UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GENERAL WILLIAM C. WESTMORELAND, Plaintiff,

-against-

CBS INC., et al., Defendants.

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DISTRICT OF COLUMBIA, ss.

RONALD L. SMITH, being duly sworn, deposes and says:

1. I have been an intelligence officer and analyst at the Central Intelligence Agency ("CIA") for 25 years and served as Chief of the South Vietnam Branch in the CIA's Office of Economic Research ("OER") from the late summer of 1967 to 1972. As Chief of the South Vietnam Branch, I supervised the work of a team of analysts, including Samuel Adams, who examined enemy strength issues. We consistently found that the U.S. Military Assistance Command Vietnam ("MACV") had grossly underestimated total enemy strength in its official reports in the latter half of 1967 and throughout 1968. At Order of Battle conferences which I attended
in August 1967 and April 1968, MACV officials blatantly dis­regarded the available evidence and appeared to intention­ally undercount the size of the enemy we faced in Vietnam. The MACV command position was unmistakable. MACV would not accept an enemy strength estimate that exceeded a total of 300,000, regardless of the overwhelming evidence that overall enemy strength greatly exceeded 300,000. I was among the many intelligence officials and analysts who were re­pulsed by MACV's intentional distortion of the intelligence process.

2. I received a Bachelor of Arts degree from Boston University in 1951. I received a Master of Arts degree from Syracuse University in 1954.

3. During my career at CIA I held a number of supervisory positions in the Office of Economic Research, including Chief of the South Vietnam Branch from 1967 to 1972. In addition, I served a tour as an Assistant National Intelligence Officer for Economics. In 1972-73, I attended the Industrial College of the Armed Forces, and in 1975-76, I was a Fellow at the Center for International Affairs, Harvard University. In early 1982 I was sent on loan to the Department of Energy as Chief of the DOE Intelligence Division. My highest grade has been GS-16. I reside at 3155 Readsborough Court, Fairfax, Virginia 22031.
4. In the late spring of 1967, I learned that CIA's Office of Economic Research would be forming a South Vietnam Branch and that I would be heading that new branch. While the OER Transportation Branch and selected analysts from other elements had done considerable intelligence work on logistics and bomb damage assessments on the Vietnam War, there had been no systematic or coordinated work on enemy manpower within OER. This was to be the primary function of the South Vietnam Branch—to do a systematic appraisal of the enemy Order of Battle and other manpower issues.

5. While the South Vietnam Branch did not begin operating until the early fall of 1967, I immersed myself in Vietnam intelligence information as soon as I learned that I would head the new branch.

6. In the spring of 1967, CIA analysts prepared a draft of Special National Intelligence Estimate ("SNIE") 14.3-67, which included an estimate of total enemy strength. The SNIE draft, which had CIA's official support, contained an estimate for total enemy strength that was considerably higher than the figure then being officially reported by MACV. The SNIE draft estimated that total enemy strength exceeded 500,000, while MACV's official reports placed total enemy strength at below 300,000. The estimates in the SNIE draft were based substantially on the research, methodology and estimates of Samuel Adams.
7. When the SNIE draft was circulated to the other branches of the intelligence community, it was criticized by the military intelligence agencies, including MACV. CIA Director Richard Helms wanted CIA to settle its differences with the military. Therefore, in August 1967, MACV was invited to send representatives to CIA headquarters in Langley, Virginia, in the hopes of reaching an agreement on the enemy strength dispute. I attended these meetings. As I recall, General George Godding and Colonel Gains Hawkins were among those representing MACV at the deliberations.

8. From the outset of the August 1967 NIE meetings, it was obvious to me that the MACV delegation was not prepared to negotiate in good faith. The MACV delegation simply would not consider any set of numbers which would significantly increase MACV's existing official total enemy strength figure of below 300,000, despite the strong evidence marshalled by Samuel Adams and other CIA representatives in support of the CIA's much higher enemy strength figures. MACV took a rigid, "stonewalling" position, insisting on an estimate which would show a total enemy strength of below 300,000, consistent with the total then shown in the MACV Order of Battle. MACV had a number of ways of creating a total figure that fell below 300,000. MACV's estimates in the various categories of enemy strength
were scaled down to keep below this ceiling level. MACV was willing to raise or lower figures arbitrarily in the various categories so long as the total enemy strength figure was not raised.

