MR. BURT: I want to stay on the record, if I
might.

THE WITNESS: You just asked me, has anybody
-- repeat the question, would you, please.

THE REPORTER: "Question: Has anyone told you
whether or not Mr. Helms' cables to Mr. Carver at this
time have been discovered by CIA?"

MR. BURT: Now, Mr. Marr, on the record --

MR. BARON: Mr. Marr hasn't been sworn. This
isn't --

THE WITNESS: I will tell you what I said to
Mr. Marr and I will tell you what he replied to me.

BY MR. BURT: (Resuming)

Q Thank you.

A This was a corridor conversation. Paul and I
have known each other for a time, and I was inquiring as
to how he comes into this business. He is in my
directorate. And I asked him, had he found the Carver
cable, was it he who found the Carver cable to Helms,
and he replied that he had.

And I said, what about a Helms cable to
Carver? And he said, if there was a Helms cable to
Carver we couldn't find it. And that is -- that
conversation occurred no more than five minutes ago and
that's my recollection of it.

Q So Mr. Marr did not tell you that there was a
Helms cable to Carver?

A He said, if there was a -- to the best of my
recollection, he said, if there was a Helms cable to
Carver, we couldn't find it.

Q Was Mr. Helms fully informed by the CIA
analysts of what they believed the position with respect
to the enemy order of battle should be in SNIE 14.367?

A Normally, Mr. Helms would get his information
on the progress of a SNIE from the chairman of the Board
of National Estimates, possibly from one of his
assistants. I don't recall whether Mr. Helms had -- on
occasion he would have convened the -- depending upon
the circumstances, and we're talking in general about
estimates, he might convene the people, the CIA people
most intimately concerned with the estimate, to tell
them about problems with it.

So it is conceivable that Mr. Helms was
briefed by, say, Paul Walsh, possibly by Sam Adams,
although it -- possibly -- it would depend on the depth of the problem, how much time he had to spend on it, how interested he was in the resolution, whatever he thought was necessary.

It's conceivable that he could have been briefed on the problem.

Q You referred earlier to Mr. Helms and said, with respect to your opinion of him, that he, if I'm characterizing your testimony correctly, tended to slight the analytical side. Is that correct, sir?

A I shouldn't say there was a tendency. It's just that, because I was on the analytical side, I felt that there were occasions when the analytical side was slighted.

Q Can you tell me whether -- can you tell me why Mr. Helms punted, as you say, in this case?

MR. BARON: Object to the form of the question.

THE WITNESS: Why did he do it? I don't know why he did it.

BY MR. BURT: (Resuming)

Q Do you have any idea?
I surmised at the time why he did it.

What was that?

This contention with the military had gone on for -- had become so intense. It was unique in my experience that the position of the military was so solid and so, if I may borrow a term from before, so arbitrary, in the sense of being unwilling to reason, that Helms, it seemed to me, recognized that, particularly after Carver's table, that the recourse was not at a level above his own.

This was not something he could sort out with McNamara, with the Chairman of the Joint Chiefs of Staff. He couldn't very well go out to Saigon himself and confront General Westmoreland. We were at the point where he was going to have to bother the President.

Well, in the circumstances -- in fact, in the circumstances of the time, I could see Helms feeling that, lock, we shouldn't even be bothering McNamara.

There were occasions, yes, when it was incumbent upon Helms to go bother McNamara about something. But this to Helms, I could see Helms rationalizing that this isn't something you go to the
President on.

Q Did you talk --

A I did not talk to Mr. Helms about it. I was putting myself in -- I was presuming to put myself in his shoes.

Q You respected that rationale?

A I respected that, that's correct.

Q And did you believe Mr. Helms' punting, which is the way it's been described in your affidavit, was dishonest in any way?

A At the time -- I'm trying to think. There's a word that applies to this. At the time it was dishonest -- are you asking me how I felt at the time or how I feel now?

Q At the time. I'll get to how you feel now in a minute.

A I wasn't -- I think the straight answer to that is I did not think of it in terms of dishonesty, no, I did not.

Q Has your opinion changed since then?

A I don't suppose we could get a dictionary definition of "dishonest."
Q: As best you understand that word.
A: I think Mr. Helms saw it as a compromise. But the problem is and the fact is it was not a compromise. It was a compromise in the pejorative sense of the term. It was a compromise of his duty as head of the intelligence community to report the best intelligence to the President, to the rest of the Government. And so, yes, he compromised his duty on that decision.

