MR. MASTRO: I would like to clarify for the record that this is a document that was produced by Defendants. It is not clear from the face of the document what the source was, and I have indicated that I wanted a standing objection to this line of questioning, based on the representations made about the document, and I have been told that I cannot have a standing objection, so I will object to each question individually.

But please proceed.

MR. BURT: Before going on, we will withdraw the statement that it was provided by Mr. Adams. But we will state, continue to represent that it was furnished to us by Defendants in the course of their document production. And furthermore, Defendants have not, to the best of my recollection, offered to tell us whether someone other than Mr. Adams furnished the document.

MR. MASTRO: I have to object to that characterization, of course.

BY MR. BURT: (Resuming)

Q Now, my question is, Mr. Smith, is that document vaguely familiar to you or generally familiar...
to you?

MR. FASTRO: Objection to form.

THE WITNESS: I'll go back to my first observation, even though I've had a few more minutes to look at it.

BY MR. BURT: (Resuming)

Q Sure.

A It has the right form.

Q Sure.

A One notes the format similarities and even some textual and numerical similarities, but after all, it's a thick document and I have no way of comparing it, and if I ever read this document, of course, it was a long time ago.

Q Sure.

A The document I have refreshed my memory with over the last few months is, of course, the completed one. So I really can't shed any expert light on that matter, other than the fact that it looks right.

BY MR. BURT: (Resuming)

Q You read the final SNIE in the last few months?
11 record.
12 A "The attached draft estimate is being sent to
13 the USIE representative before consideration by the
14 Board of National Estimates."
15 Q Fine. Now, Mr. Smith, when you read the draft
16 SNIE in 1967, you then discussed it with I believe what
17 you called some of the old hands, did you not?
18 A I think I said something like that.
19 Q And I believe you have testified, in words or
20 substance, that these people told you that MACV would
21 not accept the material in that draft. Is that
22 correct?
MR. MASTRO: Objection.

THE WITNESS: That's a little too specific.

BY MR. BURT: (Resuming)

Q Sure.

A There were general discussions, really, surrounding the issue of getting an estimate out that also involved a discussion of what kind of numbers MACV would accept.

Now, I couldn't even tell you at this point whether the higher numbers that I now associate with the rejected -- as being rejected by MACV are even in this draft.

Q I see.

A Do you see what I mean?

Q Yes.

A It's all too vague. But the general issue was on the table amongst the senior people who had worked on the Vietnam problem.

Q That's what I'm trying to get out.

A That's right.

Q How long had this -- how long had there been a problem at MACV with accepting higher numbers? Do you
I knew?

A To my knowledge--

Q To your knowledge.

A To my knowledge --

Q Yes.

MR. MASTPO: Objection to form. Objection.

BY MR. BURT:

Q To your knowledge --

A To my knowledge, I cannot put a date on the beginning.

Q Sure.

A I can tell you that as I worked my way into this analysis, it was clear that the problem backed up from the October-November period across a period about at least six months long, when some kind of an event had taken place that repackaged the items, the items in the order of battle, and re-estimated some of them, and linked them.

This was important in MACV, because MACV was under great -- was taking great pains to show a continuity in the numbers; yet the base had been totally shifted around.
Q  How -- Did anyone --
A  As I felt my way backwards, to try to -- again
keeping in mind that I had two tasks to perform: (1) to
try to figure out what the level was of everything, and
where the trends in all of the components had been. So
it's clear to me that my general view was it went back
at least for the year. There were monumental changes.
I mean, there were periods of time as recently as '66
when major elements in the order of battle didn't even
exist in the order of battle.

So I would say that I have assumed that the
controversy began during that reconstruction period in
the earlier part of '67, but I wouldn't want to -- I
would want someone else to verify that.

Q  Does the phrase -- Is the phrase "Honolulu
Conference" familiar to you?
A  Yes, it is. But, of course, it predated my
work on this subject, so I really can't speak to any
detail at all about it.