9. The end of the August meetings found us at an impasse, with MACV sticking to its bottom line position of below 300,000 and CIA insisting that the numbers had to be increased. It was clear to me that the MACV delegation had come to Washington with orders not to exceed a ceiling of 300,000 for the total enemy strength figure. The MACV command position was unmistakable. MACV would not go above 300,000 on the enemy strength total.

10. A second meeting over the OB issue was held in Saigon in September 1967. While I did not attend that meeting, based on reports which I received and information of which I am aware, I learned the following: MACV's "stonewalling" on enemy strength continued. No amount of reason or evidence could move MACV above its ceiling position. George Carver, who as Director Helms' Special Assistant on Vietnamese Affairs ("SAVA") headed the CIA delegation, could not get MACV to agree to any significant increase in total enemy strength. Determined to reach an agreement on such terms as were available from MACV, I believe Carver therefore essentially gave in and accepted MACV's terms in order to reach an agreed position on the
enemy strength figures for the SNIE 14.3-67. That agreement provided that no estimate of the strength of the enemy self-defense and secret self-defense militia would be given and that the political infrastructure's strength would not be included in the total military Order of Battle figures. Moreover, the strength estimates in those enemy categories which were quantified were scaled down to levels below those which CIA had originally proposed. It was clear that the intelligence estimating process was being strongly influenced—and distorted—by MACV.

11. I do not believe that SNIE 14.3-67 presented the best estimate of the strength and nature of the enemy. The estimate of enemy strength contained in SNIE 14.3-67 provided a narrow and misleading picture of the enemy which understated true enemy strength and misrepresented the scope and effectiveness of the unconventional enemy and the manpower reserves of North Vietnam. It would be ridiculous to say that this estimate provided an accurate and complete picture of the enemy threat we faced in Vietnam. I believe SNIE 14.3-67 failed to address the true enemy strength problem. Had the SNIE done so, it would have argued for a change in our strategy. In my judgment, had President Johnson understood enemy strengths and potential, as a properly drafted estimate would have revealed, he would have to have either (a) increased our manpower in Vietnam, or (b)
taken stronger measures to cut enemy men and materiel from being brought into South Vietnam, or (c) increased the effective employment of the South Vietnamese armed forces, or some combination of these. An accurate assessment of enemy manpower potential and other strengths probably would have caused a reappraisal of the expected cost and duration of the war.

12. I believed that it was wrong to remove the enemy's self-defense and secret self-defense militia from the enemy Order of Battle because they played an important military role in the war and inflicted heavy casualties on allied forces. The enemy's self-defense and secret self-defense forces provided a base from which the enemy recruited and upgraded forces for its more conventional combat units, provided intelligence information for the enemy, performed propaganda and terrorist functions, represented a constant insurgent influence and source of sympathy to the Communist cause, and helped provide logistical support and administrative services for enemy main and local forces. In addition to having some weapons, the self-defense and secret self-defense militia were the enemy forces primarily responsible for setting mines and booby traps and planting pungi sticks. Of great importance, their presence caused U.S. and GVN forces to move
cautiously, thus limiting their effectiveness against enemy regular units.

13. I believed that that enemy's organized political infrastructure belonged in the enemy Order of Battle and should have been included in calculations of total enemy strength. The political infrastructure was an integral part of the enemy's overall organization. It was the civil government, including the police and propaganda arm, of the Communist movement. The infrastructure maintained control for the Communists in Vietcong dominated areas and engaged in terrorist, espionage and other activities in pacified areas. We recognized the importance of the enemy's political cadres by instituting the Phoenix Program, the aim of which was to neutralize the enemy's principal political activists.

14. By the fall of 1967, the South Vietnam Branch had begun a comprehensive analysis of enemy manpower. Samuel Adams joined our branch shortly after the Saigon Conference, which he attended. Adams had already developed considerable expertise in the area of enemy manpower while working at SAVA. CIA's position going into the SNIE Conferences had been based, to a large extent, on Adams' estimates and methodology. I was aware that Adams wanted to leave SAVA because he was unhappy with the SNIE agreement and wanted an opportunity to work with a group that would be
publishing research. I felt that Adams could make a valuable contribution to the South Vietnam Branch and welcomed this opportunity to work with him. As our research in the South Vietnam Branch progressed, we found that Adams' methodology and estimates were sound. Our research confirmed what Adams had been saying all along—that MACV enemy Order of Battle Summaries grossly underestimated actual enemy strength and did not give an accurate picture of the total enemy threat we faced in Vietnam.

