Mr. Rushford, I was about to ask you a question about handwritten comments made by George Allen on a memorandum dated November 24, 1967. I quote from those handwritten comments: "I consider this to be essentially a contrived retrospective effort aimed at rationalizing a phony comparison between the old figures and the new. The guerilla estimate was controlled by the desire to stay below 300,000 within the framework of the" -- and the end of that sentence is not readable.

Based on your research for the Pike committee, did you form an opinion as to what Mr. Allen meant by "a contrived retrospective effort aimed at rationalizing a phony comparison between the old figure and the new"?

A I certainly did. To me that is a powerful document. In fact, just by coincidence I can see General Westmoreland's previous briefing of November 21, 1967. That is the press briefing that George Allen was talking about. It shows that Westmoreland was not telling the truth.

Q Based on your research?

A If the word "contrived" means anything.

Q Please continue.
A: It may seem that I ramble sometimes. I am just trying to be forthcoming. Just cut me off whenever necessary.

Q: Please go ahead.

Is there anything else you wanted to say on that point?

A: No. I think it is very clear.

Q: Based on your research for the Pike committee, did you form an opinion as to what Mr. Allen meant by "the guerilla estimate was controlled by the desire to stay below 300,000"?

A: Yes. They had this arbitrary ceiling on enemy forces.

Q: Who is "they"?

A: The MACV.

Q: I refer you to Defendant's Exhibit 17, a memorandum from Paul Walsh to George Carver, dated October 11, 1967.

You testified that this was a document you saw during your investigation for the Pike committee; is that correct?

A: Yes.

Q: I quote from that memorandum as follows:

"Point 1. This memorandum is in response to your
request for comments on the draft MACV press briefing on enemy Order of Battle.

"Point 2. I have reviewed the draft statement and as seen from this office, I must rank it as one of the greatest snow jobs since Potemkin constructed his village. I would therefore recommend most strongly that CIA not be associated either directly or indirectly with the briefing."

Based on your research for the Pike committee, did you form an opinion as to what Mr. Walsh meant when he referred to the MACV press briefing on enemy Order of Battle in October 1967?

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

A What do you want? You want me to tell you what I thought this meant?

Q Let me finish my question.

MR. DORSEN: I thought you had finished.

MR. MASTRO: I hadn't.

Q Based on your research for the Pike committee, did you form an opinion as to what Mr. Walsh meant by "one of the greatest snow jobs since Potemkin constructed his village"?

MR. DORSEN: I object to the form of the
THE WITNESS: To tell you the truth, I don't understand your objections, and I am not supposed to. But I can explain what this meant. Is that all right? Is that what you want?

MR. MASTRO: I will rephrase the question.

MR. DORSEN: I don't think you can cure it unless you supply the document, which you never have seen, which is the draft press briefing. That is the basis for my objection; that we are talking about something that this witness has never seen, to my knowledge, and I have never seen, to my recollection.

I made the objection on that ground, and you can ask all the questions you want.

MR. MASTRO: That is fine. I will continue.

BY MR. MASTRO:

Q Based on your research for the Pike committee, did you form an opinion as to what Paul Walsh meant by his statement, "One of the greatest snow jobs since Potemkin constructed his village"?

A Yes.

Q What is that opinion?
A To me it was a rare testimony that bureaucrats can speak clearly when they want to express themselves clearly. And it indicated to me that the military was conspiring to put out false information to the public. It is not just that sentence, but it goes on and on and on.

I believe that the briefing referred to a plan of the kind of press statements that we saw.

Q Do you recall if you ever saw the MACV press briefing on enemy Order of Battle that Mr. Walsh refers to in this memoranda?
A I don't recall. Drafts were documents I always sought routinely, and I would have asked. I don't know. I do know that we have what actually happened. By that I mean the actual press briefings. They are public records.

Q When you sought documents in connection with your investigation on the Tet period for the Pike committee, did you request of agencies all documents related to the enemy strength in the months prior to the Tet offensive?
A Yes. May I explain that?
Q Yes, please go ahead.
A If you read the Pike committee report, you see a
whole section called "Access to Information." For many pages here we detailed in great detail how we were given the runaround and stone wall, whatever code you want to call it, for a period of many months.


Q How did you eventually gain access to these documents?

