AFTERNOON SESSION

1:00 P.M.

WALT ROSTOW, resumed and testified further as follows:

MR. MURRY: I want to state for the record that counsel for plaintiff in the action has provided Mr. Boies copies of all the documents that Mr. Walt Rostow brought with him prior to the commencement of the deposition and we have also provided documents that were supplied to both parties pursuant to a subpoena at the LBJ Library, but which Mr. Rostow reviewed in the offices of counsel for plaintiff yesterday.

THE WITNESS: Reviewed briskly.

MR. MURRY: We will identify, if Mr. Boies thinks it necessary, all the documents we have provided.

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MR. BOIES: Why don't we identify them with this witness sitting here, but we can do that in letter form.

MR. MURRY: Yes.

I was told that Dr. Rostow was contacted by the secretary at the LBJ Library, and that the documents that were discussed, his personal file, I believe.

THE WITNESS: The documents that have been assembled which I didn't bring with me, will be sent tomorrow by Federal Express.

MR. MURRY: The last item is that counsel for plaintiff would like to ask Mr. Boies his estimate of how much he has.

MR. BOIES: I will try to do it as fast as I can and I will try to do it in an hour.

EXAMINATION CONTINUED

BY MR. BOIES:

Q Mr. Rostow, let me begin by referring to what we talked about off the record. Off the record you looked at a document that you had written on May 20, 1968, which indicated that 20,000 enemy troops brought into the Khe Sanh area had come in in January.
of 1968; is that correct?
A  Yes. That is what the document says.
Q  Have you received any information since that time that would lead you to conclude that perhaps those troops or some of them came in in a period earlier than January of 1968?
A  No, sir.
Q  And I take it it is the case, but I ask it just for purposes of the record. You don't have any reason to believe that what you wrote in May of 1968 was in any way inaccurate other than the fact that obviously it is an estimate?
A  As I recall, I am quoting a DIA estimate; is that right?
Q  Yes. You are relying on the Defense Intelligence Agency.
A  Yes. It is not an independent Rostow estimate.
MR. BOIES: This might be described as Document 222 from the LBJ Library. It might also be described as Document 83 of some kind or it might be described as something else.
There are a variety of numbers on the document. What I am referring to is a one-page cover memorandum from Mr. Rostow to the
President dated May 20, 1969, 12:15 p.m.

Q Let me begin now by focusing on the issue of the military capability of the self-defense and secret self-defense forces.

A Yes.

Q I believe you indicated that during 1967, between January and November of 1967, you had had conversations with President Johnson in which you indicated that there was a debate within the Intelligence community concerning whether or not the self-defense and secret self-defense forces had significant military capabilities; is that correct?

A That is correct or precisely what capabilities they had, there were differences of view.

Q Did you know at the time what those differences of view were?

A I had an impression, which I conveyed to President Johnson, but I offered incidentally no personal judgment because I didn't have -- I was not in the field.

The two points of view as I understood them and conveyed them in January to President Johnson were one which you might call a guerrilla warfare perspective which said that within the whole complex...
of the guerrilla war these people served functions which justified their being taken very seriously in an order of battle, from which perspective they did logistically, collecting rice, taxes and recruits, Intelligence and so on, was a significant function and justified being in the order of battle.

Whereas, from a more narrow and conventional military point of view their mobility, their fire power, their training was more limited. And these were two alternative ways of looking at the role of these people.

And I did not attempt to arbitrate it, except from people who were in the field. That was one of the questions.

Q Did you convey to the President any estimate as to the number of self-defense forces or the percentage of self-defense forces that were armed?
A No, sir. I don't remember that. Remember what I was doing, if I may recall that to you, Mr. Boies, I was conveying after a discussion -- a two-way discussion with Mr. Carver about the nature of the problem that was faced. I had some knowledge from documents that we had, but after -- what I discussed were the elements that were under debate.
that bore on where one put these categories within the framework of enemy capabilities.

But I do not remember Mr. Carver telling me or giving me an estimate of what proportion were armed and what were the character of the arms.

Q Would the same thing be true with the number or percentage of the self-defense or secret self-defense forces that consisted of draft age males or women or older people?