15. It was apparent to me and others at CIA that MACV was attempting to maintain an arbitrary ceiling on the enemy Order of Battle throughout the latter half of 1967. During that period the official MACV enemy Order of Battle Summaries consistently reported a total enemy strength figure of below 300,000. Moreover, certain categories of enemy strength—namely, self-defense and secret self-defense militia, as well as political cadres—which had long been included in calculations of enemy strength were dropped from the MACV enemy Order of Battle in what appeared to be an arbitrary attempt by MACV to keep its estimate of total enemy strength below a ceiling level of 300,000.

16. After the Saigon Conference, MACV prepared a draft press briefing in which it further distorted the already misleading enemy strength estimates of SNIE 14.3-67. I believe that CIA officials, many of whom shared my
reservations about SNIE 14.3-67, were irate about the draft MACV press briefing, and CIA refused to endorse it. On November 11, 1967, I reviewed a MACV press briefing, which was one in a series of MACV press briefings during that month. It was apparent that MACV had made arbitrary retroactive reductions in the estimates contained in its earlier draft press briefing. There was no explanation given as to the basis for those reductions. Through these press briefings, I felt MACV engaged in a systematic public deception about enemy strength. The entire process was ridiculous from an intelligence standpoint. I was disturbed by this further example of MACV playing arbitrary numbers games with enemy strength estimates for public relations purposes. In a memorandum for the record which I wrote on November 13, 1967, I observed:

"We believe, as a substitute, that the numbers from the proposed briefing which we received . . . were used as the base and given an arbitrary retroactive update. . . . it is remembered that when we dealt with these MACV numbers during the summer, an attempt was made by MACV's representatives to pass out a long sheet with just such a retroactive update month by month to the nearest 1,000. Unfortunately, all present were too tired for such humor."

A copy of that memorandum is attached to this affidavit as Exhibit A.

17. In the fall and winter of 1967, the MACV enemy Order of Battle was used publicly as a major indicator of success in the prosecution of the war. Unfortunately,
however, the MACV enemy Order of Battle Summaries released in the fall and winter of 1967 were wrong. The enemy strength figures cited in the MACV enemy Order of Battle Summaries in the months leading up to the Tet Offensive were inconsistent with the enemy's demonstrated manpower and capabilities at Tet.

18. In a memorandum entitled "Chronology of the VC/NVA OB Problem", which I wrote on October 29, 1969, I described MACV's conduct during the latter half of 1967 as follows:

"3. During the summer of 1967 differences on several aspects of the OB were aired at USIS representatives meetings which had been convened to draft SNIE 14.3-67, Capabilities of the Vietnamese Communists for Fighting in South Vietnam. MACV estimates for the Main and Local Forces and for the loss and gain components were not seriously questioned. But, CIA analysts working with captured documents and interrogations had become convinced that MACV's estimate of the "Administrative Services"—the rear services support troops, the irregulars, and the so-called political infrastructure (VCI) might be underestimated by 50 percent or more.

"4. To resolve the dispute a conference was held in Saigon in September 1967, attended by representatives of MACV, DIA, CIA, CINCPAC, and the Department of State. Although the conference came up with a set of estimates, which were subsequently published in SNIE 14.3-67, the analytical problems were not resolved satisfactorily.

"5. MACV had been briefing the press in Saigon each month on the VC/NVA OB. During the summer and fall of 1967, the total OB estimate including the VCI had been about 300,000 and had shown a steady downward trend. It was this OB that MACV wished to have included in the SNIE. At the Saigon conference, it was apparent that MACV was less interested in the
components of the estimate than that the overall estimate be in the vicinity of the then public 300,000 figure.

"6. The MACV offer before the conference had been 296,115. At the conference a range of 298,000-333,000 was agreed to. MACV's first post conference OB carried 319,852 and this was subsequently lowered again to under 300,000.

"7. As a result of the general dissatisfaction with MACV OB estimates, we began to take a hard look at the entire OB question and geared up to properly research the subject. We soon determined that our differences were wider than we had thought and included the Main and Local Forces, recruiting and infiltration, as well as the other components."

A copy of that memorandum is attached to this affidavit as Exhibit B.

