Q. Did you ever have any discussions with anyone as to what General Westmoreland or his command believed to be the size or estimated size of the enemy's self-defense or secret self-defense forces?

MR. MURRY: Objection.

A. Would you be good enough to repeat the question so I get it precisely?

Q. Certainly.

Did you ever have any discussions with anyone concerning what General Westmoreland or the MACV command believed to be the size or estimated size of the enemy's self-defense and secret self-defense force?

MR. MURRY: I object to the form of the question.

A. I don't know whether you would judge as relevant to the precise question, but in the group within my staff we discussed right through the year from the time the issue was posed at Honolulu, the evolution of these estimates.

And I would say that the three persons most intimately involved with this were William Jordan, Robert Ginsburgh and myself.

Q. These were all members of your staff?
A. Yes. What we were discussing was the difference among the estimates and the basis for them and how best should it be resolved, et cetera. But those are the only discussions that I can recall in the course of the year.

Q. Was the President, to your knowledge, given an estimate of the enemy's self-defense and secret self-defense forces in the period of March 1967 through March 1968?

A. Yes, indeed, he was. From the time that I apprised him, presumably in January 1967 of the nature of this debate, we would normally, and as a routine matter, keep him informed of the evolution of the debate so that the President knew that the debate was going on and order of magnitude and all of that.

Q. I am not now asking whether the President was aware of the debate.

A. I understand. You are asking whether he knew the numbers.

Q. No, I am not even asking that.

A. All right.

Q. As I understand it, it was your testimony that you kept the President informed of the debate over the enemy strength estimates.
Rostow

And is it also your testimony that you kept him informed as to the various positions taken by various parties in that debate?

A I do not remember every occasion, but it would have been a matter of routine that I should do so.

Q Did you do that in writing?

A I assume there were papers that went forward, but I have not got papers.

Q Let me try to be precise in my question.

A Right.

Q When you say you assume there were papers that went forward --

A Yes.

Q -- I am not clear whether you mean papers from you or papers from somebody else.

A I would assume both, but let me be honest about my problem here.

My problem is that by the time -- in the course of 1967, we added two people to the Tuesday lunch group, General Wheeler and Mr. Helms.

The notes of the Tuesday lunch group are not available to me and they should not be available to me.
I am virtually certain that the Tuesday lunch group on occasion discussed where this process that had been set in motion in Honolulu stood and what the positions were, but I can produce no documentary evidence nor do I have a precise memory. That is my problem.

But from the beginning, the orders of magnitude involved in the debate were known to the President.

Q Did you inform the President as to how that debate had been resolved?

A I do not remember informing him of it. The only thing I know is that he did -- he was informed by Mr. Helms and the papers were sent up and he was informed earlier that one of the issues he would face was the resolution of this and what to do about it.

Q I don't understand your last answer. Let me be sure what we are talking about.

A The President was informed before he received the SNE --

Q If I could ask questions and then get answers, we will move things along.

A Yes, sir.

Q First, did you inform the President as to how the debate over enemy strength estimates had
Q Did you do it in person or in writing?
A I don't know whether I did it in person or in writing.
Q Do you know when you did it, if you did it?
A I believe in October some time before the SNIE came forward.
Q Do you know if anyone other than you informed the President as to how the debate had been resolved? And by "the debate," I am referring to what we have been referring to before, which is the debate over the estimates of enemy strength.
A I do not know whether anyone else informed him.
Q Did you ever discuss with President Johnson the reasons, if any, why the debate was resolved the way the debate was, in fact, resolved?
A I did discuss with him all the elements that entered into the debate, but I don't remember discussing whatever my view was of the way the debate had been resolved until I gave him my opinion at the end, when the SNIE came forward.
Q When you put a cover memo on Mr. Helms'...
memo to the President?

A Yes.

Q In the middle of November of 1967?

A That is correct.

Q Did you orally tell the President anything different or in addition to what you put in your written memo?

A No.

Q Did you, in explaining to the President --

A Oh, may I amend that.

In the course of the interval starting in January 1967, when the President became apprised of the debate down to the end, did discuss with him the elements that had to be resolved, but you are talking about the resolution now.

Q Let me be sure that I've got your clarification.

A Okay.

Q Commencing in January 1967, it is your testimony that you made President Johnson aware that there was this debate over enemy strength estimates, and you made him aware of the elements of that debate and the positions of the parties?
A And that I informed him of the initiative
I had taken with General Wheeler to initiate, attempt
to get the intelligence community to clarify the
matter.