Q  Have you read a report that issued from the
Honolulu Conference?

(Pause.)
A I feel fairly certain that I must have, but I cannot recall it specifically. That would be one of the documents that I read early on. If I remember correctly when it was, it would have been available when I first started work on this subject, and I probably read it.

Q But you cannot recall it?

A I cannot recall it.

Q Can you recall, did anyone furnish that document to you?

A No. It's just -- if I read it, someone furnished it to me.

(Pause.)

In this regard, since we're trying to peg changes in outlook and disagreements about levels and components and all, I must say that in addition to this document which I think I read, I read earlier estimates and other pieces, mostly classified, but not entirely, about the whole question of organization manpower and manpower dynamics, since these questions are entirely capabilities to do a thing, they are also intentions. And so it is no surprise that I don't recall this document.
And secondly, I thought -- what I recall being very struck with at the time -- I think I mentioned it somewhere in my deposition -- in my --

Q: Affidavit.

A: -- affidavit, that most of the estimates over the years in the '60s had been reasonably adequate statements of the capabilities and intentions of the North Vietnamese Communists to prosecute the war. I found there were other documents, including reports of individuals who had gone to Vietnam for Presidents and other things, that I thought were monumentally inadequate, and this is one of the reasons why I was so terribly seized by the inadequacy of the MACV estimating that I discovered in 1967, because I had seen a pattern to this effect before.

One case in point -- I do not recall who the person was, but a person of considerable importance went to Vietnam in, I believe '63, early on, and came back, and the major feature of his report -- and again, I was under the impression this was a report for the occupant of the White House -- a major feature of this report was that there were three regiments, when of course, given
what we know about the nature of the North Vietnamese Communist establishment movement goals, it was almost a trivial fact that there were only three organized regiments.

So I became, early on, concerned about this issue about the strength capabilities and intentions of these people, and therefore found that all of these MACV materials, the working materials of the year '67 inadequate.

Q For the entire year?

A The ones that I -- the ones as I discovered. I don't remember seeing a document in that year put out by the Military Assistance Command that dealt in the kind of forthright, accurate way with the problem that I thought it should. And I viewed its stance on the estimate as a continuation of this inadequate analysis and presentation.

Q Were you of that opinion in 1967 with respect to the documents put out by the Military Assistance Command Vietnam in '67 that you reviewed?

A That's what -- I guess I don't understand the question, since we've been discussing '67, and I have
position with respect to what should be in the national intelligence estimate wanting by half at a minimum, if one is going to put numbers on it. So therefore, I am not sure I understand the question."

MR. BURT: And then there was a long answer after that?

THE REPORTER: No.

MR. BURT: That was the end of it? Okay.

THE WITNESS: That was the end of my statement.

THE REPORTER: Then Mr. Mastro spoke.

BY MR. BURT: (Resuming)

Q: Do you have anything to add, sir, at this time?

A: I'm not sure I have anything to add, because I may have lost sight of the question. Can we go back to the question?

MS. SMITH: Can we have the question?

THE WITNESS: Could we go back to the question?

MR. BURT: No. I don't have a pending question that has been unanswered at this time.

THE WITNESS: I may want to add some more if I knew what the question was.

MS. SMITH: Would you repeat the question so
THE WITNESS: My --

BY MR. BURT: (Resuming)

Q Please. you may answer.

A My recollection is now sharpened. I just remembered the role of DIA in this matter. It's very important and I haven't mentioned it.

From the beginning of my work on this subject until some date months after the August conference at the CIA, the Defense Intelligence Agency was constrained to agree with MACV entirely, lockstep -- lock, stock, and barrel. And so, to put a fine point on when I was really aware of the disagreement, you will note that this memorandum from Joe Seltzer to the principals talks -- says this is being sent to the USIB. It's at that time that this goes to the DIA representative.

BY MR. BURT: (Resuming)

Q What memorandum, for the record, are you referring to, sir?

