UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

GENERAL WILLIAM C. WESTMORELAND,
Plaintiff,
v.
CBS, INC., et al.,
Defendants.

82 Civ. 7913 (PNL)

AFFIDAVIT OF ROBERT W. KOMER

CITY OF WASHINGTON SS.
DISTRICT OF COLUMBIA

I, Robert W. Komor, depose and state as follows:

1. From 1947 until 1961, I worked for the Central Intelligence Agency (CIA). During part of that time, I was Chief of the Estimates Staff in the Office of National Estimates, the section of CIA responsible for preparing National and Special National Intelligence Estimates (NIEs and SNIEs).

2. I was Special Assistant to President Johnson for the so-called "other war" in Vietnam from approximately April 1966 until May 1967. During that time I worked closely with Walt Rostow, who became President Johnson's Special Assistant for National Security Affairs in 1966.
3. Soon after I became the President's Special Assistant responsible for the "other war" in South Vietnam, I became convinced that the command and control apparatus of the National Liberation Front in South Vietnam, known as the Vietcong Infrastructure (VCI), was probably far larger than our official estimate. I also became convinced that the VCI should be catalogued separately from the traditional military order of battle (OB) and dealt with primarily as a police matter. I spoke about the underestimation problem with many people, including General Joseph McChristian, then the head of MACV intelligence, during 1966. I recall General McChristian acknowledging at that time that he also thought there were more VCI than the published MACV estimates carried, and that there were more guerrillas too.

4. At that time, the "Irregular" category included both the Guerrillas and other local, part-time organizations generically termed the Self-Defense and Secret Self-Defense forces (SD and SSD). The numbers then carried for these categories, as well as the VCI, in the published OB at the time had been inherited from the Government of South Vietnam (GVN) when MACV's full intelligence unit was established in 1965. The GVN too admitted that the estimates in these categories were too low.

5. General McChristian did launch an effort to improve our estimates of the VCI and Irregulars. On one occasion, I was present when J-2 MACV briefed the revised estimates of these and other OB categories in May or June of 1967. While the VCI figures were
substantially higher, I recall commenting that the complicated and indirect methodology used to estimate VCI and irregular categories was "byzantine."

6. In May 1967, I went to Saigon as Deputy to COMUSMACV for Civilian Operations and Rural Development Support (CORDS). As such I was chief advisor to the GVN pacification program designed to provide security and economic revival to the rural areas of South Vietnam. William E. Colby, later Director of the CIA, became one of my deputies while I was Deputy for CORDS and succeeded me in November 1968.

7. As the Chief of CORDS advisory organization, I was the civilian deputy to Generals William C. Westmoreland and Creighton Abrams, Commanders of the United States Military Assistance Command Vietnam (MACV). I also reported to Ambassador Ellsworth Bunker, head of the U.S. mission to South Vietnam. I spoke with Ambassador Bunker almost daily while I was in South Vietnam. I tried to keep him fully apprised of key developments in pacification, including matters related to the VCI. As part of my job I occasionally sent "back channel" cables on various matters to State, AID and the Pentagon, to George Carver, then Director Helms' Special Assistant for Vietnamese Affairs, and to Walt Rostow.

8. While Deputy to COMUSMACV, I regularly attended the Weekly Intelligence Estimate Updates (WIEUs) held every Saturday morning at MACV headquarters from the time of my arrival in South Vietnam on
May 4, 1967 until my departure in November 1968, except when I was not in Saigon. At none of these meetings did I ever hear Westmoreland say "[W]hat am I going to tell the press? What am I going to tell the Congress? What am I going to tell the President?" or words to that effect with respect to any matter, including the OB.

9. I recall discussing MACV's revised strength estimates of the VCI, Guerrillas, SD and SSD with Ambassador Bunker shortly after they were briefed. So, I believe, did General Westmoreland. Thus, Ambassador Bunker knew in late May or early June that we estimated the total number of persons in all the categories which arguably were part of the communist organization in South Vietnam to be approximately 420,000 - 435,000 people.

10. My chief interest was in the guerrillas and VCI, which although not a serious "fire-power threat" in traditional military terms, were a very real problem in terms of the influence which they could exercise over the population of South Vietnam and also in terms of the political, financial, propaganda, and terror organization which the VCI provided. However, the SD and SSD component of what were carried as Irregulars in the OB in the Spring of 1967 were neither a "fire-power threat" nor much of a political threat. This vague and shadowy category, to the extent it really existed, was untrained and mostly unarmed. They may have engaged in some support functions, such as acting as porters or digging in their home areas on a part-time basis. Thus, they basically were "sympathizers," not active participants in the war. Furthermore, since they wore no
uniforms, generally carried no weapons and were little more than civilian sympathizers, it was nearly impossible to estimate their number with even a semblance of certainty. The SD and SSD deserved mention as part of the total military and political problem facing the United States in South Vietnam, but they did not belong in the military OB. Nor did we include in GVN OB an equally vague category known as Combat Youth. We never could really find them.