Q There came a point at which that debate
was resolved; correct?
A Correct.

Q There came a time in which President
Johnson was informed that the debate had been resolved;
correct?
A Correct.

Q And informed as to how that debate
had been resolved; correct?
A Yes, in the form of the SNIE.

Q In the middle of November of 1967, you
wrote President Johnson a memorandum that was a
cover memorandum to a memorandum to the President from
Helms concerning the basis for the resolution of the
debate; correct?
A Correct.

Q Did you tell President Johnson orally
anything about why the debate was resolved the way it
was, other than what was contained in your written
memorandum?
A No, sir. At least I don't remember. I have no record of ever having done that.

Q Do you recall Mr. Helms informing President Johnson of why the debate was resolved the way it was, or the basis for resolving the debate the way it was resolved, in addition to what Mr. Helms wrote in that memorandum in the middle of November?

A No, I know of no such further elaboration by Mr. Helms.

Q Do you know of any explanation given to the President by anyone, or by yourself or Mr. Helms or anyone else, as to why the debate was resolved the way it was or the basis for resolving the debate the way it was resolved, other than what is contained in your memorandum or in Mr. Helms' memorandum?

A I know of no such further explanation. I would note that the SNIE contains explanations itself. But that's another matter.

Q And the President got the SNIE?

A Yes.

Q Did the President get anything, to your knowledge, other than the SNIE and other than your memorandum and Mr. Helms' memorandum, that explained why the debate over enemy strength had been resolved
the way it had been resolved or the basis for that resolution?

A Nothing except the running discussions as to what the elements in the debate were.

You are asking about the resolution. I remember nothing about the resolution except his awareness of what the elements of the debate were.

Q I would like to now turn to the elements of the debate.

A Yes, sir.

Q You wrote a memorandum to President Johnson in about January of 1967, I believe, advising President Johnson of the existence after debate and the elements or at least some of the elements of that debate.

Do you recall that?

A It's the one that begins "As you know."

Is that the memorandum that you are referring to?

Q I don't recall the drafting or the language of the memorandum.

A The only one I recall is very close to the time that Honolulu started, in which I said that "As you know, there is a running debate about the absolute level of the enemy forces in South Vietnam."
Then I went on to make some comments, the exact nature of which I forget at the moment.

I am confident that that reflects a prior discussion and indeed, I do have memory that after I had talked to General Wheeler and made this suggestion and consciously made it without the weight of the President as a suggestion to a colleague, that I then informed the President of the debate and what was going on.

Q Did you provide the President with any fuller explanation of the elements of the debate over enemy strength estimates than is provided in that memorandum which you wrote to the President?

A Certainly. That memorandum simply refers to prior conversations that we had and what my explanation to the President would have been would have been the results of my discussions with Mr. Carter and his portrait of this.

And I do not remember, but I have a high degree of confidence that there were discussions of this at the Tuesday lunch with General Wheeler and the President present.

So the President's knowledge of this transcended my explanation and apprising him of the
existence of the debate, in my view derived from
discussions with Mr. Carter and my own staff as to
what the elements of the debate were.

Q Excuse me. You have referred to
Mr. Carter.

A Carver. I am sorry.

Q Notes were kept of the so-called
Tuesday lunches; is that correct?

A Yes, sir. Those, I gather, have been combed
out, but I have not seen them.

Q By "combed out," they have been
produced to the parties?

A Yes.

Q They have. That is my understanding
as well.

A Yes.

Q Those notes would be a better reflection
of what went out at those Tuesday lunches than your
memory on this issue; is that correct?

A They certainly would be if they were full
and not excised for security purposes, yes.

Q Have you looked at any of these notes?

A I have not had time really to see them. These
are Tom Johnson?
Q: You knew Tom Johnson?
A: Yes, indeed I knew him.
Q: Was he a good note taker?
A: Yes. He was a professional journalist and I believe he could do shorthand. I am not sure. Although --
Q: Did you see any of Tom Johnson's notes?
A: Never at the time.
Q: Afterwards?
A: I don't believe I have ever seen any of the notes of the Tuesday lunch, and so that your knowledge is probably greater than mine, certainly greater than mine.

The one thing that -- I don't know how or what they were like. My impression -- well, I took notes. I took notes of a different kind. I took notes of the action. I took no notes of the discussion. That was not my business.