A With a great deal of persistence, telephone calls, at times subpoenas. At times threatened contempt of Congress citations. I was thrown out of offices. I had the phone hung up on me. I had documents delivered late in the afternoons. I had complaints about me from CIA officials to the chairman of the committee. Just about everything short of physical violence.

Q Why did you have such difficulty in getting documents from government agencies?

A The CIA and the White House and the other agencies didn't want us to have them.

Q Why do you think they didn't want you to have them?

A Well, all I can say is, once we got some of the documents, it didn't make them look very good.
I was very surprised, frankly, when I read the quality of work that passed for intelligence analysis.

Q Mr. Rushford, I would like to introduce Defendant's Exhibit 120.

(Cable dated September 11, 1967 addressed to Priority Director was marked Defendants' Exhibit 120 for identification, as of this date.)

MR. MASTRO: Let me explain what this document is, so the record will adequately reflect it.

It is dated September 11, 1967. It is to Priority Director. The author of the cable is not specifically named, because certain lines have been deleted in the declassification process.

Would you please read this document carefully, and then I have a few questions for you.

MR. DORSEN: Just for the record, and I think this witness's reaction is indicative, this is one of a series of five cables.

I object to any questions unless the witness is shown the entire series of five.

MR. MASTRO: I have a right to show the witness particular cables. You will have a right
Rushford

to show him additional cables when you do your
cross-examination.

This objection is groundless.

MR. DORSEN: Do you have the other cables

in this room?

MR. MASTRO: I do not have them.

MR. DORSEN: Would you supply them to me?

MR. MASTRO: I will be happy to supply

them.

THE WITNESS: Jesus, we didn't get this.

BY MR. MASTRO:

Q Mr. Rushford, is this a cable you recall

having seen during your investigation for the Pike

committee during the Tet period?

A No. I certainly don't. I would like to have a

few minutes to go over. My God.

Q Please take your time.

A I am sorry. You know, we have been going through

a bunch of routine things that I published years ago.

All of a sudden you throw this at me. What in the

world --

MR. DORSEN: I object. I think he should

ask questions and give answers.

THE WITNESS: Jesus.
MR. DORSEN: I move to strike it on the ground it is not responsive.

THE WITNESS: I would have liked to ask a few questions about this.

MR. DORSEN: I move to strike that.

Q Mr. Rushford, you have now reviewed this document?

A All right, I reviewed it.

Q Can you tell me whether you ever saw this document during your investigation for the Pike committee?

A I am almost -- I have never seen this document.

Q Can you please give me a general descrip-

tion of this document?

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

MR. MASTRO: I will rephrase the question.

Q Does this document indicate who is its author?

A That's what I am trying to figure out. I recognize the annotations, who wrote it and who it went to, whoever supervised Bill Hyland and Sam Adams at the Order of Battle Conference and communicated to the
Rushford

Director of Central Intelligence. Who would that have been? Do you mind if I think? I am going deep back eight years.

Q Yes. Please let me ask you questions. Is it your impression that this document was written by someone from the CIA?

A Yes. Someone who was superior to Sam Adams and Bill Hyland, who was at the Order of Battle Conference and was able to communicate with Westmoreland and Central Intelligence. I know who it is.

Q Who is it?

A George Carver. George Carver, unless my memory is badly mistaken, was at the Order of Battle Conference.

Now I know why George Carver was so nervous when we interviewed him, and I asked him why we were not getting more documents.

(Continued on the next page.)
Q Please let me ask questions.

Could you please read into the record the first paragraph of this document.

A "So far, our mission frustratingly unproductive since MACV stonewalling, obviously under orders. Unless or until I can persuade Westmoreland to amend those orders, serious discussion of evidence or substantive issues will be impossible."

Q Based on your research as an investigator for the Pike committee, do you have an opinion as to the meaning of this paragraph?

A Well, look, I don't know if it's a smoking gun or not, but it certainly cracks a stone wall. Yes, I have an opinion.

Q What is your opinion?

A This is the kind of document that I was trying to get so hard for those many months.

Q Could you please turn to Page 4 of this document.

Could you please read into the record paragraph 6.

A Yes. That's one of the paragraphs that caused my reaction.