A The covering memc.

Q The document that appears --

A No, no, no. This isn't a document. This is a memorandum covering a document.
Q: I understand, sir. I'm just identifying it for the record.

A: Oh, excuse me.

Q: The document that appears --

A: Assuming as we have before, that this is the real document and all that.

Q: The document that appears with the number 30889, the Bates numbers.

MR. MASTRO: This is a covering memorandum to what document?

THE WITNESS: To the draft estimate dated 14 June '67.

MR. MASTRO: Draft national intelligence.

BY MR. BURT: (Resuming)

Q: Thank you.

A: To give you specific dates --

Q: Yes.

A: -- we had discussions in the board room, the Office of National Estimates boardrooms about this estimate --

Q: Who is "we," sir?

A: I'll identify the people.
-- at the USIB level.

Q You said USIB?

A USIB is United States Intelligence Board, at which --

(Interruption by telephone call.)

(Discussion off the record.)

MR. BURT: Back on the record.

BY MR. BURT: (Resuming)

Q You were saying, Mr. Smith --

A I was saying that discussing this thing refreshes the memory. This document was ready to go to the United States Intelligence Board, so subsequent to June 14th, there was convened a representatives meeting of the United States Intelligence Board in the boardroom of the Office of National Estimates.

It is then I would have -- and that would have been just days after this. This would have been before the end of June, most certainly. Then I would have been -- and I attended this meeting -- I would have been completely aware, because the services and the DIA began immediately when they received this draft, their objections which were patterned on the MACT objection;
they were representing MACV for all practical purposes.

Q. How did you know that, sir?

A. It was not -- there was no attempt of anyone
to hide this. The position of the Defense Intelligence
Agency and the services was that MACV has the job of
doing order of battle intelligence on the war in Vietnam
in Southeast Asia. We do not. We support the Director
and the Chairman -- and the Chiefs for that matter,
support the Command in this matter.

Q. Did you think there was anything improper in
that position?

MR. MASTRO: Objection to form.

THE WITNESS: I guess I'm not certain what you
mean by the question "improper." I mean, I accept it as
a fact. It's a bureaucratic kind of fact.

BY MR. BURT: (Resuming)

Q. Let's go back to your affidavit, sir; page 21
again, paragraph 26, that you read earlier and we have
discussed part of. I would like you to focus now on
your sentence, "I also advised him"--

That's Sam Adams?

A. That is correct.
Q -- "not to go after DCI Helms" -- that's the Director of Central Intelligence Helms -- "with his IG," that's Inspector General -- "investigation."

Is that correct, sir?

A That's correct.

Q Why did you advise Mr. Adams not to go after DCI Helms with his IG investigation?

A I thought that it was both counterproductive or not -- lacking in -- it would be lacking in productivity. It would be pointless, because I thought the DCI had already done all of the things that Sam Adams or I could reasonably expect him to do by tasking us, and I did have a meeting with him, with other people, when the task of -- when he -- after he decided and kind of commissioned this organization to be set up and the work to be done.

That satisfied me that he was, as a person, both his moral and his administrative leadership, that he was providing the kind of leadership that I admired. And even though Sam and many others for that matter, who had worked on this longer than I, that they were a little tired of the issue, a little less able to be
understanding, might have easily felt a different way.

What I state in my affidavit is the personal counsel I gave to Sam. Furthermore, I didn't want to lose him as an analyst. I wanted him to stick with the analysis. And, frankly, a concern I had both when he came to me about going to the President-Elect and then the IG investigation, I was concerned that he would resign or something like that, and then I would lose his services then, because I really did value having him on the team.

Q Can you describe for me what Mr. Adams' complaint about Mr. Helms was at this time that you are referring to, when you advised him not to go after Helms?

MR. MASTRO: Objection to form.

BY MR. BURT (Resuming)

Q Mr. Smith?