But if they decided to act on anything, I had to have a record of that and immediately went down and transmitted that to the various departments.

Q: Have you seen those notes recently that you took?
Rostow

A

No, I have not. I have not seen them. These are action notes. They are scrawled on the agendas, but I had not -- they are in the library. But I have not seen them. No, I have not.

Q When you say they are in the library, you are referring to the LBJ Library?

A Yes.

Q Do you have copies of them?

A I may have copies of the -- my own copies of the agenda, yes. But that doesn't mean that they have the notes on them, but they might. I quite often took the notes on the agenda itself.

Q Where would your copy of the agenda, perhaps with these notes, be?

A I think in my files at the LBJ library.

Q Those are files you have access to?

A Yes.

Q Are those the files that you are referring to yesterday that if the documents are not classified you can take them out and copy them?

A Yes is the answer, if they are not classified.

Q In the period between January of 1967 and the time that the debate was ultimately resolved, what did you tell President Johnson were the elements
Go the debate over enemy strength?

A. The elements that I would have told him were that, one, on the North Vietnamese units and main force units, there was not serious agreement.

On the political support forces of the Communists, there was less certainty than on the units in the main force units and the North Vietnamese.

On the guerrillas, there was quite a lot of contact and there was less certainty than the main force, but reasonable basis for coming to a figure that might be arranged, but there was consensus of the order of magnitude and that they belonged in the order of battle.

On the self-defense forces, there was less contact. The evidence that we had was less systematic. The timing of the evidence varied a good deal and there was a shadow to the extent that one could not be sure of the vested interests that might be involved in the making of those estimates.

But, nevertheless, there seemed to be a quite good case for assuming that these -- the self-defense forces and secret self-defense forces were larger than the figure we inherited from our order of battle.
inherited from the Vietnamese.

So then there was later emerged the problem when a consensus had arrived that you ought to raise the figures.

The President was apprised of the fact that there was a question of how to explain simultaneously -- oh, I left one element out.

I explained so far as the self-defense and secret self-defense forces were concerned, there was a problem of what their military significance was.

All members were not armed or well-trained. Some were women. Some were old people. And the military significance of the self-defense and secret self-defense forces was more ambiguous than in the case of the other categories.

And then there was the question of how to present within the government and the extent to which it was going to be done outside simultaneously the fact that this was -- the revision, if it took place was not an indication that these forces had recently increased but had decreased from a higher level and you know what my recommendation was with respect to that, that it be done in a retrospective recalculation.

Those were the elements in my discussions with the President.
Q Now, you testified, I think, that you recommended to the President that the new figures for the SD and the SSD be officially released to the press; is that correct?

A I was not as precise as that. What I said, we should make a retrospective estimate and that was something that we have been thinking about since the middle of the year and even we suggested -- Bob Ginsburgh suggested that the CIA make such an estimate and then he suggested one of his own. That the presentation of our conclusions about this should be done in a year end review which would embrace everything that happened in '67 including the acquisition of more Intelligence.

As nearly as I can make out from what I read now, because I didn't earlier remember it, I did not explicitly say, "release the retrospective figures to the press." That could be taken as an implication and I personally would not have minded it.

You are asking me a precise question. Did I recommend that the retrospective figures be published in the press and that I did not do.

What I did do is say retrospective figures should be calculated and the retrospective estimates
should be explained in the context of the evolution of the war as a whole in '67.

Q Explained to whom?
A The implication there was clearly the press, yes.

Q Now, you recommended to the President that a retrospective estimate be done as to what enemy strength had been in prior periods?
A That is correct.

Q Did you ever discuss with the President why that retrospective estimate was not done?

MR. MURRY: I object to the form of the question...

A I never discussed it. I informed him that it was judged to be -- in MACV, to be impossible to do in a serious way. It was a very difficult job.

Q When did you inform President Johnson that in MACV's view, it was impossible to do such a retrospective estimate of what enemy strength had been in the past?
A I think it was at the time of the SNIE. I can't give you the exact date.

Q But approximately November?
A Yes.
Q Of 1967?
A Correct.
Q Who told you that MACV believed it was not possible to go back and estimate in or about November of 1967 what enemy strength had been for past years?

