UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

GENERAL WILLIAM C. WESTMORELAND, Plaintiff,	:	82 Civ. 7913 (PNL)
-against-	:	AFFIDAVIT OF JOSEPH A. McCHRISTIAN
CBS INC., et al., Defendants.	:	

STATE OF FLORIDA,)
) ss.:
COUNTY OF MARTIN,)

JOSEPH A. McCHRISTIAN, being duly sworn, deposes and says:

1. I previously submitted two affidavits, sworn to on March 3, 1983, and December 21, 1983, in connection with the case of Westmoreland v. CBS. I agreed to make this affidavit to provide more comprehensive information about my experiences as MACV J-2 in Vietnam, my views on the military intelligence process, and my participation in the CBS broadcast, "The Uncounted Enemy: A Vietnam Deception".

2. I am a retired Major General, U.S. Army. Approximately 14 of my 38 years in the U.S. Army were in intelligence assignments. After graduation from West Point in 1939, I commanded every size unit from a platoon to an

armored corps of over 50,000 men. My first important intelligence assignments were as the Chief of Intelligence for General Patton's Third Army at the end of World War II, and Deputy Director of Intelligence, Headquarters, U.S. Forces, Austria.

3. From 1948 to 1963, I had various assignments, including Batallion Commander, Third U.S. Infantry, which is our National Honor Guard Regiment in Washington, D.C.; Special Assistant to Chief JUSMAAG, Athens, Greece during the Greek-Communist War; student Armed Forces Staff College; S-3, Department of Tactics, U.S. Military Academy, West Point, New York; Commanding Officer, 1st Cadet Regiment, USMA, West Point; student, Army War College; student Army Language School (Greek); U.S. Army Attache, U.S. Embassy, Athens, Greece; Commanding Officer, 2nd Armored Regiment and the United States Army Training Center (Armor), Fort Knox, Kentucky; and Chief of the Western Division in the Office of the Assistant Chief of Staff for Intelligence, Department of Army (a position I held during the 1962 "Cuban Missile Crisis").

4. In January 1963, I was nominated for promotion to Brigadier General and named Chief of Intelligence for the U.S. Army, Pacific (USARPAC), in Hawaii. On July 13, 1965, I became Assistant Chief of Staff for Intelligence (J-2) for the U.S. Military Assistance Command, Vietnam ("MACV"),

under General William C. Westmoreland. In this position, I exercised staff supervision over intelligence for all U.S. Armed Forces in Vietnam, including the Army, Navy, Air Force and Marines (except for elements assigned to the CIA).

5. On July 1, 1967, I left Vietnam to become Commanding General, 2nd Armored Division ("Hell on Wheels"), located at Fort Hood, Texas. While at Fort Hood I also commanded the Third Corps which included the 1st and the 2nd Armored Divisions. In August 1968, I was assigned to the Pentagon as the Assistant Chief of Staff for Intelligence, Department of Army, a position which I held until my retirement in 1971. While on that assignment I authored a book entitled The Role of Military Intelligence, which as part of the official history on Vietnam, was published by the Department of the Army in 1974.

6. I served as the MACV J-2 from July 13, 1965 to June 1, 1967. When I arrived in Vietnam, I took over a woefully inadequate intelligence organization which was designed to support an advisory role.

7. As J-2, it was my responsibility not only to conceive, justify, request, receive and supervise the intelligence and counterintelligence resources needed to support a major combat role but, also, it was my responsibility to formulate policies, prepare plans, issue orders and supervise their execution for the collection,

evaluation, production and dissemination of TIMELY, ACCURATE, ADEQUATE AND USEABLE intelligence on the ENEMY, TERRAIN and WEATHER which could either adversely affect or assist our forces in the accomplishment of the Commander's MISSION.