Q: Is it your testimony that he did not -- that he should not have compromised?
A: I certainly now believe that he should not have compromised. It was too important a matter for it to be -- for there to be that kind of a compromise. It was not a compromise, it was an arbitrary -- giving in to an unyielding, unreasoned position by an element in the intelligence community.

Q: Could Helms have published his estimate without MACV's agreement?
A: He could have forced them to take a footnote.

Q: But he did not?
A: He did not. It was not his style. I'm sure there must have been estimates during that period in
which minor footnotes would have appeared. But Helms saw his duty as forcing the community to come to a reasoned judgment, the best estimate for the purpose of policymaking information given to the President, and that was his -- he made that effort. That was his consistent point of view.

But on this one in particular, Helms apparently felt that the controversy had gone on so long and had not -- was not dealable with at any lower level, that he took the unusual step of sending his executive agent in this case out to Saigon to try to resolve the problem at what clearly was its source, at MACV.

Q Do you know of any pressure on Helms from outside the agency to cave in?

A I would not have known about pressure like that.

Q Did you know of any at the time?

A No.

Q Was it the opinion of any -- was it general knowledge that there was no such pressure at the time?

MR. BARON: Object to the form of the question.
THE WITNESS: The --

BY MR. BURT: (Resuming)

Q I'll rephrase it for you. You said that Helms puntetd, was the way it was described.

A That's right.

Q Did anyone say that Helms was forced to punt?

A I have a problem imagining who would force him to punt. If you're suggesting that -- I can't think of who would force Helms to punt on that. It was his decision, his responsibility, his duty to resolve the thing.

Q And he did.

A It seems to me he had tried to resolve it.

Q And he finally chose to resolve it as he chose to resolve it?

A He chose to give in, as I put in my affidavit, to expend his energies in areas that he thought to be more important.

Q Other than the President, could anyone have pressured Helms?

A I assume the head of the agency can come under pressure from peers and colleagues. And you have to
notice that Helms, the Director of Central Intelligence, at that point was not a Cabinet officer. So in pecking order sense, there certainly had to be some deference paid to Cabinet officers.

But Helms was his own man as well. So if you're asking me to speculate --

Q No.

A I'm going to tell you anyway that, no, I don't think Helms was under any specific pressure from any specific place to do what he did.

Q Thank you.

Since we are discussing MACV and the SNIE, let me ask you a few questions about the nature of that dispute out there, if I may. It is true, is it not, that MACV could not veto the conclusions of the SNIE?

I'll put it in context. You testified earlier, if I recall correctly, that a problem you had had or the CIA had had for some years, or DIA, was that they would veto.

A Okay. This was a collegial enterprise, if you will. The only way I could have forced -- I was in a not dissimilar position from Helms. To get a particular
report or conclusion or information put into that publication over the objection of the DIA representative, I would have had to cover. I would have had to take it up to my boss and have him talk to the DIA man's boss and resolve it there.

This was a weekly publication. We didn't have time for that kind of thing, and so I did, the first couple of times, go to my immediate boss and say, what do I do about this. And he would say: Can't you resolve it, can't you work around it, can't you give a little, take a little, the usual?

But that was the norm, that it was and is a normal process of coming to an intelligence conclusion in an area where evidence is imperfect or whatever. You try to represent all the views and come to a joint position, a majority position and a minority, whatever.

That solution wasn't available to us because MACV -- excuse me -- DIA simply said, we're not going to use that report because it is not -- because -- I say it was a collegial thing. We didn't each of us sign each edition of the thing, but if the DIA man had simply withdrawn I couldn't have put that publication out that
1 week.

So in essence it was a veto.

Q Do you recall the categories that were in the order of battle that CIA wanted to list in the SNIE 14.367?

A I probably can't give you them all. As I recall, there were probably four: the self-defense group, the secret self-defense group; there was, oh, an administrative or support kind of thing for -- essentially, these were essentially categories that come under the general category of guerrillas.

Q Do you recall whether there was -- do you recall that the order of battle carried a category of main and local force?

A Yes, I do.

Q Do you recall whether there was any material dispute about the number of main and local force?

A If we're talking about 1967 --

Q Yes.

A -- if there was such a dispute, I have now lost consciousness of it, because the main question that I recall being involved in, and this was because CIA had
done the analysis so carefully, was over the -- this
other category or four or so things you mentioned
before.

If there was -- getting away just momentarily
from the '67 estimate, I think -- we're talking about
the formal order of battle, main force.

(Pause.)

