent reports, intelligence studies, J-2 estimates, Order of Battle summaries, and so forth. Much of the intelligence data base at each sector was maintained on card files which were created and used by all intelligence agencies. These files were under control of the CIA. (McChristian Aff. 12/21/83 ¶ 4)

Various witnesses who worked for the CIA in 1967 and 1968 have agreed: Ronald E. Smith (Smith Dep. Tr. 122); Richard Kovar (Kovar Dep. Tr. 53-54); George Carver (Carver Dep. Tr. 81, 310).

General Grover C. Brown who during 1967 and 1968 was Chief of Intelligence for CINCPAC and later Deputy Director for Intelligence

Production of the Defense Intelligence Agency, has said in a sworn statement that:

Representatives from all headquarters went to MACV on a regular basis to review MACV's intelligence holdings and analysis. These headquarters representatives had the opportunity to discuss all points of view with MACV's analysts. Everyone in the intelligence community knew what MACV was doing with respect to analyzing the enemy order of battle. Raw intelligence reports derived from photos, enemy interrogation, friendly citizens, etc. were available to all. It must be understood that such reports never added up to a definitive view of the total enemy situation. Judgment based upon consideration of the total enemy situation always became a part of any final estimation of enemy actions and strength. (Brown Aff. ¶ 6)

Col. Edward H. Caton, who from June 1966 to June 1967, was Chief, Joint Intelligence Branch and reported directly to the J2, stated in his affidavit:

It would have been impossible under the procedures that were in place while I was at MACV intelligence for MACV to have suppressed information based on communications intelligence since MACV was not the originator of that intelligence, but a consumer or recipient. . . . (Caton Aff. ¶ 9)

Numerous people have made the same point, including Col. Ralph Hunt who was the Director of CICV where he supervised the production of the Order of Battle with Col. Hawkins. (Hunt Aff. ¶ 3)

4.

BROADCAST:

General Westmoreland transferred General McChristian out of Vietnam in order to avoid taking to the President the higher guerrilla, SD, SSD and political cadre estimates on which his intelligence chiefs briefed him in May 1967. (JX 1, pp. 4-6)

FACTS:

By the early spring of 1967, General McChristian had worked as MACV J2 for nearly two years. (McChristian Aff. 4/20/84 ¶ 6) General Westmoreland asked General McChristian to remain as his J2 for another

year but General McChristian declined, saying that he did not want to be regarded as simply an intelligence specialist; he wanted to command a division in combat. General Westmoreland assured General McChristian that he warranted a division command, and promised to make that recommendation to Washington. A few days later, General Westmoreland received a cable from Washington, which stated that extension of general officers for a third year of duty in Vietnam "was not favorably considered at that time." Accordingly, General McChristian was given command of the 2nd Armored Division at Fort Hood, Texas. (JX 10, McChristian CBS Interview Tr. 26-27; McChristian Aff. 12/22/83 ¶ 5)

All these events occurred prior to March 21, 1967. On that date, Col. Hawkins wrote in one of his almost daily letters home that General McChristian had been notified of his transfer, and that he was going to command the 2nd Armored Division. Col. Hawkins viewed the assignment as a step up in General McChristian's career and noted that General McChristian and he were going to celebrate. (JX 213C, Plate 5)

5.

BROADCAST:

General Westmoreland's new intelligence chief, General Phillip Davidson, refused to permit new units or accurate figures to be incorporated into the MACV Order of Battle estimates. Officer in the field complained about this to Lt. McArthur. (JX 1, pp. 6-7)

FACTS:

In early April 1967, General McChristian called a conference of his CICV analysts, other intelligence officers, and agents in the field to review the estimates of irregulars. (JX 895, CIA Saigon 4/1/67 Cable to Director, p. 2) Officers in the field may have expected that data they had compiled for review by the conference would result in an immediate change in the estimates. However, because it took General McChristian a month and a half to finish his revised report on irregulars and then the SNIE 14.3-67 supervened, no changes were made in the collateral Order of Battle Summary.