11. While I was head of CORDS I made the gathering of intelligence information on the VCI one of the priorities in the CORDS program. During my tenure, I believe the GVN made some progress in identifying, analyzing and combating the VCI with CORDS help. In addition, I discerned gradual improvement in MACV's collection and analysis of intelligence about the VCI as well as about the Guerrillas.

12. I believe that MACV's techniques for intelligence gathering and analysis of the communists' regular military units became very good. These techniques were less effective in analyzing VCI, Guerrilla, or front group strength because the Guerrillas were generally less organized and the VCI were clandestine. These techniques were relatively ineffective in dealing with the SD and SSD forces because, as I stated above, they were generally non-uniformed, part-time, unarmed, and did not travel and operate in organized units. In addition, the loyalties of the persons comprising the SD and SSD forces were often tenuous, shifting and often dependent upon whether the GVN or the communists controlled the areas where they lived.
13. Though I was not normally concerned with order of battle issues, I became aware in the early summer of 1967 of an intelligence dispute between MACV J-2 and CIA Washington over the enemy order of battle which CIA wished to present in a new SNIE. The dispute was not mainly about enemy strength in organized units, or even about numbers of guerrillas and VCI. The core of the argument was whether to include the SD and SSD front groups in the military order of battle.

14. I did not and do not believe that the so-called SD and SSD belonged in the traditional military Order of Battle. These groups did not pose a conventional military threat and their inclusion in a military order of battle distorted the quality and quantity of the communists' military capability. I thought it a mistake to assume that many of the mines and booby traps which were causing such casualties to our troops were set by the SD and SSD. I believed they were mostly set by trained VC sapper units. Moreover, because it was so difficult to obtain accurate estimates of the size of the SD and SSD, I did not believe that they could be adequately quantified.

15. Nor could the VCI be coped with via military operations. Instead the VCI were more effectively combated through police-type action, supported by GVN programs devised and supported by CORDS. These programs focused efforts on gaining the confidence and support of the local population, providing sustained local security, and rooting out the VCI.
16. When George Carver, representing Richard Helms in his capacity as head of the U.S. intelligence community, visited Saigon in early July 1967 to discuss with General Davidson, General Westmoreland's intelligence chief, the draft of SNIE 14.3-67, I also met with him. During these meetings, Mr. Carver proposed that the description of the communist organization in SNIE 14.3-67 be divided between the military and non-military components. The military components would include the Vietcong Main and Local Forces, North Vietnamese Forces, the administrative support forces, and the Guerrillas. The non-military component would include the VCI and the so-called SD and SSD categories.

17. 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.

18. However, in August 1967, I learned (primarily through reading the cable traffic) that the CIA Office of National Estimates
was proposing to include figures on the SD and SSD in the order of battle in SNIE 14.3-67. I did not believe that such inclusion could be justified by the evidence I had seen. In my experience, it was not possible to estimate the size of the SD and SSD groups with any degree of certainty. While I believed that the estimates presented by MACV for the categories of Vietcong Main and Local Forces and North Vietnamese Forces, and to a lesser extent Guerrillas, were reasonably accurate, quantifying the SD and SSD would be inherently misleading because any number would lend a degree of certainty to the estimates which could not be justified. Moreover, I believed that using a numerical estimate would give the erroneous impression that our knowledge about the SD and SSD forces was as accurate and reliable as knowledge about the Vietcong and North Vietnamese Main and Local Forces.

19. Therefore, I sent a cable to Mr. Carver in Washington on August 19, 1967 expressing my opinion that SNIE 14.3-67 should not include a numerical estimate for the low grade SD and SSD. I also voiced my concern --shared widely in MACV-- that if it included a numerical estimate for the SD and SSD, while MACV presented its revised Order of Battle format without the SD and SSD, the disparity would make it appear that MACV was deliberately downgrading the enemy. As I said at the time "thus the credibility gap would be further widened at the very time when in fact we are moving toward much more valid estimates."
20. Then, when the CIA Office of National Estimates (in which I had served) still insisted on lumping everything together, I also drafted a cable which Ambassador Bunker and I sent to Walt Rostow on approximately August 29, 1967, informing Mr. Rostow of our views on the SNIE 14.3-67 negotiations then in process. We gave our reasons why the SD and SSD should not be included as part of the numerical strength estimates for the communist organization in South Vietnam.