A The problem that I recall was that when we
came to the problem about including or not including the
local stuff, there was probing on -- there was probing
and it was discovered that DIA/MACV was willing to give
a little bit here and a little bit there in terms of
other categories, and I assume this must have included
main force and local force.

Q But you don’t know?

A I don’t know. But the problem was -- or so it
was reported to me -- that this give had no relation to
reality. Again, the problem was physical figures. It
was sort of like a horse-trading session or a
log-rolling kind of thing, and this is not the way
anybody had ever conducted intelligence estimating
before, to our knowledge.
Who reported that to you?

It could have been any one of a half a dozen people. It could have been Paul Walsh. I have a problem at this time. There are literally hundreds of Vietnam analysts that have passed through my camp. It could have been Paul Walsh, it could have been George Allen, although I do not recall having all that much regular conversation with George Allen at the time. It could even have been a non-Vietnam associate who was nevertheless somebody in my office, in my immediate office, who was nevertheless -- the ONE office where all this was conducted was on the same corridor, the same wing of the building, as the entrance to my office.

People would drop in on their way to and from the sessions, just pop in and say, oh my God, they're still at it. It's that kind of information that I was getting and that I'm now recalling.

Q Was Paul Walsh unhappy about the outcome of the SNIE?

A Paul Walsh was chairing this problem. They may have appointed a subgroup or something to solve the
problem. He was tearing his hair.

Q Really?
A Yes, literally.

Q Was he unhappy about the results that were published as SNIE 14.367?
A He was extraordinarily unhappy. He wrote -- I'm pretty sure there's a memo in the record that had his opinion, a contemporaneous memo.

Q About the 14.367 results?
A About the order of battle conclusions on SNIE 14.367.

Q Did he tell you directly he was very unhappy, or did you hear it from somebody else?
A I would have heard Paul reporting to my boss, Ed Proctor and/or Jack Smith.

Q Can you recall him reporting?
A I can recall numerous occasions when Paul would be in there complaining about the MACV-DIA position, not a particular.

Q Can you tell me whether you recall anything about Mr. Adams' methodology in estimating -- let me ask you a more specific question. What parts of the enemy
structure did Mr. Adams work on, do you know?

As I recall, he worked on those same four categories that we were discussing.

Admin services?

Admin services, self-defense groups.

Assault group?

Assault group, and the secret self-defense. Those were the four I remember.

He didn't work on the entire estimate, did he?

I recall that we were using the same methods, recall also that one way you check for validity of estimates is using comparisons. If there are so many of this category and we know from experience that there is perhaps a ratio of one to the other, then it would have been necessary for Sam to have also been very familiar with main force, local force as well. So he would have been very knowledgeable on that subject as well.

What methodology did Mr. Adams use in developing his estimates, if any?

I could not now go through the process, but it
certainly involved this aspect that I am telling you about, where you look for consistency from one category to another, from one province to another, where the one thing that Sam was remarkable for was his tireless diligence.

There was not one scrap of paper pertaining to the thing that Sam would not examine with the same meticulousness as any other piece of paper. He had enormous energy, enormous dedication. He was in a class by himself among CIA analysts in that area.

Q Did Sam examine all the documents that were available?
A I can't conceive of Sam not examining every piece of paper available.

Q Every single piece?
A I don't know what -- I'll repeat that. I can't conceive of Sam not examining every piece of documentary evidence available.

Q Do you know how much evidence was available?
A It must have been mountains. I know what was there before Sam started and it was mountains.

Q Did you ever discuss Sam's methodology with
him?

A Certainly there must have been occasions when I would have -- this would have been after '67, because in '67 I wasn't that close to it. I wasn't talking to Sam in '67.

Q I see, I see.

A After '67 I may well have asked Sam, how did you get from there to there, and he may have led me through it. But I couldn't now tell you how it was.

Q In '67 you weren't this close to the estimating process?

A I wasn't that close to Sam. Remember, Sam is down at the specialist level. I am monitoring the overall process. I'm hearing people drop in. Sam was not one of the people who dropped in.

Q Do you have any knowledge of the methodology Sam may have used in '67 in preparing his estimate?

MR. BARON: Object to the form of the question.

THE WITNESS: I really answered that already. He told me later, because we were still going over this thing years later, how he got from here to there.
BY MR. BURT: (Resuming)

Q  But in '67 you didn't know?

A  I didn't know. I knew by reputation that everybody, the specialists who were familiar with the thing -- it wasn't just the CIA people -- the CIA adopted the results of Sam's methodology because of their great respect for how he had achieved it. And there were plenty of analysts in DIA who had the same respect, who understood the methodology and the results and stuff, who had the same great respect for Sam and Sam's methods.