MR. MURRY: I object to the form of the question.
A I believe it would have been Bob Ginsburgh who was working on this problem with his colleagues in the military.
Q Do you know who would have told Mr. Ginsburgh?
A No, I do not.
Q In --
A He was by that time a brigadier general.
Q When he was a brigadier general, he was still on your staff?
A Yes. He moved up from colonel to brigadier general while working on my staff. He was both liaison with the joint chief of staffs and my staff. He had a dual function.
Q When you explained to President Johnson the debate over enemy strength figures in 1967 and...
Rostow

the elements of that debate, did you tell President Johnson what your view was as to how that debate should be resolved?

A No, sir. I never did form a firm view of my own. I didn't. I had an awful lot of evidence, but I was not a professional order of battle expert.

The reason that I could be confident of what I told you was all, except the political question, how you present it, was already present in January 1967. All those elements. Those I did convey.

Q Convey to President Johnson?

A That is correct. I did not ever form a firm judgment without our own group or personal judgement.

Q In addition to your oral discussions with President Johnson concerning the 1967 debate over enemy strength figures, did you give to President Johnson any papers or documents other than your January 1967 memorandum and your middle November 1967 memorandum in which you discussed the resolution of that debate?

MR. MURRY: Could I have that question read back, please.

(The pending question was read back by the reporter.)
A In the normal way we do our business, the answer
to that would be yes. You asked me if I remember.
The answer to that is no. But the way we operated,
for example, I am confident that I would have sent
forward some memoranda on the subject -- General
Ginsburgh's -- quite often he would send something
to me and I would say, "Mr. President, you might be
interested in this."

Q Now you reviewed your files?
A Yes.

Q Did you find any of these?
A What I am finding is the things that I did
not find in my files are coming out of the LBJ Library
so for example, there are two memoranda. I confess
that I -- two memoranda of Bob Ginsburgh's on the
calculation of the retrospective estimates.

Q There is the October?
A One in August and one in October.

So I think that my files may not be complete
and these confirm what I already knew from documents,
namely, that we were interested in retrospective
estimates, but I did not until recently see as cleared
by the LBJ Library the two Ginsburgh memoranda.

Q What I am asking is you kept a copy
of the memoranda that you sent to the President; correct?
A It depended. If it was a document -- for example, I do not have a file of the Bunker cables.
I believe my chron file is here with the Bunker cables, come up this week.

Q Right.
A What is coming out -- the reason I am confident that the President saw the memoranda --

Q Saw what memoranda?
A The two memoranda of Bob Ginsburgh on retrospective estimates is that they came out of the LBJ Library and not my personal chron file. So it certainly went up to the President.

Q Not everything in the LBJ Library is something that went to the President?
A That's true. But -- I don't believe they have internal memoranda of my staff. That's what I am saying. I don't believe they have got that.

However, I cannot tell you for certain where those memoranda came from. All I know is, it is normal procedure I would send these things forward to the President.

Q When you sent something forward to the President, you would write the President a
memorandum, sometimes substantive and sometimes merely transmittal; correct?

A  Correct.

Q  You kept a copy of those memoranda in your files, did you not?

A  Yes. But sometimes for example, at a meeting I might take a memorandum up that I had and show it to the President. This was a small intimate operation, not a big bureaucracy.

Q  Do you ever recall taking up any memoranda relating to the enemy strength issues, order of battle issues and showing it to the President at a meeting?

A  I don't remember a specific instance of it, that's right.

Q  You have reviewed your files.

A  I have reviewed them before I left on July 6, 1983, yes.

Q  Did you find any indication in those files that you had sent any materials to President Johnson during 1967 relating to the enemy strength or order of battle debate between your January memorandum and your November memorandum?

A  I have not found any formal transmittal, correct.
Q. You have not found any written transmittal?

A. That's right. Formal written transmittal, that is correct.

Q. In 1967, in your discussions with President Johnson, did you inform President Johnson that one of the concerns that General Westmoreland had with respect to the developing estimates of enemy strength was a concern as to what the press or public relations aspect would be?

MR. MURRY: Objection.

A. The President was aware --

Q. Let me try to get you to focus on my question. At the end of a series of questions, if you have anything that you want to say, that you think needs to be said, go ahead and say it.

What I would like to try and do, if I can, is to focus on a situation where the answer matches the question.

A. All right. What is the question?

Q. In 1967, did you tell President Johnson, either orally or in writing, that General Westmoreland's position or the position of MACV command with respect to the enemy strength or order of battle debate was in part based on concern for the press and political
implications of releasing higher enemy strength figures.