A Adams, I assume, since he went to the IC, and I must say I didn't pay an awful lot of detailed attention to this -- again, I was trying to get a job done -- and after I had told Adams that I didn't think he ought to do it and he went ahead with it -- then I
didn't really pay too much attention to the details.

My assumption was that somehow he wanted the Inspector General to investigate Helms' stewardship of the agency with regard to this estimate or this line of analysis.

Q Can you be any more specific?
A Well no --

Q Did Sam complain --
A Yes, go ahead.

Q Let me try to be more precise. Did Mr. Adams complain about any specific conduct on the part of Mr. Helms in 1967?

MR. MASTRO: Objection.

THE WITNESS: I have never read — if Sam wrote any memorandum to kick this off, or as a result of being interviewed by the Inspector General when he came to him, I never read such a document so I can't give you the specifics.

I can only say that Sam in the conversation -- I remember one particular conversation I had with him about doing it, and me arguing not to do it — Sam felt that it was important, and I disagreed,
that Helms be judged culpable for the fact that we
didn’t already, hadn’t already achieved the level of
order of battle and manpower analysis -- I’m trying to
finish the word -- volume of work. Sam thought we
should have done these things earlier.

BY MR. BURT: (Resuming)

Q Done what things?

A Jumped into the analysis of the staying power
of the enemy in a formal way with respect to manpower,
early than the agency did.

Q What did Mr. Adams --

A And specifically, to put a point on it, it
seems to me that the symbol of Helms’ failure, to Adams,
was not saying no at the time of the Saigon Conference,
and saying I’d rather take a footnote to the estimate,
even though it is MACV’s bureaucratic responsibility to
do this, rather than pursue it in the manner that Helms
did, which was perfectly all right with me, and I
thought honorable.

Sam and I had a difference. That’s why I used
the word “stewardship” to cover the things that involved
both honor, to put a fine word on it, and a management
Q. Did Mr. Adams, to the best of your recollection, think that Mr. Helms' actions with respect to the Saigon Conference were dishonorable?

A. I wouldn't want to say that.

THE WITNESS: I would only want to say that Adams and all of the other CIA participants, whether I can remember all their names at the moment or not, were of the view that the MACV, for all practical purposes, dictated view of what the order of battle ought to look like was outrageous. And on its face, it was clearly outrageous.

One can see that then, and subsequent analysis proved this even more. Now, knowing that, feeling that way, Adams felt, since he had worked a long time on it — and I must say, I think all of the other -- I am going to use the word "disappointment" -- all the participants were deeply disappointed at what they thought was a sellout of a lot of hard work that they had participated in.

BY MR. BURT: (Resuming)
Now, whether it's fair, whether it was fair to say the DCI was therefore culpable because he said something to the effect of quit and come home -- again I was not a party to this, but this is approximately what happened -- I'm not going to judge.

I just counseled Adams to get to work; that now we had an opportunity. The DCI as leader of the community had asserted himself, and I must say another feature of this was the timing. As I understand the controversy, even though as I looked back philosophically at the work done at the end of '65 and '66 and found it woefully inadequate, it's hard for me -- I don't have a case for culpability on the part of the military estimators in '65 and '66. There may be, but I don't have one.

It seems to me that from the time -- it seems to me from the time that the DCI was fully aware that he had a credibility problem as far as MACV work was concerned, their stewardship on these analytical matters, that he sought to make amends and do the right thing. After all, you can't do these things overnight.
I was told again at approximately the same
time that this estimate was prepared with just a little
lead time -- I'm assuming that some of the people making
these decisions knew what this estimate, what was going
to be in this estimate a few weeks before I did -- the
process of building a responsible capability in the
agency was begun.

So this is all by way of my explanation of why
I was less seized by the issue of Richard Helms'
culpability in the fall of '67 than Samuel Adams was.

Q But did Mr. Adams ever tell you, if you can
recall, in the fall of '67 that he thought Mr. Helms had
"sold out," or words to that effect?