A It was the ambiguity about the question of arms. The ambiguity of the question of their fighting capabilities and the other ambiguities that I referred to not offering any resolution by number or whatever.

Q Did you have any understanding in 1967 as to whether the enemy strength Intelligence officers at the CIA believed that the self-defense and secret self-defense forces had sufficient military capability to justify including them in the order of battle?

A All of this was derivative and it would not be appropriate for me to deal directly with the technician on it.

But from Mr. Carver's exposition, whose integrity I had ever reason to trust, he indicated there were some who felt very strongly that they belonged in
the order of battle in a war of this kind. That's as far as I can go.

Q. Did anyone ever inform you as to what the position was of the enemy strength or order of battle Intelligence officers within MACV as to whether or not the self-defense and secret self-defense forces had sufficient military capability to justify or require their inclusion in the order of battle?

A. No, sir.

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

A. The answer is negative.

Q. Did you ever have any discussions with anyone concerning what MACV's position was concerning the military capability or lack of military capability of the self-defense and secret self-defense forces?

A. Except for discussions with my staff, negative.

Q. Do you know whether members of your staff had any discussions with Intelligence officers in the MACV command concerning the military capabilities of the self-defense or secret self-defense forces?

A. To my knowledge, no. I worked through the former liaison with the Pentagon, Colonel Ginsburgh.
and I don't remember his ever having talked about a direct contact by him with anyone from MACV.

On the other hand, he was clearly very knowledgeable about the debate going on and was my major source aside from Mr. Carver.

Q Other than what is stated in the SNIE 14.3-67 report, did you ever have any information as to what resolution was made as to the debate over the military capability of the self-defense or secret self-defense forces or what the resolution was?

A No. To the best of my knowledge, no. I didn't recall it. Obviously Mr. Wallace was questioning me and I don't recall it now. I ran across no document that would jar my memory.

Q One of the things that we talked about earlier was the process of the enemy building up for what you termed a maximum effort at the end of 1967 and early 1968.

Can you identify three ways in which the enemy was building up for that maximum effort?

Do you recall that?

A All related to manpower?

Q Yes.

A There were other things not related to manpower
that they were building up, but the manpower side, yes.

Q The all three that you related to were building up enemy manpower.

As you understood it in 1967, at the end and early 1968, were the efforts of the enemy maximum efforts in each of those three areas to build up manpower?

A That was my impression at the time and I see no reason to change it in retrospect.

Q One of the things that you see when you look at the MACV estimates for infiltration is you see that the estimates for infiltration in 1968 subsequent to the Tet offensive are higher than the estimates for infiltration in 1967. Do you recall that?

A I do. I got into some exchange with Mr. Crile about that. I guess I did with Mr. Wallace.

Q I think you did with Mr. Wallace.

A Yes. I am baffled to this day a bit about it.

Q That's really what I wanted to pursue.

A Yes.

Q We have heard testimony from other
sources that the ability of a Washington based
Intelligence agency to track infiltration improved
considerably in the spring of 1968.
A    Um hum.
Q    Were you generally aware of that without
going into detail?
A    I knew it was changing favorably, but I purposely
kept out of that business. I need the results. I
didn't have to know how they were getting them. I
was pleased with the results, but I didn't have to
get into the logistics.
Q    Do you have any explanation or possible
explanation for why the MACV estimates for infiltration
for 1968, following the Tet offensive, are so much higher
for the MACV estimates for infiltration for the last
four months of 1967?
A    No. I still have -- I have given thought to
it since the discussions. What happened is that you
have got certain things here which are very difficult.
One, I believe there were three investigations whether
there were any units fighting in Tet at which we were
unaware and no unit was found. We captured a lot
of people and documents. CIA came with a lower estimate
of the total engaged at Tet that was engaged in this
concentrated short period, not the winter-spring offensive. I think they said '77 versus '85.

Q The two or three a day?

A Yes. Everyone tried to take stock and see if there were any units engaged that we didn't recognize. I don't think there was anything substantial. Some kind of battalion, but no substantial numbers. I think there were three investigations subject to correction for more solid evidence.

And this really was quite substantial order of battle evidence because it was based on contact; prisoners, documents.