Lt. Richard McArthur became the new CICV guerrilla analyst on July 10, 1967, when his predecessor's (Capt. Joseph Price) father died.

(McArthur Dep. Tr. 9) One of McArthur's first tasks was to go out into the field with several other officers as part of General Davidson's effort to improve estimates of irregulars and political cadre before the August session of the SNIE. (McArthur Dep. Tr. 20) When McArthur went to the field the latest OB Summary available would have been June 30, 1967. (McArthur Dep. Tr. 21) The June OB carried the same figure for irregulars as the May OB which General McChristian signed on May 31. (*Compare JX 198M with 198N*) Some officers to whom McArthur spoke were upset that their estimates for irregulars had not yet been incorporated into MACV's Order of Battle Summary (McArthur Dep. Tr. 23-4) These officers were concerned that their recommended increases in the estimates which had been put in the McChristian Report had not yet been reflected in the MACV Order of Battle Summary. There is no evidence that their estimates had been lowered. (JX 247A, McArthur 7/19/67 letter)

It is clear that the estimates of guerrillas were not improperly reduced after General Davidson replaced General McChristian. First, General Davidson *raised* the estimates of guerrillas from 60,750 (JX 893, McChristian Report) to 65,200 (JX 248, MACV Vu-Graph Slides). Second, MACV intelligence based its SNIE guerrilla estimate in the summer of 1967 on the RITZ Reports, the reporting begun by General McChristian. That study showed guerrillas as 65,200. (*See JX 663, MACV 8/1/67 RITZ Study on irregulars*)

6.

BROADCAST:

General Westmoreland ordered the intelligence officers representing MACV at the August SNIE not to allow the total to go over a 300,000 "ceiling." (JX 1, p. 11)

FACTS

There were three sessions of the SNIE in 1967 over a three-month period, not one as portrayed in the Broadcast. The three SNIE sessions took place in June 1967 at Langley, Virginia, August 1967, at Langley, and September 1967, at Saigon.

a. *The June SNIE Meeting.*

The first meeting of the SNIE occurred on June 23, 1967 in Langley, Virginia. (JX 421 Adams' 6/23/67 Memo for the Record) DIA, CIA, the

State Department Bureau of Intelligence and Research ("INR"), and a few other intelligence agencies participated, but no MACV representative attended. (*Id.*) DIA's position, as stated in a May 26, 1967 paper called "DIA Contribution to NIE 14.3-67," was that MACV's current OB estimates should be used with a caveat stating that the numbers would be increased. (JX 671, p. 31) DIA, therefore, wanted to use a total for all categories of around 290,000 with caveats in the text of the SNIE indicating that the numbers were probably higher and would be increased. (*Id.*)

The CIA's estimates for regular troops was the same as DIA's. But CIA wanted a large increase in the other categories of guerrillas, administrative services, SD, SSD, and the political cadre. The CIA's mean total was around 500,000. (JX 421, Adams 6/23/67 Memo for the Record)

The June 1967 SNIE meeting adjourned without agreement on the estimates. The participants agreed to reconvene in August with MACV present. (JX 371, Adams 7/5/67 Memorandum)

b. *MACV Prepares Its Revised Estimates for the SNIE.*

(1) *MACV preparation for the August SNIE meeting.*

In mid-July 1967, several CICV officers conducted a tour of Vietnam to improve MACV's estimates for use in the August session of the SNIE conference (McArthur Dep. Tr. 20). The officers who took the trip were Lt. Richard McArthur, an analyst of enemy irregulars, Lt. Kelly Robinson, a political cadre analyst, Lt. Col. Paul Weiler, a Marine who was slated to take over Col. Hawkins' job, and Col. Hawkins, the Chief of the Order of Battle Branch (*Id.*, p. 21). See also subsection 5, *supra*.