A Oh, yes. Yes.

Q Really?

A And I wouldn't be surprised to remember that
other members of the delegation were. After all, these
people had worked 60, 80 hours a week for months, in
good faith, trying to produce an estimate. And they had
hosted the Military Assistant representative of the
Military Assistance Command Vietnam in good faith.

They felt, they really felt let down. First,
they had to learn that even in the face of excellent
analysis and good evidence, that the Command itself was
going to -- was going to distort the analysis. This is
when MACV comes in in June -- I mean August. Then
they -- and that is at a certain level -- the matter
becomes escalated up the Command, and while I don't know
what the conversation was, this means that George Carver
as the DCM's representative in Saigon in October,
whenever that meeting was, the Saigon Conference, had
meetings on the matter with the United States Ambassador
and with General Westmoreland and his senior staff
officers.

So this group of people were bitterly
disappointed, and the people at home who had not
participated were also deeply disappointed. I'm
explaining that I was less so because I had less
personal professional stake in this thing by that time.
I was looking to the future. But I had full sympathy
for the rather harsh things that were said at the time
about this matter.

Q Can you recall what harsh things were said at
the time about this matter?
A That's pretty hard to recall--

Q Sure.

A --anything except harsh things. That this is

a sellout, you feel badly. You've participated. If

you're everybody but George Allen, who had a few one on

one conversations, at least without the rest of the
delagation with him, I believe this was the case with
conversations he had with the Ambassador and General
Westmoreland.

Q George Allen had these conversations?

MR. LAPRADE: George Carver.

THE WITNESS: No, George Carver, if I

misspoke.

MR. LAPRADE: You misspoke.

THE WITNESS: I misspoke. So I can't speak to

what anyone might have said about those conversations,
because I wasn't present and neither were they.

I can say that questions with

the -- discussions with the senior intelligence people,
which is the chain one would have been in for this
matter, were spoken of with contempt. And again, that's
all I can do is say that these were -- people felt
contemptuous of the process --

BY MR. BURT: (Resuming)

Q  Yes.

A  -- after it was over, and felt let down by the

DCI who, after all, was the man with the responsibility

of saying come to the best agreement you can and come

home, if that's indeed what he said. And I believe

that's the case.

Q  But to the best of your knowledge --

A  Yes.

Q  -- was the DCI, at the time Mr. Helms,

adequately informed of the nature of the analysis done

by the people below him with respect to this issue?

MR. MASTRO: Objection to form.

BY MR. BURT: (Resuming)

Q  Mr. Smith?

A  It is my understanding that before he

commissioned the group to go to Saigon, there were

fairly lengthy sessions that he had, focusing on the key

elements of evidence and analysis, so that he would be

assured in his own mind that he had full confidence in

his people.
Q Right.
A And the way I understood that these took place was that first of all, the key senior members of the Board of National Estimates itself steeped themselves in the process. And I was present at almost all of these sessions. I tried to attend every session I could for my own benefit.

Q With the Board of National Estimates?
A With the Board of National Estimates, right.

So I was able to watch people such as Carver, Allen, Adams, Dean Moore, who was I believe the Branch Chief or Division Chief on this matter in the Office of Current Intelligence at that time, give stand-up lectures, displaying evidence and analysis, alternatives, the usual analytical process. And this is to men like Sherman Kent and Abbott Smith, the Chairman and Deputy Chairman of the Board.

So the senior responsible officers for analysis at the agency steeped themselves in the matter, and my understanding was that they had sessions. They assured Helms that he was not making a mistake, that he could back his people, and presumably Helms got into the
analysis to some extent himself. I wasn't present for
the last meetings with Helms.

Q. Do you have any reason to believe that any of
the evidence that was available to CIA for its position
was withheld from the members of the Board of National
Estimates?

MR. MASTRO: Objection.

THE WITNESS: By whom?

MR. BURT: By CIA.

MR. MASTRO: Objection to form.