Q Could you please read it into the record.
"Variety of circumstantial indicators -- MACV juggling of figures its own analysts presented during August discussions in Washington, MACV behavior, and tacit or oblique lunchtime and corridor admissions by MACV officers, including Davidson -- all point to inescapable conclusion that General Westmoreland (with Komer's encouragement) has given instruction tantamount to direct order that VC strength total will not exceed 300,000 ceiling. Rationale seems to be that any higher figure would not be sufficiently optimistic and would generate unacceptable level of criticism from the press. This order obviously makes it impossible for MACV to engage in serious or meaningful discussion of evidence or our real substantive disagreements, which I strongly suspect are negligible.

"I hope to see Komer and Westmoreland tomorrow (11 Sept) and will endeavor to loosen this straitjacket."

This is too much.

Q  Can you read the next sentence as well.

A  Yes.

Unless I jump down to the deletion as to who has seen the message. That's a kind of deletion of something that we had to go through for many months. They don't want you to know who saw it.
Rushford

Frankly, this angers me.

Q Can you read that next sentence. The first two sentences of paragraph 7.
A "I hope to see Komer and Westmoreland tomorrow (11 Sept) and will endeavor to loosen this straitjacket. Unless I can, we are wasting our time. To show, however, that we are willing to go even beyond the last mile, Messrs. Hyland, Moor and Adams are going to sit down with MACV's working level analysts and review the evidence on admin service, guerrillas and political cadre document by document."

Q How valuable would a cable like this have been to your investigation of the Tet period for the Pike committee?
A It would have been exceptionally valuable.

Q Is this the type of document you requested from the CIA when you sought documents during your investigation of the Tet period for the Pike committee?
A Yes, absolutely.

Q Do you have any idea why you did not receive this document when you requested documents from the CIA during your investigation of the Tet period for the Pike committee?
A It looks like somebody was covering up their...
Rushford

culpability in a conspiracy.

Q Based on your research for the Pike committee, do you have any opinion as to what is meant in this cable by "all point to inescapable conclusion that General Westmoreland (with Komer's encouragement) has given instruction tantamount to direct order that VC strength total will not exceed 300,000 ceiling"?

Do you have an opinion, based on your research, as to what was meant by that?

A Yes. This seems to corroborate Sam Adams' Harper's article. The circumstantial indicators, what Adams had written about.

I would like to know who did not give us this document. If we had gotten this kind of document after testimony of Mr. Carver and whoever else came along, we would send this down to the Justice Department and have them examine the testimony for perjury based on this. This is a most serious document.

Q Based on --

MR. DORSEN: I think, for the record, I should move to strike that last answer since there was no question pending. I think we should follow the rules here.

Q Mr. Rushford, what steps would you have
taken if you had received this document while you were conducting your investigation of the Tet period for the Pike committee?

A We would have -- if we had gotten a document like this after the testimony that George Carver and William Colby and others gave, we probably would have referred it to the Justice Department for a perjury investigation, because it certainly is the type of document that they should have coughed up, and certainly contradicts their bland assertions that they had restored -- had retained their intellectual integrity.

Q Do you have any idea why you did not receive this document?

A Just from the obvious point, that this is certainly -- it certainly points to admission of a coverup.

MR. MASTRO: Can we take a break for just a minute?

(RECESS TAKEN)

MR. MASTRO: Let us go back on the record.

BY MR. MASTRO:

Q How does this document, Defendants' Exhibit 120, affect your earlier testimony that you believe there was a conspiracy to intentionally distort...
intelligence information regarding total enemy strength in Vietnam in 1967 and 1968?

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

A This document, frankly, is stunning. It confirms my impression that I was on the right track. I would have loved to have learned this in 1975.

Q How does this document affect your testimony earlier today that you believe General Westmoreland participated in this conspiracy to intentionally distort intelligence information regarding total enemy strength in Vietnam in 1967 and 1968?

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

A Well, when you see words like "inescapable conclusion that General Westmoreland (with Komor's encouragement) has given instruction tantamount to direct order that VC strength total will not exceed 300,000 ceiling," there isn't much more I need.

Q Does this document have any effect on your earlier testimony that there was a conspiracy to intentionally distort intelligence information regarding total enemy strength in Vietnam in 1967 and 1968?

A I don't see how anybody can deny there was a
conspiracy, if this document is authentic.

Q. Does this document have any effect on your testimony earlier today that you believe General Westmoreland was part of a conspiracy to intentionally distort intelligence information regarding total enemy strength in South Vietnam in 1967 and 1968?