When the group returned, Lts. McArthur and Robinson worked with Col. Hawkins on preparing the estimate that MACV would present for use in the SNIE. McArthur prepared what he described as a "good representative estimate for all of South Vietnam" in the irregular category. (JX 311D, Pike Committee testimony of McArthur p. 1656) He concluded that there were approximately 183,000 irregulars including 65,200 guerrillas. This revised RITZ study was published on August 1, 1967. (JX 663, MACV 8/1/67 Study, "The Strength of the Viet Cong Irregulars") This was almost exactly the same estimate for irregulars—183,000 vs. 185,300—as was contained in the May 21, 1967 McChristian Report.

(2) *Generals Davidson and Godding brief General Westmoreland.*

About August 10, Colonel Godding and General Davidson briefed General Westmoreland on the estimate they planned to present at the August SNIE. They told General Westmoreland that the figures were their

best estimate. (Godding Dep. Tr. 85) This estimate was based on additional research conducted since June, and also was within the parameters established in May, *i.e.*, the McChristian Report. (JX 92, Adams notes on Godding pp. 6-7 [26969-70]; Godding Dep. Tr. 93-94) General Westmoreland "blessed" them, *i.e.*, approved presentation of these figures at the SNIE. (Godding Dep. Tr. 89). (PTX 101, Godding-Crile Tr. 9)

Long before the Broadcast, General Godding told Adams that the figures they had briefed to General Westmoreland in May represented MACV's best estimate. (Adams Dep. Tr. 273-74). Adams' notes of his interview with General Godding show that General Godding told Adams that General Westmoreland accepted the "parameters established in May." The "parameters established in May" *included* the revised irregular and political cadre figures contained in McChristian's May estimates, which had not yet been incorporated in the published MACV collateral OB. (JX 693, McChristian Report; JX 92, Adams notes of Godding, p. 26969)

c. The MACV Estimate Presented at the August SNIE.

MACV presented its estimates when the SNIE conference next met in August 1967. So did the CIA. Colonel Hawkins briefed the conference on MACV estimates for all categories. MACV's estimate totaled more than 400,000 people.

The Vu-Graphs that Colonel Hawkins took with him and used to brief the Langley SNIE meeting in August show that the MACV total enemy strength estimates exceeded 400,000. (JX 248, MACV Vu-Graph Slides) The following table shows the CIA and MACV estimates in August 1967 for all categories, and General McChristian's estimate for all categories in May of 1967:

	<u>CIA</u>	<u>MACV</u> (Davidson)	<u>McChristian</u> (MACV)
Regulars.....	121,000	120,400	118,357
Administrative services.....	40-60,000	17-35,000	24,813
Guerrillas.....	60-100,000	65,200	60,750
SD.....	95,000	95,875	101,150
SSD.....	25,000	22,025	23,000
Political Cadre.....	90,000	83,000-92,000	88,000
Total.....	431-491,000	403,500-430,500	416,470

IRREGULAR STRENGTH ESTIMATE

	<u>PREVIOUS</u>	<u>REVISED</u>
TOTAL _____	112,800	183,100
GUERRILLAS _____ NO BREAKOUT _____		65,200
SELF DEFENSE _____ NO BREAKOUT _____		95,850
SECRET SELF DEFENSE NO BREAKOUT _____		22,000

05511
 MASTER VU-GRAPH MOUNT
 FOR
 8" x 10" SLIDE-VERTICAL
 (7 1/2" x 9 1/2" CLEAR APERTURE)

7

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PREVIOUS ESTIMATE

COMBAT STRENGTH			ADMIN SERVICES	IRREGULARS	POLITICAL	TOTAL
MANEUVER	CBT/SPT	TOTAL				
108,200	12,200	120,400	24,800	112,800	39,000	297,800