19. As our analysis in the South Vietnam Branch progressed in the late fall and early winter of 1967, we found that the MACV enemy Order of Battle significantly underestimated every category which it included in calculations of total enemy strength--main and local forces, administrative services and guerrillas. We also found that the MACV Order of Battle significantly underestimated the strength of the enemy's political infrastructure, which MACV no longer included in its "military" Order of Battle. We found that the enemy's self-defense and secret self-defense militia, which were no longer even quantified in the MACV Order of Battle, had ranks which exceeded 100,000. Moreover, we found that MACV significantly underestimated the rate of enemy recruitment and enemy infiltration into
South Vietnam. I felt that the estimates of the South Vietnam Branch were conservative.

20. In the months leading up to the Tet Offensive, total enemy strength exceeded 500,000. The South Vietnam Branch estimated that the total enemy organized manpower base in South Vietnam as of January 30, 1968, was between 515,000 and 580,000. That estimate was set forth in a memorandum for the record, a copy of which is attached to this affidavit as Exhibit C. At that same time the MACV enemy Order of Battle Summary was reporting a total enemy strength figure of 225,000—excluding the enemy’s self-defense and secret self-defense militia and political cadres, which were no longer listed in the MACV Order of Battle. Our estimate of enemy strength as of January 30, 1968, excluding the self-defense and political categories, was between 335,000 and 360,000. Thus, we found that the MACV enemy Order of Battle seriously underestimated enemy strength even in those categories which MACV acknowledged belonged in calculations of enemy strength.

21. In reviewing captured enemy documents and other sources in late 1967, the South Vietnam Branch found that the MACV enemy Order of Battle Summaries failed to report the presence in-country of many enemy units. Intelligence reports after the onset of the Tet Offensive confirmed our findings. Those reports showed conclusively
that many enemy units which participated in the Tet Offensive were not listed in the MACV enemy Order of Battle.

22. In mid-January 1968, Samuel Adams and I met with Colonel Gains Hawkins at CIA headquarters in Langley, Virginia. Colonel Hawkins had headed MACV's Order of Battle Branch and argued MACV's position at the August and September 1967 Order of Battle Conferences. He had since left MACV and was willing to discuss enemy strength issues on an informal basis. While Colonel Hawkins was cautious in his disclosures, he candidly admitted that he believed MACV's enemy Order of Battle Summaries underestimated the enemy in every category of enemy strength. A copy of the memorandum of conversation of that meeting, dated January 16, 1968, is attached to this Affidavit as Exhibit D.

22. When the enemy launched the Tet Offensive in late January 1968, it came as a surprise to me and I believe most of us at CIA headquarters in Langley, Virginia, particularly in terms of its scope and magnitude. I did not fully appreciate and do not believe others at CIA fully appreciated that the enemy was capable of mounting such a massive and coordinated countrywide attack. To the extent that there had been any doubt before the offensive began, it was clear after Tet that the enemy had far greater manpower and capabilities than the MACV command had been acknowledging in its official reports.
25. The Tet Offensive was a turning point in the war for the U.S. and a great psychological victory for the enemy. While the enemy's forces took heavy casualties during the offensive, the enemy obviously had the manpower to withstand those casualties. It is not useful to describe Tet in a purely military sense. Any military action that supports a successful political result, as the Tet Offensive did for the enemy, has to be considered a success.

26. After the onset of the Tet Offensive, CIA research showed that the rate of enemy infiltration into South Vietnam rose considerably in the several months before Tet. We found that the enemy infiltrated 20,000 to 30,000 men per month in the several months leading up to the Tet Offensive. This infiltration had helped supply the manpower necessary for the enemy to mount an attack as sweeping as Tet. MACV Intelligence had full knowledge of this dramatic infiltration surge while it was taking place. I assume MACV Regional commanders had acceptably good information on this and other OB developments. I knew that Regional commanders did not rely on the official MACV enemy Order of Battle. Their intelligence staffs supplemented this inadequate documentation. This I had learned on visits to South Vietnam during the period from 1967 to 1972.
27. In analyzing MACV's assessment of enemy casualties suffered during the Tet Offensive, we in CIA's South Vietnam Branch were convinced that those casualty figures were realistic. They could not be squared, however, with the total enemy strength figure being reported by MACV in its official enemy Order of Battle at that time. If the MACV enemy Order of Battle had been correct, there would have been no one left to fight us after Tet. It was a mathematical absurdity. Thus, the enemy strength figure cited in the MACV enemy Order of Battle turned out to be inconsistent with the results of Tet.