THE WITNESS: I don't understand. I don't
understand the nature of the question.
MR. LAPRADE: I think here you have to be very careful on that. You can ask him if he in his own knowledge ever withheld any information. But I just think that when you ask him if the CIA as an entity withheld information, I think you will have to get that from the various people.

MR. BURT: I think I can ask for his opinion. If you want to instruct him not to answer, you instruct him not to answer.

MR. LAPRADE: No. I would like to --

MR. BURT: I want to know what his knowledge is.

MR. LAPRADE: Okay. Fine. I don't have any objection.

MR. BURT: I'm asking for his knowledge. That wasn't clear. I would rather carry on, Mr. Mastro, if you don't mind. Would you mind terribly?

MR. MASTRO: Would you like to rephrase the question?

MR. BURT: No. I'm going to carry right on here.

MR. MASTRO: What is the question pending?
MR. BURT: Would you read back my question, please?

THE REPORTER: "Question: Do you have any reason to believe that any of the evidence that was available to the CIA for its decision was withheld from the members of the Board of National Estimates?"

BY MR. BURT: (Resuming)

Q To the best of your knowledge, sir.

MR. MASTRO: What "decision" are we referring to?

BY MR. BURT: (Resuming)

Q Can you answer my question, sir?

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

BY MR. BURT: (Resuming)

Q Can you answer my question, Mr. Smith? Would you like the question read back one more time?

A I think so, yes.

MR. BURT: Would you read the question back, please?

THE REPORTER: "Do you have any reason to
believe that any of the evidence that was available to
the CIA for its decision was withheld from the members
of the Board of National Estimates?"

MR. MASTRO: Objection to the form of the
question.

THE WITNESS: Given the form, my answer is no,
I have no reason to believe that.

BY MR. BURT: (Resuming)

Q And I believe you have testified that you
believe members of the Board of National Estimates
discussed the problems we have been discussing here with
respect to manpower estimates in Vietnam with Mr. Helms,
is that correct?

If my recollection is wrong, just tell me.

MR. MASTRO: Objection to form.

THE WITNESS: I believe that to be the case,
but since I wasn't present, I really wouldn't know. I
was under the distinct impression when both Carver and
the senior members of the board were taking extra care
with the subject and the analysis and the data and
information, that that was it's purpose, so that they
could work with the DCI to help get him up to final
BY MR. BURT: (Resuming)

Q I believe you have testified that some of the people present at the Saigon meeting from CIA felt Helms had sold out with respect to the result of the Saigon meeting, is that correct, sir?

A No. I think I would prefer to say, since you're asking me what I mean by what I say --

Q Sure.

A -- I think that the people who were, first of all, disappointed and exercised about the intransigent position of MACV, terribly so --

Q Yes.

A -- I only know that Sam Adams took action against the DCI because he thought that even after the harsh words, he was willing to put pen to paper and go to the Inspector General on this matter.

No one else joined him going to the Inspector General. I am not even certain that anyone else did anything more than grouse. You know, where is the line between grousing and harsh words? In any event, the only person that acted was Sam.
Q All right.
A But again, as I said before, how he felt about
this was very close to how the rest felt, even though
they didn't join him going to the IG.
Q Except as you have otherwise testified, can
you recollect with any more specificity what the precise
nature of Sam's complaint to the IG was?
MR. MASTRO: Objection to form.
THE WITNESS: No, I cannot.
BY MR. BURT: (Resuming)
Q Did anyone at the time, in the fall of '67,
suggest any reason why the Director of Central
Intelligence took the actions he did with respect to the
SNIL 14.367?
MR. MASTRO: Objection. Objection to form.
THE WITNESS: I guess I really don't
understand the question because you convoluted it in the
middle. I didn't get whether we were negative or
positive. I'm sorry.
MR. LAPRADE: He will restate the question.
THE WITNESS: Yes, restate it.
BY MR. PUFIL: (Resuming)
Q. Did anyone tell you, if you can recall, in the fall of '67 or at any time thereafter, why the DCI took the position he did with respect to the SWIE 14.367?