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

A. I think I was on the right track.

Q. How does this document affect your testimony earlier today that General Westmoreland participated in a conspiracy to intentionally distort intelligence information regarding total enemy strength in South Vietnam in 1967 and 1968?

MR. DORSEN: I object to the form.

A. You know, I don't know how many ways I can state this and try not to be too quick to judgment or not quick to anger, but this is the kind of document that I spent six months of my life fighting very hard to get, and it saddens me that people in American intelligence would put this stuff on paper.

"If I can budge Westmoreland, this whole matter can be resolved to everyone's satisfaction in a few hours..."
Q Let the record show he is quoting from this document.
A As I quote. And I would like to know if the author did budge Westmoreland. Apparently he did not, since the CIA adopted Westmoreland's figures.

MR. DORSEN: I reiterate and repeat and move to strike all the testimony, that this witness has been misled by the questions, and that will be taken up tomorrow.

MR. MASTRO: You will have your chance. You will have your opportunity to do cross-examination. You will have your opportunity to show him whatever documents you choose.

MR. DORSEN: This witness has just testified to an assumption of his entire testimony, which is incorrect, and I move to strike the testimony.

MR. MASTRO: You will have your opportunity to question the witness. You will have your opportunity to show the witness whatever you like.

Your objection has been noted. Let us continue.

THE WITNESS: I wish I could have had the
opportunity to question someone about this back in 1975.

MR. DORSEN: Mr. Reporter, you did get my motion to strike this whole line of questioning?

Thank you.

THE WITNESS: Wow.

Q. How would this document have been helpful to you in your investigation of the Tet period for the Pike committee?

MR. DORSEN: I object to this line of questioning.

MR. MASTRO: You have already registered your objection to this entire line of questioning.

MR. DORSEN: I have a standing objection.

MR. MASTRO: You have a standing objection.

MR. DORSEN: Thank you.

A. I would say, on the surface, it's the most important document of any we had. It probably would have had an extraordinary impact. It may have been powerful enough to get the CIA and George Carver and whoever wrote this to admit the kind of things that we were asking them to admit. This is very clear.

I would be interested in seeing what goes with it.
Rushford

But just the fact that somebody could even think in these terms is extraordinary.

Another phrase in here that I could --

MR. DORSEN: There is no question pending.

MR. MASTRO: Yes, there is no question pending.

THE WITNESS: Okay. I am sorry.

(Continued on next page)
Q Is there anything else you would like to say about the document?

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

A Well, every time I look at a new phrase, I just see something that is possible, more incriminating than that which preceded it, and the phrase two sentences -- let me read them to me; I just wanted to read them.

Q Which two sentences are you referring to?

A The third page, I guess. I would like to read these out loud and just see if my ears register what my eyes tell me.

Q Read those sentences.

A "I also explained, in low key and with all possible tact, that national estimates were DCI estimates; that other USIB members could dissent, but no one could tell the USIB chairman what his estimate had to be. My remarks seemed well received but had no influence on the behavior of General Davidson or his subordinates."

Q What do you interpret about that?

A With all the rumors on political pressure on intelligence, usually couched in cautious terms, no one ever came up and said, "We were told what our estimate
had to be," That is probably the worst thing. I would
like to show this to John Huizenga. It is hard for me
to characterize this in stronger terms than that. It
is extraordinary. You just don’t see things like this
written.

Q I refer you to Plaintiff’s Exhibit number
30. The page is stamped with numbers 34563 and 34564.

A May we go off the record?

MR. MASTRO: Off the record.

(Discussion off the record.)

MR. MASTRO: Back on the record.

Q Is this a letter you wrote to CBS News
President Van Gordon Sauter on June 21, 1982?

A Yes.

Q Why did you write to Mr. Sauter?

A Well, it seemed to me, reading the TV Guide
article, that one more reputation was going to get tossed
in the can; George Crile’s. I hadn’t seen his docu-
mentary. I was out of the country, as I recall, but
reading the TV Guide article, insofar as whether George
Crile should rely upon Sam Adams or not.

Crile was right, in my opinion, to rely
on Sam Adams, and I certainly had months of experience
in backing that up.
So I called George and asked him what I could do. I probably felt there had been enough reputations damaged by this controversy, and now it goes into a news organization. I am a member of the news media, so that also bothers me.

Q Could you please read this letter into the record?

A You want me to read the whole thing?