28. After Tet, CIA stepped up efforts to systematically re-evaluate MACV's enemy strength estimates. The South Vietnam branch argued for quantification and inclusion of all categories—including self-defense and secret self-defense militia forces and political cadres—in estimates of total enemy strength because all of these categories worked together and contributed to the enemy's war effort. To exclude one category was to ignore the enemy's carefully integrated military and political organization. Moreover, we argued for higher estimates than MACV was then officially reporting in every category of enemy strength.

29. In April 1968 an Order of Battle conference was held at CIA headquarters in Langley, Virginia. I attended that conference and helped present CIA's position
that enemy strength was significantly greater than was being officially reported by MACV. Then Colonel Daniel O. Graham was among those representing MACV at the conference. It soon became apparent that MACV would continue to "stone wall" on the issue of total enemy strength. Graham attacked the CIA's position on every aspect of enemy strength and attempted to defend MACV's position in the face of the overwhelming evidence that MACV's numbers were way too low. In my judgment, given the available evidence, it was not possible that Graham was arguing in good faith.

30. In late 1968, a study was done by the South Vietnam Branch on the accuracy of estimates of enemy battalion strength reported in MACV Order of Battle Summaries in 1967 and 1968. The study, a copy of which is attached to this affidavit as Exhibit E, compared the MACV enemy Order of Battle estimates with strength figures cited in captured enemy documents and POW reports, which were the most reliable sources of information we had about the enemy. For the first half of 1967, the estimates of enemy battalion strength reported in MACV enemy Order of Battle Summaries were consistent with the figures found in captured enemy documents. For the latter half of 1967 and the first half of 1968, the estimates of enemy battalion strength reported in the MACV enemy Orders of Battle were significantly lower than the figures found in captured enemy documents. In my
view, during the latter half of 1967 and the first half of 1968 the MACV enemy Order of Battle Summaries consistently underestimated enemy battalion strengths despite overwhelming evidence to the contrary.

31. I recall that in late 1967 MACV officials were making statements that we had reached the so-called "cross-over point" in the war effort. The "cross-over point" was that point at which the enemy was no longer capable of replacing its losses. While it was true in late 1967 that we had made serious inroads in attritting the Viet Cong's insurgency base, the enemy had large manpower reserves in the North. Therefore, it would have been impossible at that time for us to have reached a point where the enemy no longer had manpower to replace its losses. The enemy was not running out of men in late 1967, and the so-called "cross-over point" was not reached, nor could it have been reached in late 1967. I found the whole "cross-over point" thesis to be a very regrettable and misleading concept.

32. CIA analysts generally did not find reason in MACV's position on the enemy strength dispute; they believed, and believed deeply, that the MACV command position on enemy strength was not only inaccurate but irresponsible. Dozens of careful analysts at CIA and other intelligence agencies felt this way about the Order of Battle dispute
with MACV, and rightly kept this issue alive until the record was finally set straight on enemy strength in Vietnam after the April 1968 Order of Battle Conference.

33. Just prior to my assignment as Chief of the South Vietnam Branch, I conducted a study of the war in Indo-China for the decade prior to my assignment. My study—undertaken to shed light on long run manpower OB trends—showed that policymakers had always relied on inadequate assessments of the Vietnamese Communists' (a) mobilized manpower, i.e., the O.B., (b) manpower potentiality and (c) determination to "win", i.e., unify Vietnam on their own terms. As a result the enemy was able to counter our relentless buildup and military pressure more effectively than we expected. This caused the war to take more resources and time than the-public expected.

34. By the latter half of 1967, the resolve here at home to continue the American involvement in Vietnam was eroding. Showing a dramatic rise in the number of enemy forces we were facing in Vietnam—even if that rise in enemy strength figures were due to improved intelligence—would clearly have conflicted with the image of progress and success that the Johnson Administration wanted to present. This was particularly true in a war of attrition—as this war was—in which progress is measured by the decline in the size of the enemy forces. These strength estimates were
terribly important. It is almost universally accepted among Vietnam War analysts that explaining the dramatically higher number of enemy forces would have been a source of extreme embarrassment to the Johnson Administration. The MACV command did not want to risk further eroding the Administration's public support for the pursuit of the war. Therefore, based on facts of which I am aware and reports which I received, I believe MACV deliberately reported lower enemy strength figures than the evidence warranted in order to sustain the image of progress that the Johnson Administration so badly needed in 1967. It is, of course, ironic that considerable progress actually had been made during 1966 and 1967 before Tet and that this progress continued thereafter until U.S. forces were finally removed from South Vietnam.