Now, my question is, could the casualties have been much greater than we thought? It's one thing to explain this very large number afterwards both killed and wounded. Were the casualties higher because at the May offensive within which their capabilities again was a maximum one but it was weaker. It involved at least one North Vietnamese division which I think was held out, but the May offensive was not as powerful in maximum.

If you have 75,000 more people in between the first wave and the second and your second punch was weaker than the first, that must have meant you killed...
a lot more people than you calculated or took out of battle one way or another.

I honestly under oath and before a jury, I cannot resolve that. All I do know is that as I recall the figures that were laid before me in the discussion with Mr. Wallace, the seminars I called them, those figures of high infiltration went on beyond May and there I began to get really skeptical.

You see that the intensity of contact falls off very fast in the latter part of the year and there are even towards the end of the year evidences of withdrawal and so on.

If you ask me whether I have a confident feeling for the order of magnitude before Tet, the casualties at Tet in the first wave. The infiltration between the two. The rationale for the figures that later came out. I don't. I never read a coherent account that reconciles all these elements.

That is why I said at one stage, "Mr. Wallace, did it ever occur to you that these guys could be wrong even after the events?" I don't know. There are estimates too. The sheet doesn't all answer when you get it all together. Perhaps if you get a great historian you will have it. Perhaps someone else.
has it, I don't have it.

Q One of the things that I was thinking is that if the enemy was really making a maximum effort to infiltrate as you indicate they were in the fall of 1967, and if they had the capability of infiltrating 20 to 25 thousand troops a month as the MACV reports for the period after the Tet offensive indicated, what explanation, if any, would there be why they would not have been doing that kind of infiltration in the fall of 1967?

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

Go ahead.

A Mr. Boies, I am going to give you a reflection which has come from reading rather recent documents. Among the documents that have been supplied to you and now supplied twice because I happen to have seen them, is one of a report later in the year as to what was going on in April and May and this is after the bombing halt. It was accepted on April 4th, I believe, because Robert Kennedy came in that day and talked to President Johnson and the news came in while he was there.

What they describe is intensive efforts to
repair the trails. Apparently there was quite a lot of disruption on the trails and they did use the interval of when there was no bombing on the trails intensively to repair.

Now, it is conceivable in the period when they were bombing and disrupting and sending in so many units to shoot them up, et cetera. It is conceivable that there was more limitation than we sometimes think in bringing people down. I do not know.

Q One of the indexes that you said you looked at in terms of evaluating intensity of the fighting was United States casualties.

Do you have a recollection as to how United States casualties in the end of January offensive compared to the casualties in the May offensive?

A I would have to, you know, check the chart that is in "The Diffusion of Power". I have not looked at it from that point of view.

(Continued on next page.)
Q: Did you, in 1967, have an understanding about what position, first, General McChristian, who was the chief MACV intelligence officer until about June took, and then second, what General Davidson, who succeeded General McChristian took with respect to that debate?

A: I didn't know these gentlemen and had no independent knowledge of their points of view.

Q: Did you have any knowledge of what General McChristian or General Davidson's view was of the enemy strength debate or any part of it, either directly from them or through someone else?

A: I knew, without attribution to individuals, what the broad nature of the debate was through the not only General Ginsburgh, but discussions that we had, intensive discussions about the problem in our little staff.

But it was not ad hominem. I knew what the issues were that were being debated in the order of battle controversy, but I had no knowledge of any of the debates going on inside MACV, although, as I told you, it would not have surprised me.

It would surprise me if there were no debates inside on a big issue like that.
Q: Did you have any knowledge of the positions taken within MACV other than the ultimate MACV command position?
A: No, sir.

Q: Did you have an understanding in January of 1967, when you wrote the memorandum to President Johnson of what the MACV command position was at that time?
A: I knew in a general way from Mr. Carver that the position that was being generated within parts of the CIA challenged some of the figures that were coming out of MACV.

But I did not know that there was any debate within MACV. In other words, my knowledge of the debate arose from the CIA end, not from the MACV end.

Q: Did there come a time in which someone either on your staff or someone else was informed and then informed you as to the MACV command position in the order of battle debate in 1967?
A: General Ginsburgh informed me of the general shape of the debate, and in one memo which you have, he said "It looks as though it is going to be resolved like this," and he gave me the numbers.