REVISED ESTIMATE

ARMED FORCES					INFRASTRUCTURE	
MANEUVER	CBT/SPT	ADMIN SERVICES	GUERRILLAS	TOTAL	CONTROL & ADMIN PERS	
					ACCEPTED	POSSIBLE
108,200	12,200	17,000	60,000	198,000	83,000	92,000
		35,000	70,000	226,000		

TOTAL = $\frac{280,000}{310,000}$ MEAN: 298,000

05512
 MASTER VU-GRAPH MOUNT
 FOR
 8" x 10" SLIDE-VERTICAL
 (7 1/2" x 9 1/2" CLEAR APERTURE)

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VC IRREGULAR FORCES STRENGTH IN SVN

CTZ	GUERRILLAS	SD FORCES	SSD FORCES	TOTALS
I	17,150	48,000	9,600	74,750
II	23,350	23,900	2,850	50,100
III	6,700	4,200	2,450	13,350
IV	18,000	19,775	7,125	44,900
TOTAL	65,200	95,875	22,025	183,100

183,100
44,900
13,350
50,100
74,750

Revised MACV Strength Figures

CTZ	Guerrillas	SD Forces	SSD Forces	Corps Totals
I	17,150	48,000	9,600	74,750
II	16,450	26,450	5,750	48,650
III	8,550	5,550	2,900	17,000
IV	18,600	21,150	5,150	44,900
SVN Totals	60,750	101,150	23,400	185,300

The Vu-Graph slides that MACV actually used to present its position, which show that MACV's estimates for all categories totaled approximately 429,000, are reproduced in Plates 6A-B. (JX 248)

7.

BROADCAST:

General Westmoreland pursued a new tactic to keep under the 300,000 "ceiling" when his representatives at the SNIE found the CIA's arguments for exceeding the ceiling too powerful to overcome—dropping the self-defense militia and treating them as if they did not exist. (JX 1, p. 12)

FACTS

General Westmoreland did not propose a "new tactic" of dropping the SD and SSD from the OB during the SNIE conference in late summer 1967.

a. *Recommendations to take the SD from the OB prior to the August SNIE.*

As early as April 1, 1967, if not earlier, DIA had proposed removing the SD from the military order of battle. At the time the CIA found merit in the concept, and suggested setting up two OBs—one military and one non-military, the latter to include the VCI, the SD and SSD. When the dispute between MACV and the CIA was resolved in mid-September 1967, it was George Carver of the CIA, not General Westmoreland who made the proposal, accepted at the SNIE conference, to remove the non-military elements from the military order of battle—the SD and SSD and the political cadre—and to describe these elements in the text of the SNIE, without giving a current quantification for the SD and SSD. (Carver Dep. Tr. 588) Furthermore, as discussed in subsection 10.a. *infra*, the SD were not "treated as if they didn't exist" but included in the SNIE. (See JX 273, SNIE 14.3-67, ¶¶ 36, 37).

On April 1, 1967, the CIA in Saigon cabled the CIA Director:

Concerning irregulars, DIA team plans recommend to both General McChristian and General Carroll that "irregular" figure be scrapped and only "guerrillas" carried as part of military force figure. Their reasons, which we find persuasive are:

1. cut off point for lower level of irregulars . . . (JX 8952)

Page 2 of the cable (which Adams removed from CIA Headquarters) is missing. (See Plate 7)

The first draft of the SNIE 14.3-67 was completed in May 1967, (Bobby Layton of the CIA recalls "attending several meetings in May and June 1967, after the initial draft of SNIE 14.3-67 was completed." (Layton Aff. 3/5/84 ¶ 3.) The June 14, 1967 draft of the SNIE separated the SD and SSD and placed them in a different category than regulars and guerrillas. (JX 244) Layton, who was the primary drafter of the portion of the SNIE dealing with enemy forces, states in an affidavit:

The June 14, 1967 draft of SNIE 14.3-67 contains the following statement in paragraph 32:

[W]e now are able to determine with more precision which elements should be considered primarily as military forces; for example, the old "irregular" category has been discarded and the guerrillas are now listed in the military OB while the militia is carried separately.