MR. MURRY: Objection.

THE WITNESS: Should I proceed?

MR. MURRY: Yes, sir.

A The President was informed of that concern directly through back channel cables and I transmitted those to the President.

I never -- you asked me whether I discussed it with him. The answer is no.

Q You say you transmitted certain cables to President Johnson.

A That is correct.

Q Relating to the press and public relations concerns with higher enemy strength estimates; is that correct?

MR. MURRY: Objection.

A I transmitted cables -- yes, I did, that's right. I certainly did.

Q What cables did you transmit to President Johnson that related to the press or public relations implications of high enemy strength estimates?

MR. MURRY: Objection.

A I believe there were two back channel cables, perhaps one which had been widely referred to in the
evidence organized for this case and these were back
channel cables and I simply transmitted those to the
President.

Q Are you referring to the August 20th
cable?

A I don't remember the dates, but it was made
very clear --

Q Who was the cable from?

A The cable was addressed to me and it came back
channel and back channel addressed to me meant it
was for the President and it came from Bunker, I believe.

Q This was a cable from Bunker to you;
is that correct?

A That is correct.

Q This was a cable that came to you when
or approximately when?

A I don't remember the date at which it came.

Q Do you remember approximately?

A It may have been as you suggest August, but
I don't remember the date. It came well before the
SNIE.

I might say it was routine. A back channel
cable came not to the President, but it came to the
National Security Advisor and I transmitted it to

NEWROCK REPORTING SERVICE • 9 East 41st Street, New York N.Y. 10017 • (212) 840-1891
the President.

Q    All I am asking you is when.
A    I understand that and I told you, I don't remember
the date.

Q    And you went on to talk about other
things.

If you wanted to say something that
you think needs to be said to put an answer in context,
I want you to go ahead.

A    All right.

Q    If you are sort of volunteering informa-
tion on an unrelated subject, then it will move things
faster if we stick to the question. I don't want
you to be cut off from something that you think relates
to the question, even if you think it is not directly
responsive.

A    You have asked me when and I don't remember.

Q    Do you recall approximately when?
A    No.

Q    Do you recall whether it was before
or after June of 1967?
A    My impression is that it was after June, but
I am not sure.

Q    Now as I understand it, you received

NEWROCK REPORTING SERVICE • 9 East 41st Street, New York N.Y. 10017 • (212) 840-1891
a back channel cable from Mr. Bunker which you then
passed on to the President and the subject matter
of that cable related to the press or public relations
implications of higher enemy strength estimates at
least in part; is that correct?

MR. MURRY: Objection.

A There was more to it than that, but in part,
yes.

Q What more was there to it?

A What they were worried about was how they could
explain to the press in ways which the press would
transmit to the public the fact that strength had
been declining, but it was declining from a higher
base. They were concerned that the effect of revising
the previous figure would be to impart an impression
that the strength had been increasing. That was
precisely the point of anxiety.

Q And did Mr. Bunker in that cable take
a position one way or another as to what should be
done with respect to enemy strength figures?

A I don't remember. I don't believe he flagged
the sensitivity of the issue for the President.

Q Did you ever discuss that cable with
President Johnson?
A. I never discussed that cable with President Johnson, to the best of my memory.

Q. Did you ever discuss that cable with Mr. Bunker?

A. I never discussed that cable with Mr. Bunker.

Q. Did you ever discuss that cable with General Westmoreland?

A. I never discussed that cable with General Westmoreland.

Q. Did you ever discuss that cable with anyone during the time that you were National Security Advisor?

A. I did with members of my staff and it was from that anxiety really, that we went to work on the retrospective estimate and the recommendations that I ultimately made to the President, how it should be handled.

Q. Recommendations which were not accepted?

A. That is right.

Q. Did you discuss that cable from Mr. Bunker with anyone other than members of your staff during the time you were National Security Advisor?

A. I do not recall discussing it outside the context of the staff.
Q Did anyone in your presence ever discuss with President Johnson the press or public relations or political implications of higher enemy strength figures?

MR. MURRY: Excuse me. Could you read that back.

(The pending question was read back by the reporter.)

A I recall no such --

MR. MURRY: Wait a minute. I object to the form of the question.

A I remember no such discussion.

Q Do you recall any document other than this one cable from Bunker to you, which you passed on to President Johnson, that was transmitted to President Johnson either by you or to your knowledge by anybody else, that related to the enemy strength debate or controversy between your January memorandum and your November 1967 memorandum?