But I don't recall palpably, I didn't recall
when questioned, anything that would be going on inside MACV.

I cannot tell you that General Ginsburgh --
all I can say is I don't remember it and don't recall it and I would add this, if I may, this is a supplementary clarification which you permit me.

When you are working for a president who has got all of these different elements, making estimates or reconciling them, what you struggle for is getting an understanding of all the elements of the debate so he can understand if he is forced to make a decision or an assessment of the papers that come before him so that the numbers mean something.

But we were not -- you don't get into a partisan mood when you are doing that job. Your job is to try to understand, as best you can, and convey to the President the elements of the problem.

Q Did President Johnson intervene here or participate in the discussion as to how the order of battle debate was resolved?
A I have no knowledge of any such intervention.
Q I don't either.
The only reason I asked is because you say one of the purposes was to advise him in case --
A We did tell him what the debate was about.
I am without memory or evidence -- memory certain --
if he saw the Ginsburgh memorandum. That's just the
way we worked. I do not recall any evidence of his
intervention.

There is some kind of negative evidence in
the way Dick Helms informed the President of the
decision.

Q That would be in the middle November
memorandum to the President?

A Correct. I don't know of any intervention
by the President.

Q In 1967, did you come to believe that the
intelligence that existed in the middle of 1967 as
to the strength of the self-defense and secret self-
defense forces was better and more accurate than the
intelligence that had existed on their strength a year
earlier?

MR. MURRY: Objection.

A I was prepared to accept the judgment of the
intelligence community which seemed to me to be a
general consensus that the figure was higher than had
been previously reported as inherited from the South
Vietnamese.
So that there was no way that I felt I could make a responsible estimate sitting in the west basement of the White House that would override the estimates being made by the responsible intelligence officer, although I did note that some of the intelligence coming before us was not only ambiguous with respect to time, et cetera, even category, but also there might have been a South -- a Viet Cong vested interest in blowing the figures up. That's part of your estimation process too. You discount for that.

Q. We spent a lot of time talking about an enemy strength debate concerning the self-defense corps and secret self-defense corps.

A. The only one of which I was conscious in retrospect was that having been done in a different context order of battle estimates.

I felt uneasy because we were not making qualitative estimates of the units. We were making it a too strictly numbers game.

And I reported to the President the qualitative acceptance -- qualitative estimates.
And secondly, I was pleased when they finally began to introduce estimates of the number of North Vietnamese regulars in the VC forces; that was an important symptom.

The short answer is no, no major debates. I would not regard anything as serious or worthy of much notice unless it was in the major order of magnitude because no one had a right to be that sure of his numbers.

Q Were you aware of any debate within the intelligence community with respect to estimates of infiltration in 1967?
A No, not debates within the -- no, I was not aware of them.

What I was aware of, which may bear on it, is that there was a good deal of skepticism because of the time lags and methods, although no one could think of a better method.

Q Were you aware in 1967 of any debate within the intelligence community concerning the size of the enemy's administrative service units?
A I don't remember it, but I may have been aware of it.

Q But you don't remember?
Rostow

A No, I don't remember it.

Q Were you aware --

A Supplementary comment. I assumed the enemy had enough administrative service units to support his combat units.

Q Did you have any estimate or approximate estimate as to how much administrative service support was required for each enemy unit of a particular size?

A No, sir.

Q What was the ratio of United States administrative service personnel to combat personnel?

A Damn big, sir. I don't know the number. They didn't drink quite as much Coke.

Q You mean the enemy?

A Yes.

Q Could it have been as high as six to one, six administrative service support personnel for every combat person?

A Mr. Boies, I knew then; I don't know now. No point in throwing numbers at me. I don't remember. We used to talk about it at the time, but I don't remember.

Q Do you recall about how many U.S. combat troops there were in early 1968?
Rostow

A  Of the half million over there, I don't know how they broke it down at this time. I did then, but I don't know now.

Q  Were you aware in 1967 of any debate within the intelligence community as to the size of the enemy's guerrilla forces?