I do not recall when I put that language into the draft S.N.I.E. 14.3-67 or under what circumstances but I agree with it. I believed that separating the guerrilla forces from the militia more accurately depicted the communists' organization and force structure. I believe that the guerrillas should be viewed as part of the fighting element and, therefore, included in a military order of battle, but that the militia was not part of the normal fighting force, although it was part of the overall communist insurgency base and did have at least a quasi-military role. (Layton Aff. 3/6/84 ¶ 6)

The May 18, 1967 McChristian Report also proposed making a sharp distinction between the SD and the guerrillas:

c. New definitions for separate categories of VC Irregular forces (Annex A) will be published in the 1 June Order of Battle Summary. These definitions appropriately qualify the military threat posed by each category of these forces.

d. Separate strength figures for the various categories of VC Irregular forces will be depicted on the strength recapitulation chart (page I-1) in the 1 June 1967 Order of Battle Summary. One column will show strength of Irregulars—Guerrillas, and another column will show strength of Irregulars Self-Defense and Secret-Defense. (JX 893, p. 4)

The DIA submitted its Contribution to the SNIE on May 26, 1967. That document read:

b. The problem of order of battle accountability thus becomes very apparent. Under the irregular category, who should be counted? We feel that the guerrilla, the armed individual who moves about freely and whose full-time job is fighting and harassment actions, should certainly be counted. We are not nearly so certain regarding the other possibilities, which include self-defense, secret self-defense, assault youth, militia, and perhaps other groups not yet identified. For example, certain functions indicated for assault youth and militia would seem to parallel some suspected guerrilla activities, and therefore, might merit accounting in military OB; however, most of the functions of these seem inappropriate. By the same token, the functions and environment of the self-defense and secret self-defense personnel also seem inappropriate. A hard look at existing evidence regarding each of the "irregular type" groups would probably indicate that only the guerrillas have the organization, weapons, mission and posture to consistently merit accounting in military OB. If any other approach were taken, the definition and accounting could not exclude the laborers and very low-level defensive personnel who make up a large part of the remaining groups. (JX 671, pp. 29-30).

General Westmoreland also concluded that the different groups comprising the irregular category should not be treated as one unit within the military OB. (Westmoreland Dep. Tr. pp. 418, 428; JX 349, Westmoreland CBS Interview Tr. 30)

In July 1967, George Carver, the CIA's number one man on Vietnam, and his deputy George Allen agreed on a division of the OB into military and nonmilitary categories. In a memo dated July 5, 1967, that Allen wrote for Carver, he recommended revising the format of the OB and adopting "a more meaningful listing of enemy strength." He wanted to divide the OB into "military" and "non-military" categories. The latter would include the political cadre and the "militia." (JX 377) (See Plate 8)

Carver presented this proposal to General Peterson, J2 of CINCPAC, General Davidson, Col. Hawkins and Lou Sandine, a CIA analyst in Saigon, on July 9. (JX 245, Carver 7/10/67 cable to Helms) General Peterson and Col. Hawkins agreed with Carver that a new OB format separating the military and the nonmilitary was a good idea, and Davidson stated that he had been thinking of making just such a proposal to General Westmoreland. (JX 245).

After the meeting, Carver cabled CIA Director Helms:

... on non-military, Hawkins supported 80,000 political cadre as good estimate, but reserved on self-defense figure saying evidence

here very inconclusive (which true), and perhaps verbal statement on this category might be preferable to number. (JX 245).