35. I worked closely with Samuel Adams in the South Vietnam Branch. I considered Adams to be an expert on enemy manpower in Vietnam. I found him to be an exceptional analyst—bright, thorough, industrious, hard-working, perceptive and generally highly competent. Adams was as good an analyst on the Vietnam manpower question as we had at CIA, and I felt that way about him throughout his tenure as a CIA Vietnam analyst. He was very sensible about using documentary evidence to assess the validity of his estimates. I was among the many analysts at CIA who respected
Adams' abilities as an analyst and believed that he was right about the numbers dispute with MACV.

36. Adams became embroiled in a number of controversies with CIA management while working in the South Vietnam Branch. As his first line supervisor while he was in the South Vietnam Branch, I came to regard Sam as a mixed blessing. Despite his considerable contribution, his controversies ultimately became a burden to me. I advised him not to try to take the manpower issue to President-elect Nixon after the 1968 election, as he discussed with me and others. I also advised him not to go after DCI Helms with his IG investigation. It was no secret at CIA that Adams and Paul Walsh, then deputy head of CIA's Office of Economic Research, had a personal enmity towards one another. This grew as a result of Adam's attack on DCI Helms and outspoken criticism of Walsh over the handling of research on logistics. However, these controversies did not affect Adams' abilities or insights as an intelligence analyst. Even after he left the South Vietnam Branch, Adams continued to produce valuable intelligence estimates about the Vietnam conflict. I reviewed a study on enemy manpower in Cambodia which Adams undertook after leaving the Branch. Adams estimated that the enemy had far greater manpower in Cambodia than the intelligence community had previously realized. I found the study to be excellent and felt it made a valuable
contribution to our understanding of the enemy threat in Cambodia.

37. I saw the CBS documentary, "The Uncounted Enemy: A Vietnam Deception". Based on my experiences as chief of the South Vietnam Branch at CIA, I found the broadcast to be fair and accurate in its depiction of the Order of Battle issue in 1967 and 1968. During that period, it was clear to me that MACV officials intentionally distorted intelligence information about enemy strength for political reasons. I was surprised to see so many military officers come forward on the broadcast and admit their participation in or awareness of this intentional distortion of intelligence. I am aware that the CBS broadcast described MACV's conduct as a "conspiracy" to distort intelligence. While that may seem like strong language to some, to me it accurately describes the concerted effort undertaken by military officials to distort and suppress critical intelligence information about the enemy we faced in Vietnam. It seemed obvious to me that officials, including General Westmoreland, unless we are to believe that he did not know what was going on in his command, conspired to arbitrarily reduce estimates of enemy strength for political reasons. I could sympathize with MACV's plight. Faced with the overwhelming evidence that enemy strength was far greater than anyone had previously
realized, the MACV command had a major public relations problem on its hands. As an intelligence analyst, however, I could not accept MACV's solution, which was to manipulate and distort information about enemy strength by completely dropping certain categories from calculations of enemy strength and arbitrarily reducing estimates in the remaining categories. The intelligence community must retain its objectivity about matters of importance to national policy and the national security. Regrettably, in 1967, the military intelligence agencies failed to perform their function of reporting objectively on the nature and size of the enemy force opposing our mission in Vietnam. Instead, under intense political pressures to issue favorable reports showing progress in the war effort, MACV presented a misleading, overly optimistic picture of the situation in Vietnam.

38. Having worked with me in the South Vietnam Branch, Samuel Adams had knowledge of my experiences as a Vietnam analyst and my views regarding Vietnam intelligence in 1967 and 1968, as described in ¶¶ 1-37 of this affidavit.

39. Earlier this year, I met with Kathleen McGinn, an attorney representing General William C. Westmoreland. I told her in words or in substance what I
have related in this affidavit.

Sworn to before me this 23rd day of April 1984.

Ronald L. Smith

Notary Public
District of Columbia

My Commission Expires November 14, 1984