Q I would like you to read the whole thing.

A Well, it is addressed to Mr. Van Gordon Sauter, President of CBS News. It is dated June 21, 1982; and I said, "Dear Mr. Sauter: I write this letter after considerable reflection because of the reports that CBS is conducting its own investigation of the TV Guide allegations against your 'Uncounted Enemy' documentary. I believe I have something important to contribute regarding the gist of the TV Guide charges that CBS relied too heavily and unwisely upon the views held by former CIA analyst Sam Adams.

"In 1975 I was the principal investigator when the House Intelligence Committee covered much of the same ground. I spent several weeks pouring through the Sam Adams charges, which were the basis for public hearings the committee held. I interviewed key
political and intelligence officials on both sides of
the issue. I reviewed 'tons' of classified documents,
and recall that the CIA declassified a pile of documents
that must have reached waist high.

"I also sent the Sam Adams piece in
Harper's that ignited the issue to the CIA, and asked
for a detailed response. As you know, George Crile
edited that article.

"I offer to you my conclusion in the hope
that it will help your internal investigation reach a
fair-minded and honest conclusion.

"Sam Adams was the best intelligence
analyst I ran across. His research was brilliant, and
how he worked should be a classic primer in how to get
good intelligence; and he was correct.

"As I recall, about all the CIA could
offer in rebuttal was the same sort of general smear
that Adams was an obsessed, discredited fellow that the
TV Guide crowd has picked up. This is nonsense.

"I hardly think it is necessary
for me to remind the president of CBS News that the
attempt to disagree with Sam Adams is a standard
bureaucratic dodge to force attention away from the
substantive charges. What I can tell you is that I
found Sam Adams to be a fair-minded intellectually honest man who stood up to the most critical questions with good grace.

"As far as George Crile, I think you should know that if it were not for his interest in the subject as Harper's editor, nobody in Congress would have seriously investigated the Sam Adams story. And, try as hard as it could, the CIA was unable to tear down that place. It still stands.

"There is also a broad point that, in my opinion, should be relevant to your investigation, insofar as it affects your view of future investigative documentaries.

"The kind of political tampering with honest intelligence reports that was associated with the Vietnam war inflicted a terrible wound upon the American intelligence that is adversely affecting our national security to this day. Over the years those who, like Sam Adams, resisted the pressures to produce intelligence to please their political masters were forced out of the CIA. Those who went along with the lies were promoted to top positions in our government. And a whole string of intelligence failures since Adams left is adequate testimony to the unhappy results for our
country.

"I mention this because I happen to hold the view that, by and large, network television is overly cautious in its investigative reporting. What a tragedy it will be for journalism if your internal investigation -- like the shallow ones that CIA ran against Sam Adams -- forces the George Criles out of the business. From my point of view, journalism needs more George Criles, just as our government agencies need more Sam Adams.

"I will be available, of course, should anyone at CBS News wish to get in touch with me in this matter."

And I signed it Greg Rushford.

Q Mr. Rushford, do you still believe that "Sam Adams was the best intelligence analyst I ran across"?

A Yes.

Q Do you still believe that Sam Adams' research was "brilliant"?

A Yes.

Q Do you still believe that Sam Adams' work on Vietnam intelligence was "a classic primer in how to get good intelligence"?
Rushford

A. Yes. He was creative, innovative, dogged, brilliant.

Q. Do you still believe that Sam Adams was "correct" in his analysis about enemy strength estimates in Vietnam in 1967 and 1968?

A. Yes, I do.

Q. Do you still believe that Sam Adams was a "fair-minded, intellectually honest man"?

A. Yes.

Q. Do you still believe that the Harper's article written by Sam Adams "stands" up to close scrutiny?

A. Yes.

Q. Do you believe --

A. I think there were a couple of minor statistical errors in the Harper's article that we corrected once the committee had access to all the documents, and there was nothing of substance wrong with the Harper's article?

A. Yes.

Q. Do you still believe there was "political tampering with honest intelligence reports that was associated with the Vietnam war"?

A. Yes, I do.

Q. Do you still believe that "political
tampering with honest intelligence reports about the Vietnam war inflicted a terrible wound upon American intelligence that is adversely affecting our national security to this day"?

A Yes, I do. It is a very serious matter.

Q To whom were you referring when you said in this letter, "Those who went along with the lies were promoted to top positions in our government"?