Carver agreed with MACV on the thinness of the evidence about the SD and SSD. (*Accord*, JX 893A, J2 Irregular Report—Comments, p. 1)

Lou Sandine sent a cable to CIA headquarters on July 11, pointing out that the MACV Order of Battle Summary often carried enemy units at a greater strength than on contact they turned out to have. (JX 395) Sandine noted that the inclusion in the order of battle of "a dubious figure for the irregulars including self-defense as part of the enemy's military strength gives the total strength figure a probable error of at least plus or a minus 25 per cent." (*Id.*)

During his visit to Saigon, Carver also met with Ambassador Komer and described the proposal to divide the OB into a military component—regular forces, service troops and guerrillas—and a nonmilitary component—political cadre, SD and SSD. Komer explains that he agreed:

I was favorably impressed with his proposal to separate the military and non-military components of the communist organization. I believed that separating them presented a more realistic picture of the actual threat posed by the communists in South Vietnam. The military components—the North Vietnamese and Vietcong Main and Local forces, the administrative service troops and the Guerrillas—posed the military or "fire-power" threat and were the proper focus of U.S. and South Vietnamese military efforts. The VCI and the local self-defense groups—SD and SSD—were not significant military threats and were more properly combated by non-military methods and programs such as those established with CORDS advice. (Komer Aff. ¶ 17)

b. *The positions of the conferees at the August SNIE Session.*

MACV and CIA were quite close in their estimates of individual categories during the session of the SNIE that began around August 10, 1967, with the possible exception of administrative services, (*Compare* JX 248 with JX 539)

However, CIA now argued that numerical estimates for the SD and SSD should be included in the total figures for enemy strength. (*See* JX 245). In view of General McChristian's and General Davidson's qualms about the quality of numerical estimates for SD as well as their lack of offensive capability, MACV continued to press for dividing the OB into two parts. (*See* JX 248, MACV Vu-Graph Slides). MACV also was concerned that the extremely unreliable figures for the marginal self defense would be

added with with the reliable figures for the enemy's fighting forces thereby giving an inflated and misleading estimate of the enemy's true capabilities. (See JX 770, Godding 8/24/67 cable to Peterson and Davidson; JX 252, Abrams 8/20/67 cable to Wheeler, Sharp and Westmoreland)

General Godding briefed General Wheeler and the JCS on August 18 on MACV's position with respect to the presentation of the SD and SSD in the SNIE. (JX 769, Godding 8/19/67 cable to Peterson and Davidson) General Wheeler agreed with MACV's positions. He noted, regarding MACV's attempt to estimate the guerrillas and separate them from the SD and SSD, that the Department of Defense would accept slightly higher figures for the guerrillas and the administrative services if the CIA could support higher estimates. (*Id.*)

General Godding apparently cabled General Westmoreland's J2, General Davidson, on the 18th of August, about various proposals to include the SD and SSD in the SNIE. (JX 251, Davidson 8/19/67 cable to Godding)

At this point, cable traffic on the subject of the SD increased. These cables reinforce the conclusion that General Westmoreland's superiors knew and understood the nature of the issues involving categorizing and presenting the SD. On August 19, 1967, General Davidson cabled Colonel Godding in Washington objecting to the inclusion of estimates of the SD and SSD "in any strength figure to be released to the press." (JX 251). MACV had taken CIA's (JX 893A) and DIA's (JX 895) admonitions that the guerrillas "never be lumped together with the SD and SSD" seriously; they had presented the two types of irregulars separately at the SNIE. (See JX 248, MACV Vu-Graph Slides)

The concern of General McChristian and the intelligence community in February 1967, that the revised irregulars and political estimates might be misunderstood as an increase in enemy strength rather than as better counting of an enemy whose strength had in fact declined, materialized (See JX 227 Honolulu Conference Report). General Davidson replied to Godding next day that these proposals had "stunned the Embassy and this headquarters and had resulted in a scream of protest and denials . . ." because their inclusion in the military OB overstated the enemy's military capabilities. (*Id.*)

General Davidson continued:

In view of this reaction and in view of General Westmoreland's conversations, all of which you have heard, I am sure that this headquarters will not accept a figure in excess of the current strength figures carried by the press.