A  I was aware that there must have been a debate because they often appeared with a straddle which didn't surprise me because you are not in systematic contact with guerrillas as you are with main force North Vietnamese units.

They wobbled between sixty and ninety thousand. But, you know, I don't remember what the nature of the debate was and I thought, and I may have been wrong, that it was a natural result of the fact that as you moved down from North Vietnam to VC force and guerrillas, you were dealing with a body of men with whom you were in less systematic contact on the U.S. side.

Q  By "straddle," you mean there was a range?

A  Precisely. That's what I meant. That is a better word.

Q  Were you aware of any debate within the
intelligence community in 1967 relating to enemy
recruitment estimates?
A    I was. It was heightened by the work that
was done in our little staff and tried to develop
retrospective estimates.

In order to do that, you have got to make
certain assumptions about recruitment and certain
assumptions about casualties, et cetera.

So I was conscious that there were
differences of view about the recruitment rate.
Q    Do you know what those difference were?
A    No.

Q    Do you recall anything about what the
different views were relating to recruitment?
A    I don't remember. I do not recall now. It
was a subject rather intensively discussed simply
because we were interested in making retrospective
estimates. That's how we got into this.

Q    I still have a couple of other things
I want to follow up. Before I do, I know one subject
that I want to raise with you.

It relates to something that you have
mentioned two or three times, I think both here and
in Paris, and I think something that Mr. Wallace put
to you during your interview. That related to sort
of your own objectivity in dealing with the President.

Is it fair to say that you were
attempting, in 1967 and indeed throughout the time
that you were serving as National Security Advisor, to
give President Johnson as complete and accurate and
balanced a viewpoint of the facts as you could?
A That is correct.

Q And that although you may not have had
a personal view with respect to the war and what
ought to happen in the war, it was your view or your
job to try to be as objective as you could in what
you gave the President and not shade it one way or the
other?
A That was true, but in addition, I took action
to insure that the President had direct contact with
others than myself and the flow of intelligence
materials of a basic kind flowed to him with him
getting copies without my intervention and
interpretation.

Q In terms of the period in 1967 and 1968
when you were National Security Advisor, there have been
reports -- and I don't want to elevate them and I am
not suggesting to you now that they are accurate -- but
there have been reports that you would seek to get
a particular kind of intelligence from the CIA,
for example, to support a particular view of the war.

I hope it you have been at least aware
that there were people that said that's what you
thought?

A Yes, I have been aware of such statements.

Q Do you have any explanation for
those statements? Do you have any explanation of why
those people would come to those conclusions?

A Yes. It is a — for a historian, it's a
quite normal phenomenon, understandable, and I hold
no anger, and I would not regard those people as in
bad faith.

If a chief of state or a president or a
prime minister takes a position different from the
one that you take, it is very easy to come to believe
that if only he had the information you had or the
perspective you had, he would take a different point
of view.

Now, with respect to President Johnson, a view
grew up that he was taking the position that he did
because he was blocked in and Rostow was whispering
in his ear, et cetera.
Q With respect to the Intelligence Debate in 1967 about enemy strength, did you ever convey to the President in words or in substance orally or in writing any indication or evidence that that debate was anything other than a good faith dispute among Intelligence officers?

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

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

A No. And I don't believe it was if you accept the Rostow protocol. What starts off as good faith debate can get involved very emotionally with other imputations.

Q Did you in 1967 know about the September 1967 Saigon conference at the time it was happening?

A I have no memory of it. And I found no documents to jog my memory except that the document which is not explicitly related to the Saigon conference from Ginsburgh who gives me in August, I think, if you look at it, it is going to be resolved apparently like this and gives me the numbers which are fairly close to the one -- but there is nothing in my memory about the Saigon conference.

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May I make a supplementary statement?

Q    Sure.

A It may seem odd, but this issue which is so important in the course of the priorities we had in the year '67, a debate about these elements, it was not -- did not rank with things like the Arab-Israeli War, the effort to get the Soviet Union, which we succeeded in doing, to get a nonproliferation treaty, which we did. And the turning point took place in September and began to foreshadow the possibility of the first SALT talks or getting the elections in South Vietnam process going. Or having a Summit Conference for the first time in history with all the chiefs of government in the hemisphere.