Q  Did the method Sam used -- was the method Sam used in developing his estimates of the categories you've referred to the same method that MACV used in developing its estimates of enemy strength? In other words -- well, can you answer that question?

MR. BARON: Object to the form.

THE WITNESS: I would have to say here that MACV clearly was using different methods at different times.

BY MR. BURT: (Resuming)

Q  What about in '67?
A: I don't of my own knowledge know what methods they were using in '67. I only know they were arriving at figures that were clear off the same blackboard that everybody else was using.

Q: Can you recall which figures those were?

A: Even in '67 and even without this stuff, the figure 300,000 stuck in everybody's mind. That was so clear that a magic figure had been established, and no matter what method you used the figures could not go above 300,000.

Q: Did MACV present figures in excess of 300,000 at Langley, do you know?

A: During the OB conferences?

Q: Yes.

A: I don't know at this time. I don't know whether at that time I knew. All I can say is there was a total above which they would not go. But as far I know it never -- what could be put on paper would not go above 300,000.

Q: Did that total include the self-defense and secret self-defense?

A: As it finally came out, it did not.
Q  Did MACV present estimates at Langley for the self-defense and secret self-defense?

A  I couldn’t tell you whether they did or not. They certainly must have kept book on the secret self-defense forces. They should have had their own figures.

But the one thing they did do was move figures up and down in all categories. Instead of, you know, discussing how they got here or there, their response would be, well, if you don’t like those figures, how about these?

Q  How many were moved up and down, for example, in the main and local force, do you know?

A  I have no idea.

Q  What about ad services, admin services? How many were moved up and down in the admin services?

A  Whatever number it took to keep the balance of 300,000 or below.

Q  Would your answer be the same for the self-defense militia?

A  I’ll say it again. What the exercise came down to was taking six columns of figures and changes as
far as DIA/MACV were concerned. Toward the end of this process, they would give you any figures in any columns, as long as the total wound up 300,000 at the bottom.

Q You're sure?
A That was the impression that we all had.
Q That you had?
A That was the impression that I had, and the people who dropped into my office and discussed this problem in the corridors was outside these estimates.
Q But you were not there?
A I was not at the estimate sessions.
Q Is it true to say that your impression of what happened at Langley and Saigon is based on what people told you?
A Indeed it was.
Q Is it possible your impression could be wrong?
A But eventually it was confirmed by the documentary things, by the estimate, by the MACV press briefing, all of this. There were definite results that flowed from this process that came out in documents.
Q And what -- did you see the result of this in
the SNIE, the result of this process?

A The SNIE came out with some 298,000, something
in that category, for the total enemy forces facing the
United States in South Vietnam.

Q And did it do that by reducing the number of
enemy in the particular category?

A What it did, after the Carver conference they
simply cut away -- this was posed as the compromise. It
was -- there was a pretense that these people weren't
really fighters and so it is all right to take them out
of the OB. We will just deal with main force and local
force and that will be the OB, and if that amounts to
298,000, fine, and that is how we will do it. That was
the so-called compromise.

But it wasn't -- that is not a compromise when
you just cut half the apple away and throw it away.

Q Is there any reference to the self-defense and
secret self-defense in the SNIE?

A To the best of my knowledge, in that SNIE
there was no reference to those groups, although I'm
sure there must have been in previous SNIE's.

Q But there was no reference, to the best of
your knowledge?

A To the best of my knowledge there wouldn't have been, because the agreement in Saigon would be that we would eliminate, simply by fiat eliminate that category from the OB.

Q And so they did?

A They did.

MR. BURT: All right. Back tomorrow. What time is good for you?

THE WITNESS: Tomorrow, 10:00.

MR. BURT: If we start at 10:00 maybe and let me run on a little bit, I could probably finish off tomorrow. I think I could. I would like to.

THE WITNESS: I would, too. I don't want to be a crybaby, but I came here with four hours sleep. Tomorrow I will have a full night's sleep.

(Whereupon, at 3:00 p.m., the taking of the instant deposition was recessed, to reconvene at 9:30 a.m. on Friday, June 8, 1984.)

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CERTIFICATE OF NOTARY PUBLIC

I, Jane W. Beach, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in shorthand to the best of my ability and thereafter reduced to typewriting under my direction, that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Jane W. Beach
Notary Public in and for the District of Columbia

My Commission expires
My Commission Expires November 14, 1986