Let me make it clear that this is my view of General Westmoreland's sentiments. I have not discussed this directly with him but I am 100 percent sure of his reaction." (*Id.*).¹³

Ambassador Komer cabled George Carver on August 19, 1967 stressing his opinion that the SD and SSD forces not be included in the allied OB, because it would create a misleading picture of enemy capability:

You are familiar with new MACV figures which represent major step forward toward sounder analysis. I cannot see case for including vague estimates of low-grade part-time hamlet self defense groups, mostly weaponless, in new O/B. Nor do we include RDPGS, hamlet militia, or combat you [sic] on GVN side. (JX 250)

The cable further pointed out that having two estimates would undoubtedly become public, causing a credibility problem "at the very time when in fact we are moving toward much more valid estimates." He told Carver that analysts in Saigon believed enemy military strength was decreasing. (*Id.*)

On August 20, General Abrams, acting COMUSMACV while General Westmoreland was in the Philippines, cabled General Wheeler.

(S) If SD and SSD strength figures are included in the overall enemy strength, the figure will total 420,000-431,000 depending on minor variations. This is in sharp contrast to the current overall strength figure of about 299,000 given to the press here.

(C) From the intelligence viewpoint, the inclusion of SD and SSD strength figures in an estimate of military capabilities is highly questionable. These forces contain a sizable number of women and old people. They operate entirely in their own hamlets. They are rarely armed, have no real discipline, and almost no military capability. They are no more effective in the military sense than the dozens of other nonmilitary organizations which serve the VC cause in various roles. (JX 252)

This cable was sent by General Wheeler to Mr. Helms, (JX 252) was widely circulated within CIA (JX 252), and was also forwarded to the White House. (JX 47, 04167) A copy was sent to General Westmoreland as well, with an explanation by General Abrams:

I have talked with [MACV Chief of Staff] Kerwin and [General] Davidson this morning about the conference that has been going on in Washington the draft SNIE 14.3-67. Col. Hawkins from Davidson's shop returned from this conference and imparted that

¹³ But see discussion at Subsection 9.2. *infra*.

the MACV submission was accepted with minor modifications but CIA insists on adding the SD and SSD. The feeling is they hold this position to support figures they have previously used. Additionally Tom informed that Joe Fried, New York Daily News, have the higher figures and Zorthian and Sidle, have both urged him not to use it because he will be shown wrong. In the light of all the foregoing I dispatched the message to the Chairman on this subject. (JX 902)

On August 20, 1967, General Westmoreland sent a cable to General Wheeler:

I do not concur in the inclusion of strength figures for the self defense and secret self defense. It distorts the situation and makes no sense. No amount of caveats will prevent the erroneous conclusions that will result. Warm Regards. (JX 253)

On August 24, 1967, General Davidson sent a cable to Godding asking on behalf of General Westmoreland for an update on "the current controversy regarding OB strength figures." (JX 775)

Godding replied to General Davidson's cable the same day, listing the figures and language in the August 23 NIE draft. The figures cabled by Godding to General Davidson were:

1. Latest draft SNIE 14.3-67 has, in separate paragraphs, strengths of enemy elements as shown below:

Regular Forces (VC/NVA) ...	121,000
Admin Services	40,000-60,000
Guerrillas	60,000-100,000
Political	"On the order of 90,000"
Self Defense Forces	100,000
Secret Self Defense Forces	20,000
Assault Youth	"At least several thousand"

Godding also stated that the MACV position was "well known at all levels and no agreement can be reached at the working level." He therefore considered his "usefulness had ceased" and that he would depart Washington on August 26. (JX 770)

On August 25, after receiving the cable from Godding, General Westmoreland cabled General Wheeler and Admiral Sharp that he was concerned to learn that the latest SNIE draft carried an enemy strength figure of 461,000, including the SD, SSD, and the assault youth. General Westmoreland said that the intelligence available to his command could not