I only say this to indicate that it is not as surprising as it might seem that I did, having lost a process of Intelligence investigation that I didn't follow on compulsively every detail. Maybe I should have.

I am not saying I was right or wrong, but explaining the tasks of the President and National Security Advisor in that year was varied and absorbing.

Q Did you, with respect to what you did follow of the Intelligence debate receive any
information as to why the CIA took whatever position it took at that Saigon September 1967 conference?

A I found that the initial briefing that I had from Mr. Carver has stood up over the years.

Q That would have been when?

A That would have been, I assume, in January very shortly before I called General Wheeler. He gave me the elements and the thought and I have not heard from anyone anything since January 1967, substantially altering the elements of the Intelligence to be on the order of battle.

MR. MURRY: Off the record.

(Discussion off the record.)

Q Was it your understanding in November of 1967, that the CIA's position with respect to the order of battle debate had remained fairly consistent from January of 1967 until November of 1967?

A Yes. I thought that was the position and I thought a great deal of what the CIA argument was, was accepted in the SNIE. I think it's a good document.

The substantial argument, the one thing that is not done that people obviously felt strongly enough.

A number was not put in the order of battle. The
order of magnitude indicated, but the argument is very well stated. I read it over this morning, just to make sure after the comments that you made, or had been made that or were implied that my own judgment wasn't wild.

My judgment is that the essential elements of the CIA arguments is in that paper. I won't elaborate unless you ask me to.

Q I don't remember seeing that document.
A The SNIE. It is just the preliminary, the summary of it, the beginning. The whole thing is back in Austin. I took the summary along. The elements are in there.

Q Were you aware in 1967 that there was, as part of the order of battle Intelligence debate, a debate over whether the self-defense or secret self-defense forces should or should not be quantified?
A I must have been aware at the time, but I don't remember it. One reason I say that to supplement this, the numbers are in Ginsburgh's memorandum to me and they appear only in the text or equivalent numbers appear only in the text of the SNIE.

Q Do you know what the respective positions were in the debate as to whether or not the self-defense
forces should be quantified?

A  It's not a question of being quantified. My impression, Mr. Boies, as being listed in the order of battle. I believe in the text you will find an order of magnitude figure, a quantitative figure for them. But in any case, again, what is your question?

(Continued on next page.)
Q: I had thought that you had said earlier that you were aware that an element of the order of battle debate was a debate over whether or not the self-defense forces --
A: That is correct.
Q: -- should be quantified.
A: Yes. Quantified and formally listed as part of the order of battle, two separate points.

I think they were quantified, but they were separated from the conventional order of battle. I think that was the resolution.

Q: So your understanding is that the way the debate was resolved was that the self-defense and secret self-defense forces were quantified, but that quantification was not included in what you refer to as the formal order of battle?
A: Yes. As you can see, we were very much aware of the numbers in the Ginsburgh memoranda, et cetera. I believe there is an order of magnitude figure in that summary. I may have misread it. Let me see if I can find it.

Q: Let me first see if I can get straight what you are referring to.

Is that what you are talking about when
you talk about what you reviewed? And if it is, can you identify it for the record?

A Let me see if I can find it -- this is not the discussion. There is a dim Xerox, not as lucid, not as clear as this.

Do you have the pile of papers that you collected? Perhaps I can quickly find what I vaguely remember.

MR. BOIES: Off the record.

(Discussion off the record.)

Q Do you have the document in front of you now?

A Yes. I am now trying to see -- no. Wait a minute. Yes. There we are.

I knew I had run across something. If you can read the number. Paragraph 36, page 15, SNIE 14.3-67.

"Our current evidence does not enable us to estimate the present size of these groups (self-defense, secret self-defense, the assault youth or other similar VC organizations) with any measure of confidence."

Q Let me stop you right there.

In November of 1967, did you believe that was accurate?

A Yes, I believe that today.
Q And did you know of any elements of the intelligence community that thought that statement was inaccurate in November of 1967?

A Yes.

Q You did?

A And that is what I regard as an authentic dispute within the intelligence community as to whether the evidence was sufficient to justify.

Then they go on, however.