A George Carver, Komer, Westmoreland, Allen, Walsh, Bobby Layton.

Q Were you referring to Daniel Graham?

A Daniel Graham.

Q Were you referring to William Hyland?

A I am afraid so.

(Continued on the next page.)
Q  Do you recall anyone else you might have been referring to?
A  Paul Walsh.
Q  Were you ever contacted by anyone at CBS News after writing this letter?
A  Well, no, not in regard to this, until you got in touch with me. And I want to make clear for the record: I did not seek you out, you sought me out.
Q  That is true. I contacted you.
A  That's why I was surprised to see the finished report, because nobody called me before.
Q  Mr. Rushford, I would like to go over a few points that you testified about earlier.

You testified that Representative Robert McClory met with Sam Adams before he gave testimony before the entire Pike committee; is that correct?
A  Yes.
Q  Were you present at that meeting?
A  Yes.

MR. DORSEN: I believe these questions have been asked and answered.

MR. MASTRO: I am just clarifying.

THE WITNESS: I probably rambled.

Q  Did Representative McClory express any
opinion to you, either at that meeting or after that
meeting, about Mr. Adams' credibility?

A   Yes. I don't remember the exact words, but I
believe that Mr. McClory was very favorably impressed
with Sam Adams' story and was the leading factor in
having Adams testify.

If I could, I could refer you to the public
record, just because I don't want any reason for
misunderstanding.

MR. MASTRO: Well, that is not an exhibit
here. But let me introduce the Pike committee
testimony into the record.

We will mark this as Defendants' Exhibit
121. It is a document entitled "The 1968 Tet
Offensive in South Vietnam." It is dated
Thursday, September 18, 1975, House of
Representatives, Select Committee on Intelligence,
Washington, D.C.

(Document entitled "The 1968 Tet Offensive
in South Vietnam," dated Thursday, September 18,
1975, was marked Defendants' Exhibit 121 for
identification, as of this date.)

MR. MASTRO: Defendants' Exhibit 122 will
be a document entitled "The 1968 Tet Offensive
in South Vietnam: II." It's dated Wednesday, December 3, 1975, House of Representatives, Select Committee on Intelligence, Washington, D.C.

(Document entitled "The 1968 Tet Offensive in South Vietnam: II," dated Wednesday, December 3, 1975, was marked Defendants' Exhibit 122 for identification, as of this date.)

MR. MASTRO: These are both transcripts of hearings of the House Select Committee on Intelligence.

Off the record.

(Discussion off the record)

BY MR. MASTRO:

Q Mr. Rushford, did you want to make reference to something in the hearing transcripts?
A Yes. Obviously Mr. McClory can speak for himself, and his records speak for themselves, but on page 711 --

Q Which document?
A The September 18 hearing, in which Sam Adams testified.

-- Mr. McClory has some comments to make about his own impression of the integrity of the military briefings.

Q Would you like to read from the hearing
transcript?

A Well, Mr. McClory noted the Sam Adams article in Harper's, and he said: "I note in your Harper's magazine that you also make reference to a conference in September 1967, at which Colonel Danny Graham, now Lieutenant General Graham, was present, and you say: 'Another officer gave a talk full of complicated statistics which proved the Vietcong were running out of men. It was based on something called the "cross-over memo" which had been put together by Colonel Graham's staff.'

"You recall that conference, too, do you not?"

McClory asked.

And Mr. Adams answered: "Yes. And since I wrote that, I consulted my notes and the guy who gave the briefing was General Graham himself. Now general, then colonel."

"Some months before that I received the same briefing in Saigon. The implication was it was just a matter of time until the North Vietnamese and the Vietcong would run out of men and the war was going to end. I guess that was the popular briefing line to provide at that time."

That refreshes my recollection, as I testified earlier, to the Colonel Barry Williams statement to me.
that he had gotten in a horrible battle with Danny Graham over the crossover briefing which reemphasizes the crossover memo, as I recall it, some either years later, and I thought it was important.

(Continued on next page)
Q What is your recollection of the cross-over memo?

A Mr. McClory said it, "It was just a matter of time until the North Vietnamese and Vietcong would run out of men and the war was going to end."

Congressman Pike as a member of the Armed Services Committee also questioned the same kind of statistics and was very skeptical.