21. Later I attended at least one of the meetings with George Carver and other representatives of the U.S. intelligence community who came to Saigon on 9-14 September 1967 in an attempt to resolve the SNIE 14.3-67 issue. George Carver headed the CIA team (I personally was aware of no role Mr. George Allen, Mr. Carver's deputy, played during the SNIE episode in mid-1967). Aside from the question of wholly inadequate evidence on SD/SSD strength and role, I expressed the view that if the apparent larger difference in strength estimates between CIA and MACV leaked, as was likely, the press would not understand the issue, and would not realize that SNIE 14.3-67 represented improved analysis and intelligence about the past and existing communist organization in South Vietnam rather than an apparent increase in its size.

22. I believed that the U.S. and the GVN made significant military progress against the communists during 1967. There was an erosion of communist support in the countryside. The communists were having problems recruiting from the population in South Vietnam
and were relying more heavily on North Vietnamese infiltrators to fill the ranks of the organized military structure in the South.

23. While I vigorously defended the MACV estimates, no one at MACV told me to stick with any arbitrary 300,000-man ceiling. Nor had anyone at MACV to my knowledge ever set such a ceiling. Indeed I argued that the SNIE should show ranges of figures rather than attempting to convey spurious precision, and that these ranges should go well above MACV's then 297,000 OB figure. A sensible compromise was approved by General Westmoreland. It was agreed that the SD/SSD would not be quantified for reasons already given.

24. But I did not then -- and do not now -- believe that the press would grasp the real issues in the arcane debate within the U.S. intelligence community during the Summer and Fall of 1967 about how to categorize the various components of the communist organization in South Vietnam, especially the vague SSD and SD. I also did not -- and do not --believe that the press, in general, understood that the reassessment of the VCI, Guerrillas, SD and SSD which took place within the U.S. intelligence community during the summer and fall of 1967, which resulted in a better understanding of the nature and size of the communist threat, did not conclude that the size of the enemy had increased. I was concerned that the press was all too likely to misinterpret the revised intelligence estimates about the enemy force structure as an increase in the size of the enemy rather than as better intelligence on how many VCI, guerrillas, SD and SSD had been there all long. Such reports would have misled the American
public by substantially overstating the enemy's capabilities. In the event, when MACV General Winant Sidle finally briefed the media in Saigon on the new agreed estimates on 24 November 1967, our concerns were shown to be justified. Most of the media interpreted the new figures as an increase in strength, notwithstanding all the careful caveats expressed.

25. As to infiltration rates from North Vietnam, during 1967 and 1968 I had access to highly classified all-source intelligence, closely held in the intelligence community. It emanated from Washington, D.C., and was received at MACV in a highly secure area. This intelligence permitted us to estimate with a fair degree of precision the new enemy units infiltrating down the Ho Chi Minh Trail. This intelligence was shared by other high level agencies in the government which received it at the same time MACV did. Thus it would have been impossible for MACV in the fall of 1967 to have suppressed and concealed from Washington any striking increase in the rate of infiltration into South Vietnam.

26. The conspiracy theories of Samuel Adams are nothing new. He testified to this effect during the Ellsberg-Russo trial in 1973. I then read his 1975 article in Harpers magazine, as well as his allegations before the Pike Committee later in 1975. At that time I believed -- and still believe -- that Mr. Adams' allegations of wrongdoing within the U.S. Intelligence community during the SNIE 14.3-67 debate were utterly false. I said this publicly at the time
in the attached article published in The Washington Star, in which I called the whole dispute "a tempest in an intelligence teapot."

27. I saw the CBS broadcast "The Uncounted Enemy: A Vietnam Deception," which rehashed the same old issue with some new trimmings. I think that the broadcast misstated, distorted, and grossly exaggerated the nature, scope and importance of the controversy about the size and the quality of the communist force structure in South Vietnam in 1967-1968. There had been no "deception" and no "conspiracy." What had occurred had been an extended argument within the intelligence community over how to estimate and categorize enemy strength. It had overtones of an intelligence "turf fight" between J-2 MACV and CIA Washington. It was satisfactorily resolved. The related issue of how best to clarify what was in essence a recalculation of enemy strength was also resolved, though less satisfactorily in my view.

28. I was at no time contacted by CBS before its broadcast about Westmoreland, despite the fact that my Washington Star article was on the public record. Had anyone at CBS wished to interview me I would have willingly granted a filmed interview. I would have said essentially what I say in this affidavit. I did receive a call from Samuel Adams some time before the broadcast. The purpose of his call was to ask me for an interview for his forthcoming book. I agreed to consider an interview if he would write me about what he wanted to ask. He did mention in passing that CBS would do a broadcast soon, which I might not like.
29. Well after the broadcast CBS producer George Crile called me at my home in late March 1982. To the best of my knowledge, Mr. Crile had no problem in contacting me. I was in the phone book. I told Mr. Crile in substance much of what I have said in this affidavit. I also told him that the broadcast was outrageous, that there had been no "conspiracy", and that he had impugned the honor of a thoroughly decent man.

Robert W. Komer

Sworn to and subscribed by me this 14th day of April, 1984.

Notary Public