MR. MASTR: Objection. Objection to form.

THE WITNESS: No one explained -- well, I was going to say that no one explained the DCI's motives, but that is a little inaccurate, because I did have discussions with a number of people -- my lateral colleagues, the people I have been referring to as older hands, and my people in my office and the members of my branch -- as to what the possible motivators were.

You will understand that since I was the person charged with doing the new analysis, marshalling the evidence and this sort of thing, that I felt some responsibility in that regard, and I could even, I suppose, be accused of overzealously defending the DCI's motives when I wasn't -- I couldn't be certain what they were, as a matter of fact. I can surmise with some considerable strength and probably make you believe that I understood his motives, but he didn't tell me what his motives were.

BY M.P. BURT: (Resuming)
Q And he didn't tell you that he directed Mr. Carver to give in at the Saigon SNIE meeting, did he, sir?

MR. MASTRO: Objection to form.

THE WITNESS: That is correct that the DCI did not tell me, but the members -- my recollection of conversations with members of the team was that the DCI directed it. And frankly, to follow that up, it would be impossible to have a decision made on a matter of that weighting without the DCI making the decision.

BY MR. BURT: (Resuming)

Q Would you turn to page 4 of your affidavit, sir?

(Pause.)

Do you see paragraph 77?

A Yes.

Q Would you like to read that for context?

A Yes.

(Pause.)

MR. MASTRO: Mr. Smith, you should feel free to read as much or as little --

MR. BURT: Sure, sure.
MR. MASTRE: -- of the affidavit as you need
to surrounding that paragraph, as well.

MR. BURT: I wasn't excluding you reading as
much before and after if you need to.

THE WITNESS: I have taken a look at 7; if I
need to look at any more, I shall, as you proceed.

BY MR. BURT: (Resuming)

Q Mr. Smith, you see the statement: "CIA
Director Richard Helms wanted the CIA to settle its
differences with the military" do you not?

A I do.

Q Do you know that to be a fact, or are you
surmising that the CIA Director Richard Helms wanted the
CIA to settle its differences with the military?

MR. MASTRE: Objection to form.

THE WITNESS: Since he didn't tell me, it is a
strong surmise. And as a matter of fact, it's more than
a strong surmise. It is my understanding of things that
were told to me by others who had reasons to know better.

BY MR. BURT: (Resuming)

Q Can you tell me who those people were?

A Yes. I was on -- since I had become by that
time even in October, since I was recruiting people,
building and getting advice from some of the more
experienced people, I was often with both George Carver,
on the one hand, and Paul Walsh, who was the man in my
office on matters pertaining to Vietnam.

Q Mr. Walsh was your superior?
A Mr. Walsh was my superior, that's correct.
Q Did Mr. Carver ever tell you that CIA director
Richard Helms wanted the CIA to settle its differences
with the military?

(Pause.)

THE WITNESS: Objection to form.

My recollection across the
decade and a half is that in a conversation or rather
with one or both of these gentlemen that this was an
obvious thing; and I don't have any reason to think
about it at great length since the result was that there
was a lot of effort put into a meeting at CIA with the
military coming in and a lot of effort put in to going
to South Vietnam for the August meeting.

So you may be after a point here, but I'm not
sure what it is, because even though I did not talk to
Helms, my recollection is that Carver and Walsh told me that Helms was very intent on not having a split estimate. And we had open discussions about where we were going from there.

My views that I referred to as matters surrounding the concept of Helms' stewardship were shared I know by Walsh. And so that's the way that developed. Since in fact Helms forced the issue -- we're not going to have a split estimate -- I think this is probably pretty good judgment.

BY MR. BURT: (Resuming)

Q It was Helms that forced the issue about a split estimate?

A No. There wasn't a split estimate.

Q That's my question.