Q Do you have any recollections of how other members of the committee perceived Mr. Adams' testimony?

A Well, obviously the majority of the committee put more credence in Sam Adams' story and the documents that supported it than the other side, being Generals Graham, Westmoreland and Colby and company.

Q Why do you say that?

A Anybody can read the majority language of the report. It is very clear. It refers to political pressures. We read most of it.

Q Referring to Defendants' Exhibit 121, which is the transcript of the hearings of the House Select Committee on Intelligence for Thursday, September 18, 1975.

Could you please turn to page 684 of that
document.
A I am there.
Q I read from the testimony of Sam Adams, and I quote: "The Tet surprise stemmed in large measure from corruption in the intelligence process."

Based on your research for the Pike committee, did you form an opinion whether "the Tet surprise stemmed in large measure from corruption in the intelligence process"?
A I thought it was a corruption of the intelligence process to lie. Yes.
Q Again I quote from Mr. Adams' testimony: "In the months before the offensive, U. S. intelligence had deliberately downgraded the strength of the enemy army in order to portray the Vietcong as weaker than they actually were."

Based on your research for the Pike committee, did you form an opinion as to whether "In the months before the offensive, U. S. intelligence had deliberately downgraded the strength of the enemy army in order to portray the Vietcong as weaker than they actually were"?
A Yes.
Q What was that opinion?
A Well, Sam was right.

Q Right in what sense?

A In his statement that U.S. intelligence had deliberately downgraded the strength of the enemy army for essentially public relations reasons.

He also says in the next sentence, "Although our aim was to fool the American press, the public and the Congress, we in intelligence succeeded best in fooling ourselves."

I believe that is so true, and I just couldn't help but read it.

Q Again I quote from Mr. Adams' testimony: "Fearing the public reaction to higher numbers, however, Westmoreland's command was lobbying to keep the estimate at its official levels -- that is, below 300,000."

Based on your research for the Pike committee, did you form an opinion as to whether, "Fearing the public reaction to higher numbers, however, Westmoreland's command was lobbying to keep the estimate at its official levels -- that is, below 300,000"?

A Yes, I did.

Q What is that opinion?

A That Sam put it pretty well; and the documents
I got later on confirmed that.

Q Confirmed what?

A The original impression that the Westmoreland command was lobbying to keep the estimate at its official levels below 300,000. That was for press reasons, fearing the public reaction. Sam put it very well.

I might add, when Sam made his statement, he had no idea we would get as many documents that we did that would tend to corroborate him, much less than astonishing document that you showed me a little while ago that seemed to come from George Carver.

Q I refer you to page 707 and 708 of the House Select Committee on Intelligence hearings held on Thursday, September 18, 1975, and I quote from statements of Committee Chairman Otis Pike in an exchange with Sam Adams.

It begins with a statement by Chairman Pike: "We count on our intelligence in America to provide us with objective information whereby rational decisions can be made. In this instance it seems to me political decisions were made after which the intelligence was shaped to fit the decisions which had already been made. Is that a fair characterization of
what happened?

"MR. ADAMS. Yes, sir."

Based on your research for the Pike committee, did you form an opinion as to whether, in terms of Vietnam intelligence information in 1967 and 1968, "Political decisions were made after which the intelligence was shaped to fit the decisions which had already been made"?

A Yes, I think Chairman Pike put it well.

Q What is that opinion?

A It still reads well to me, eight or nine years after, that there were, you can always lie so many ways.

Q What is your opinion?

A There is a higher standard of truth and objectivity expected of intelligence officials than almost any other people from other walks of life.

I remember when Hitler couldn't depend upon his generals in Germany to tell him the truth, lucky for us, and how the Germans fooled themselves. This is starting down that same slippery path.

Again, I hate to overdramatize, but this is about as serious a matter affecting national security as can possibly happen.

Q On the next page of the hearing transcript
of the House Committee on Select Intelligence of
hearings held on Thursday, September 18, 1975, Chairman
Pike states, "And this is really what you mean when you
refer to a corruption of the system -- that the
intelligence was intentionally made inaccurate to comply
with or to conform to political decisions which had
already been made?"

To which Mr. Adams replied, "That is
correct, sir."