A Except for the possibility that there were two cables back channeled and not one, I don't recall any such communication.

Q Do you know as you sit here now, whether there was one back channel cable or two back channel
cables that you passed on?
A I don't know.
Q If there was a second back channel

cable that you passed on to President Johnson relating
to the enemy strength debate, do you know who that
would have been from?
A No.
Q Do you know what the date of it would
have been?
A No.
Q Do you know what the substance of it
would have been?
A No. I have -- no.
Q In terms of enemy strength estimates
and the enemy strength debate during 1967, did you
have any discussions with Secretary of Defense Robert
McNamara concerning that debate?
A I don't remember any discussions with anyone
outside my staff.
Q Did you, in your discussions with
President Johnson in 1967, ever tell President Johnson
in words or in substance, that there were Intelligence
officers that believed that the MACV enemy order of
battle estimates were deceptive or misleading or
arbitrarily low?

MR. MURRY: Objection.

A The only report I made was -- that I recall -- which was not at that time, involved deception or any of those pejorative words, was in January when I said there was a difference of view, but I do not recall any such reporting.

Q Did you have, and you may not have a basis for this, but I want to ask you in case you do.

Did you have any understanding in 1967 as to the extent to which President Johnson would have approved taking press or public relations concerns into account in resolving the enemy strength debate that you were discussing with him?

A I have no basis for being able to answer that question except an instruction that he gave me in my responsibilities for this committee that was coordinating information and putting out -- trying to get out certain information that we would put out knowing that was not solidly based.

(Continued on next page.)
You say that you received this back channel message from Mr. Bunker. And my recollection is that it is August 20th, but I could be wrong on that.

MR. MURRY: Objection.

Q That is a long question.

Do you have it in mind?

A I've got it.

As you may recall, Mr. Helms, in his submission of the SNIE, referred to the political elements in the problem. I don't recall anything except that and the one or two back channel cables.

MR. MURRY: Objection.

Q Do you have it in mind?

A That is a long question.

with you, either in writing or in person, the fact that higher enemy strength estimates raised a political or public relations or press concern.

But whatever the date of it was, you received a back channel message from Mr. Bunker concerning the possible political or public relations implications of higher enemy strength estimates. Was that the only time anyone discussed higher enemy strength estimates with you, either in writing or in person, the fact that higher enemy strength estimates raised a political or public relations or press concern.

But whatever the date of it was, you received a back channel message from Mr. Bunker concerning the possible political or public relations implications of higher enemy strength estimates. Was that the only time anyone discussed higher enemy strength estimates with you, either in writing or in person, the fact that higher enemy strength estimates raised a political or public relations or press concern.

MR. MURRY: Objection.
message.

Except for these two or three documents, were there any other communications in 1967 which you were aware of at the time that raised any political or public relations or press concerns with respect to enemy strength estimates?

A Mr. Boies, I believe, but I cannot vouch for it, I believe that there was transmitted, among other places, to the White House a draft of the proposed press briefing in Saigon, in the wake of the SNIE, but in which case, I would have passed that to the President.

But I believe if there were any other documents, and that's the only one that is triggered in my memory, but that would have to be checked and verified.

Q Did this draft of a proposed press briefing discuss the political or press or public relations concerns with enemy strength figures?

A No. Just the way they attempted to resolve it simply "Here is the briefing we propose," and so on.

That's my memory and I might be wrong.

Q Did anyone ever tell you, in words or in substance, either orally or in writing, the extent to which political or public relations concerns
affected the ultimate resolution of the enemy strength or order of battle debate that went on in 1967?

MR. MURRY: Objection.

A No, sir.

Q Did you ever have any discussions with President Johnson as to the extent to which, if any, political or public relations concerns or concerns for the press affected the ultimate resolution of the enemy strength debate?

A No, sir.

Q To your knowledge, did anyone else, other than you, ever have any discussions with President Johnson concerning the extent to which, if any, the order of battle dispute resolution was affected by political or public relations or press concerns?

A Not to my knowledge, sir.

Q Let me try to cure your counsel's objection to my initial question.

Did you ever receive any written or oral communications relating to the extent to which, if any, the resolution of the 1967 enemy strength debate was affected by political or press or public relations considerations?