Q Let me be sure we've got this clear. Who did you believe in the intelligence community disagreed with that statement?

A I believe that some of the CIA people who had worked in order of battle deeply disbelieved that.

Q Who did you believe agreed with that statement?

A All the senior members of the U.S. intelligence. The National Intelligence Estimate Group and those who finally made judgments in Saigon and in the military chain of command higher than Saigon, DIA, CINPAC and MACV.

Q Who were the people who made the decisions in Saigon who you believe agreed with the sentence you just read?
Rostow

A I did not try to personalize the intelligence process.

It was General Westmoreland's command and the officers responsible in General Westmoreland's command.

Q I think you indicated that you wanted to read more of the paragraph.

Why don't I let you read the paragraph and we will come back and take it sentence by sentence.

A Yes, sir. Let me underline why we are doing this.

We got into this because I vaguely remembered that a number was in here. Here we go.

Following the previous sentence, which we read and discussed at some length, the next sentence:

"Some documents suggest that in early 1966, the aggregate size of the self-defense force" -- I think the number was 230,000, but it's a very bad copy -- "This force and other groups, however, have unquestionably suffered substantial attrition since that time, as well as an appreciable decline in quality because of losses, recruiting of some of their members into the guerrillas or other VC military
components and, particularly, the shrinkage in VC control of populated areas.

"Now, in aggregate numbers, these groups are still large and constitute a part of the overall Communist effort, they are not offensive military forces. Hence, they are not included in the military order of battle total. Nevertheless, some of their members account for a part of the total Communist military losses."

Then it goes on:

"The Communist military and political organization is complex and its aggregate numerical size cannot be estimated with confidence."

Q Let me go back to some of the things in those sentences.

The first sentence you read was.

"Our current evidence does not enable us to estimate the present size of these groups with any measure of confidence." And the groups are identified, among others, as the self-defense and secret self-defense groups.

I believe you indicated earlier in November of 1967 and, indeed today, you believe that sentence to be accurate.
A The way I would phrase it, if I had my
druthers, is that any estimate of these forces must have
a much lower level of confidence than those for the
North Vietnamese and main force units, or even the
guerrillas.

But any measure of confidence is a debatable
phrase, no doubt. That's a phrase and estimation
and degrees of confidence can be argued.

Q In November of 1967, did you believe that
the persons responsible for MACV intelligence believed
that that sentence that we just read was accurate?
A Yes is the answer to that question because
the people responsible for intelligence are the
commanders. The commander is responsible.

Q Who was the commander?
A The commander of the command was General
Westmoreland.

Q In November of 1967, did you believe that
General Westmoreland believed that that sentence was
accurate?
A Yes.

Q In November of 1967, did you believe that
General Westmoreland's intelligence officers believed
that that sentence was accurate?
A I don't know what his intelligence officers believed. But I do know what the judgment of the intelligence community in Washington was.

And as you know, I was quite content to recommend to the President that we do a retrospective order of battle and present it to everybody.

But if you ask me whether I felt that was a document in good faith as an intelligence document evaluation, yes.

Q That's what you felt in November of 1967?

A That is correct.

Q Did you have any reason to doubt that in November of 1967?

A No, although I was aware that there was a debate about it as there is over most intelligence documents.

There is no doubt in my mind that it was a good faith intelligence product.

Q At any time during the period of the time that you were National Security Advisor to President Johnson, did you have any reason to doubt that the positions taken in the 1967 order of battle debate were positions taken in good faith?
A   I had no reason to doubt that by any of the
contestants.

MR. BOIES: It is now 2:15, 2:20,
and I am conscious of the fact that we have
taken you a number of hours this weekend.
And let's stop.

(Time noted: 2:15 p.m.)

__________________________
Walt Rostow

Subscribed and sworn to before me
this____day of______________1984.
STATE OF NEW YORK  
COUNTY OF NEW YORK  

I, HAROLD MELMAN, a Certified Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That WALT ROSTOW, the witness whose continued deposition is hereinbefore set forth, was previously duly sworn, and that such deposition is a true transcript of my stenographic notes of the testimony given by such witness.

I do further certify that I am not related to any of the parties in this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of October 1984.

HAROLD MELMAN, CSR