A It was Helms' decision, firm decision, that there not be a split estimate.

Q Are you sure?

A No one could have made --

MR. MASTRO: Objection.

THE WITNESS: No one could have -- as I understand the way the agency I have worked in
functions, no one could make that decision --

BY MR. BURT: (Resuming)

Q Do you believe Mr. Helms --

A -- except that was a DCI type decision by

nature.

Q Do you know why Mr. Helms did not want a split

estimate?

A We discussed this earlier in the proceedings

at length, and while I don't have firsthand knowledge in

the sense of having talked to him about this, I was

given to believe through discussions with Walsh, in

particular, and Carver and others that he felt strongly

that even though he was by charter the DCI, paramount to

the President's chief intelligence officer, that in a

major foreign confrontation such as the war was with

700,000 men, and a very senior officer appointed by the

President to run it, by tradition his command had been

handling this matter, and the DCI wasn't going to turn

that over as a result of one confrontation.

You see, as far as I can see, from his point

of view the issue didn't exist in 1966. It came up. It

came to a sharp crescendo in the summer and full of
'67. I saw the DCI taking charge in a situation in which the bureaucratic politics were bound to be heavy because the Military Assistance Command and its commander were under fire by the Washington intelligence community.

And so I'm simply explaining my logic and I think the logic of my colleagues of why he made this decision and why he felt this way.

Q Do you believe from what you know that Mr. Helms' decision was an informed decision?

MR. MASTRO: Objection to form.

BY MR. BURT: (Presuming)

Q Mr. Smith, do you know what I mean by informed decision?

A I know what informed decision means, but I don't know what you mean to mean by it in this case.

Q When Mr. Helms decided what the CIA's position with respect to SNIE 14.367 would be, did he have adequate information from the CIA analysts to make that decision?

MR. MASTRO: Objection to form.

THE WITNESS: As we have already discussed, I
was not a party to any final discussions with Mr. Helms about this, so I can't answer the question. I assumed from observing the preparations that the system was going through to assist him that he did have. I don't have any reason to believe that he didn't, that he wasn't informed.

BY MR. BURT: (Resuming)

Q Do you know of anyone at CIA who kept any information with respect to the MK 14.367 issues, enemy manpower in Vietnam, from Mr. Helms?

MR. MASTRO: Objection to form.

THE WITNESS: I have no knowledge of such a thing.

BY MR. BURT: (Resuming)

Q Had anyone done such a thing, would it have disturbed you?

A Well, certainly if it had been germane or of any import.

Q Do you know of any situation in which, while you've been at the CIA, anyone at the CIA deliberately kept information from a DCI with respect to any issue?

A Nothing comes to mind.
MR. MASTRO: Objection to form.

THE WITNESS: It's not the kind of thing we give medals for.

MR. BURT: I'll tell you what. It is five minutes to 4:00. I've heard a lot of folks want to break at 4:00 o'clock. Rather than get on to an additional line of questioning, I will stop now. I appreciate your time, and will see you tomorrow morning.

We are staying on the record. You will bring with you the documents called for in that subpoena, please.

THE WITNESS: Do you want the documents, or can I bring you the list?

MR. BURT: I want the documents, sir. I'm sorry. I want all the documents. If any documents are held back -- I'm talking to your counsel now -- please so inform me and inform me why.

Is there any question about that, please?

MS. SMITH: No. There's no question about that.

MR. BURT: Fine. Thank you.

(Whereupon, at 3:55 p.m., the taking of the
instant deposition was recessed, to be reconvened at
10:00 a.m., Friday, May 25, 1984.)

SIGNATURE OF THE WITNESS

SUBSCRIBED AND SWORN to before me this _______ day
of ________________, 19______.

NOTARY PUBLIC

My Commission expires ____________________________.
CERTIFICATE OF NOTARY PUBLIC

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

Jure N. Beach
Notary Public in and for the District of Columbia

My Commission expires

My Commission Expires November 14, 1982