A No, sir.
Q The Bunker cable that you referred to, that you received in 1967, was a cable which you recall receiving before the enemy strength debate was resolved; is that correct?
A Yes, sir.

Q Did you, in your discussions with your staff --
A May I just make a point.
I don't remember exactly when, you know, when it was resolved. It is palpable from the record that I didn't remember the resolution of it when I was questioned by Mr. Wallace. So that what I know is ex post.

Q Could you explain what you mean by that?
A What I mean is that at the time I was questioned by Mr. Wallace, I knew about the initiation, because I played a part in the initiation of the sequence, but I did not remember all the phases of it and I know more than I knew then.

Q Based on your review of documents and papers?

Q Did you at the time that you were
interviewed by Mr. Wallace, recall that the enemy strength debate in 1967 related to the self-defense and secret self-defense forces?

A Yes. I didn't recall, but I think -- I had not been apprised that that would be the central focus of the debate.

I was told that I was to be questioned on what the President knew before Tet and what his dispositions were.

There was a reference to, at the end, towards order of battle matters in Mr. Adams' view, and I was told about that and therefore, I did not review my files except order of battle matters. But I remember it concerned the order of battle debate at the village level.

Q Prior to being interviewed by Mr. Wallace, had you had any discussions with anyone concerning the fact that you were going to be interviewed and the subject matter of your interview?

A Other than Mr. Crile, I discussed it with no one.

Q You did not discuss it, for example, with General Westmoreland, your interview?

A No.

Q Did you review any of your files before
going to that interview?

A No, sir. I reread what I had written
in "The Diffusion of Power" because I was quite
confident in my memory of what the President knew before
Tet and what he did about it, but I would have reviewed
it in a quite different way if I had known what the
center of the issue was that they were going to raise
with me in New York.

Q Since your interview with Mr. Wallace,
you had an opportunity to review the transcript of that
interview, have you not?

A Yes, sir.

Q When was the most recent time that
you had a chance to look at that transcript?

A I reread it before coming to New York.
Within the last ten days, let us say.

Q Based on your present best knowledge,
are there any statements in that interview with
Mr. Wallace that you made, that you believe on
reflection to have been incorrect?

A I don't remember 105 pages in detail, whatever
it is, Mr. Boies. But I am just trying to think.
I don't recall any regarding such an interview, not
as a piece of systematic research, but those were
honest responses that I would stand by to the best of
my knowledge at the present time.

Q My question is a little different.

A You are asking me retrospectively can I
recall anything that I would now regard as false or
incorrect or inaccurate?

Q Yes.

A I don't recall anything, but that doesn't mean
there might not be things that I might, if I went over
it page by page, that I might wish to revise
marginally.

Q How many times have you read your inter-
view with Mr. Wallace?

A Two or a maximum of three times, I would say.

Q During any of those readings, did you
notice something that you said to Mr. Wallace that you
believe to be inaccurate or in error, even if you can't
remember what it was? Do you remember that there were
such things?

A I don't remember any, Mr. Boies. But I am not
really a great expert on the document.

Q With respect to the issues that were
treated in the broadcast, concerning what General
Westmoreland did or did not do, was there anything,
and if so, what was it, in your interview with Mr. Wallace that you believe pertained to that issue or those issues?

A  Please. Could I have the question again?

Q  Was there anything in your interview with Mr. Wallace that pertained to what the broadcast said about what General Westmoreland did or didn't do that you recall?

A  As I recall the interview, at a certain stage a set of assertions were made about General Westmoreland which I was in no position to affirm or deny.

They sounded quite extraordinary to me, but the assertions were that General Westmoreland had one, set a ceiling, suppressed intelligence about the order of battle; two, had failed to inform the President and repeatedly, Mr. Wallace said that the President and I were had, that the President was misled; the Tet offensive was a great surprise; things of that sort.

If we had known the order of magnitude of the enemy more Americans would be required, et cetera.

The assertions about General Westmoreland, as I remember them, were, one, that he suppressed intelligence within his command; and two, he misled the President and officers higher than him in the

NEWROCK REPORTING SERVICE • 9 East 41st Street, New York N.Y. 10017 • (212) 840-1891
chain of command at CINPAC and JCS.

Q When you say "higher than him" --

A In the chain of command.

Q -- higher than General Westmoreland?

A Yes. All of this I found very surprising, indeed, and I was skeptical of it, but I was in no position to assert or deny, and I said that.