Based on your research as an investigator
for the Pike Committee, did you form an opinion as to
whether intelligence information about enemy strength
in Vietnam in 1967 and 1968 was "intentionally made
inaccurate to comply with or to conform to political
decisions which had already been made?"
A Yes.
Q What is that opinion?
A I believe intelligence was intentionally made
inaccurate to comply with or to conform to political
decisions which had already been made. I think that is
true.
Q Mr. Rushford --
A I wish it hadn't been true.
Q Mr. Rushford, earlier today you testified
that you had interviewed James Ogle during your investigation of the Tet issue for the Pike committee; is that correct?

A That is right.

Q You testified that you did not call Mr. Ogle as a witness to testify before the Pike committee; is that correct?

A That is correct.

Q Why didn't you call Mr. Ogle to testify as a witness before the Pike committee?

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

A I reported to my superiors and the committee staff, Jack Boos, Searl Field and Aaron Donner that I thought Ogle was contradictory, inconsistent, seemed to acknowledge a drinking problem, just didn't seem to be a credible person you could put a committee of Congress reputation on the line by asking him to testify.

Q You testified that after Mr. Adams gave his testimony that an article appeared in the Washington Post in which Mr. Ogle expressed the view that he should have been allowed to testify before the committee; is that correct?

A No, not exactly. The article, as I recall,
Rushford

appeared in the Washington Star.

Q What did the article say?

A Ogle had complained that by our not inviting him, we were suppressing his testimony.

Chairman Pike asked me through my superiors, Boos and Searl Field, "Is this true?" And I said, "No." He said, "Okay."

I believe I made another effort to contact Ogle and asked him to put his story down in writing and in coherent fashion. And I don't believe he was ever able to do that.

Q After the article appeared in the Washington Star, did you discuss with any member of the committee why Mr. Ogle had not been called to testify before the committee?

A I don't remember whether I discussed it with the Congressmen or not.

Q Which Congressmen?

A Any member of the committee. I remember making an explanation to Jack Boos and Searl Field and Aaron Donner, just like I am here today, that it wasn't my style to suppress things. I was out seeking information, and Ogle was wrong and mistaken.

We would give him another chance. If he
wanted to testify, that would be fine, but drunks don't make good witnesses.

Q    I refer you to Defendants' Exhibit 118, which you have identified as an article you wrote in the National Observer. The article appeared in the publication on May 15, 1976; is that correct?
A    Yes.
Q    This is an article you gave to me this morning; is that correct?
A    Yes.
Q    Does this article reflect your impressions at the time just after the Pike committee had completed its investigation of the U. S. intelligence community?
A    It certainly does. I worked very hard to prepare it.
Q    Mr. Rushford, I would appreciate it if you could read into the record starting on the second page the paragraph starting, "The CIA uncovered evidence," and continue to read into the record down to the paragraph immediately preceding the paragraph --

MR. DORSEN: I object to taking a portion out of context. But certainly you can put in what you want.
A    "The CIA's efforts to provide honest intelligence
ran directly into the overriding public-relations concerns of military and civilian policy makers. Like used-car salesmen, military officials tried strenuously to set the mileage back. If the higher figures became known to those who had an 'incorrect view' of the war, the Saigon command cabled to the Joint Chiefs of Staff, the command's 'image of success' would be undermined.

"The military fought so fiercely with the CIA's figures in Saigon in September 1967 that two categories of irregular Communist forces were dropped from the official order of battle. Immediately thereafter the Saigon command prepared press briefings on the war's progress that one CIA official labeled 'one of the greatest snow jobs since Potemkin constructed his village.' Another CIA analyst termed the military numbers 'contrived,' 'phony,' and 'controlled by the desire to stay below' the 300,000 public estimate.

"After the Tet offensive began, the Defense Intelligence Agency agreed there were at least 500,000 Communist forces in Vietnam, and the Joint Chiefs asked for more American soldiers to fight them."

(Continued on the next page.)
MR. MASTRO: We will now recess until tomorrow at 10:00 o'clock.

(Time noted: 4:00 p.m.)

REGORY G. RUSHFORD

Subscribed and sworn to before me this day of 1983.
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### EXHIBITS

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C E R T I F I C A T E

STATE OF NEW YORK )
COUNTY OF NEW YORK ) SS:

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

That GREGORY G. RUSHFORD, the witness whose deposition is hereinbefore set forth, was duly sworn, and that such deposition is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to 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 10th day of NOVEMBER 1983.

[Signature]

HAROLD MELMAN, CSR

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