You asked me about General Westmoreland and that's my answer.

Q With respect to the period between your interview and the preparation and broadcast of the CBS documentary, that is, between your interview, which was --

A July 26th.

Q -- which was in July of 1981 and the broadcast in January of 1982, did you have any discussions with anyone about your interview or the subject matter of your interview, other than your discussions with Mr. Wallace and Mr. Crile?

MR. MURRY: I think he testified to this before, but I will let him answer one more time.

A I am trying to think.

In that interval -- no, I don't believe I did.
I really don't believe I did.

Q That is, you did not discuss it with General Westmoreland or somebody like that?

A I don't believe I did.

Q Prior to your interview on camera, you had had a discussion, I think you said, with Mr. Crile.

A Yes. There may have been two telephone calls that we chatted about this. I am not sure. Mr. Crile might remember.

Q That would have been my second question.

Your discussions with Mr. Crile prior to your videotaped interview were on the telephone?

A Yes, sir.

Q Subsequent to your videotaped interview, did you have conversations with Mr. Crile on the telephone?

A I believe after the interview, all our communications, which were ample, were in writing.

Q Prior to your filmed or taped interview --

A I guess it was filmed.

Q -- did you have any --

A Prior to?

Q Yes.
A. Okay.

Q. -- did you have any conversations with Mr. Wallace?

A. No, sir.

Q. What about after your filmed or taped interview?

A. Yes. I had one conversation with Mr. Wallace while playing tennis up at Martha's Vineyard.

Q. I'm sorry. Are you asking me prior or post?

Q. I was asking for the period after your filmed interview.

A. After the filmed interview. Yes, I had a conversation on the tennis court at Martha's Vineyard with Mr. Wallace.

Q. Other than your conversation on the tennis court at Martha's Vineyard with Mr. Wallace, have you had any conversations with either Mr. Crile or Mr. Wallace, subsequent to your filmed interview?

A. Yes. I had a conversation with Mr. Crile. He was gracious enough to pick me up when he had a cab and I didn't have a cab and I was going up somewhere to give testimony. I was beleaguered on Massachusetts Avenue, and he was most gracious to pick me up, and we chatted.
Q Other than your tennis court conversation with Mr. Wallace and your cab conversation with Mr. Crile, had there been any discussions with Mr. Wallace and Mr. Crile subsequent to your filmed interview?

A Oh, yes. You want written communications?

Q No. I am focusing on oral, either in person or over the telephone.

A I don't remember any others, but there was a very important written communication between me and Mr. Wallace.

Q I want to come to the written ones.

The advantage to the written ones is that we have them so we can go to those more precisely.

A All right.

Q With respect to the conversations in the cab with Mr. Crile and on the tennis court with Mr. Wallace, was there anything in those conversations other than what is in the various written communications that you have had with Mr. Wallace and Mr. Crile?

A With Mr. Crile, the answer is negative.

With Mr. Wallace, there was a very brief discussion, because we happened to play tennis on the day that CBS released its version of the Benjamin report.
Mr. Wallace took me aside and made two
comments to me, one that it had been a hard, long
experience and he had to give quite a lot of time
of his testimony to Mr. Benjamin; and two, he said
he had been so hard pressed before taping that he
had not gone as deeply into the issues as he would
have liked.

Those are the only two things of substance
that I recall.

Q Did you play on the same team or opposite
teams with Mr. Wallace?

A That relates to the very serious written
communication. We played on opposite sides and there
was an inaccurate report, I guess, the three
occasions -- the two occasions that I played tennis
with Mr. Wallace up there, in which it was asserted
that in three days in a row I had beaten him.

He was very proud and he sent me the clipping
from the Washington Post. And he said "Some press
agent you got."

I wrote back, "To Whom it May Concern," that he
could use it with anybody exactly how the scores had gone,
and I couldn't keep from adding in a note, "However,
you are perfectly free to use it, Mike, at any dinner
party in Washington and elsewhere, but you must allow me a certain amount of wry pleasure of experiencing what media distortion can be."

And that is the sum total of my communications with these two gentlemen, as nearly as I remember.

Q  We mentioned written communications.

A  That's it. I was teasing you.

I remind you, it is a quarter to twelve.

MR. BOIES: Off the record.

(Discussion off the record.)

MR. BOIES: We will recess for lunch until 1:00 p.m.)

(Whereupon, at 11:45 a.m., a luncheon recess was taken.)