8. Collection of information was done by U.S. and allied military, police and civilian organizations. They conducted interrogation of prisoners of war and Hoi Chanhs; translated captured documents; captured enemy material for exploitation; produced aerial and ground photography, infrared and radar imagery; conducted aerial and ground visual reconnaissance; directed agent operations in and out of South Vietnam; induced defections and together generated a very large flow of information reports which were used in the preparation of studies, statistics and estimates. From this vast amount of information we categorized enemy units as Maneuver, Combat Support, Administrative Services, Irregulars and Political. I considered that each of these categories was adversely affecting the accomplishment of our mission. During my two years as J-2, my estimates of enemy capabilities stated that: "The North Vietnamese and Viet Cong have the will and the capability to conduct a protracted war of attrition at current levels of activity indefinitely." By the time I departed Vietnam, June 1, 1967, I considered our intelligence on enemy Maneuver,

Combat Support and Administrative Services to be more than adequate. While I was not as satisfied with the adequacy of our holdings on the Irregulars and Political Order of Battle, the plans, orders, organizations and resources were in place and generating an ever increasing number of reports on these categories. Our holdings were adequate enough for me to be convinced that those categories belonged in the Order of Battle Report.

9. The intelligence chief is responsible solely to his immediate commander. Acting on behalf of his commander, he keeps subordinate, adjacent and higher headquarters timely, accurately, and adequately informed on the enemy, weather and terrain so that they can make sound decisions on future courses of action. Moreover, a principal consideration of the Commander is the lives of the men on the battlefield and the liberty of the people for whom they are fighting. In this regard intelligence must get to the commander WHO CAN DO SOMETHING ABOUT IT, FROM in time for him to do something about it.

10. The culmination of an intelligence officer's work is the "Intelligence Estimate of the Situation". That estimate includes a statement of the commander's mission, states enemy capabilities to adversely affect the accomplishment of his mission and analyzes enemy probable courses of action.

11. Upon becoming the MACV J-2 on July 13, 1965, I was informed that the mission of MACV had been changed from an advisory role to a combat role. I also learned that Secretary of Defense Robert McNamara was due to arrive in Saigon on July 16, 1965, and that I was to present a 10-minute briefing on the enemy and a list of all the intelligence resources needed to fight the war. I asked Col. Wiliam Crosson of my new staff to prepare a briefing in the form of the Intelligence Estimate of the Situation. Col. Crosson informed me that MACV, at that time performing an advisory mission, lacked the data base on intelligence to support such an estimate. He said that most of MACV intelligence came from the South Vietnamese J-2 and that MACV was generally unable to confirm or refute it. It turned out that Secretary McNamara only wanted to discuss the intelligence resources that we needed. He questioned me at length about how I would go about doing my job and the resources I would require. By June 1, 1967, the date I left Vietnam, my original request for resources had not been provided completely. In spite of the best efforts of people in Washington, the resources were just not timely available.

12. Shortly after I became MACV J-2, I submitted a recommendation to General Westmoreland that he invoke the Fourth Force Concept to have the CIA in Vietnam placed under his command. I believed that it was imperative to have

Unity of Command, one of the cardinal Principles of War. I do not know what actions, if any, were taken on my recommendation, but I do know that the CIA in Vietnam was never assigned to MACV as a Fourth Force (Army, Navy, Air Force, CIA).

13. U.S. strategy in the Vietnam War included three interdependent elements: (1) to help South Vietnam to build a stable nation, which was the responsibility of the U.S. Ambassador in Saigon; (2) to help South Vietnam defend itself, which was the responsibility of General Westmoreland and (3) our air and naval offensive against North Vietnam, which was the responsibility of the Commander in Chief, Pacific with headquarters in Hawaii.

14. It was clear that the North Vietnamese and Viet Cong were waging a highly organized "socialist revolutionary war" under the tenets of Mao Tse Tung (old spelling), as adapted by Ho Chi Minh and Vo Nguyen Giap. They integrated social, political and military factors into a "people's war" that involved civilians and military alike.

15. Almost immediately after my arrival in South Vietnam, I met with Colonel Loi, the South Vietnamese J-2. We discussed our mutual capabilities and limitations. I proposed that we create a combined intelligence system with activities at all levels of command. He enthusiastically agreed. The concept envisioned the United States forces

working not merely in an advisory role, but side by side with the Republic of Vietnam Armed Forces as partners in combat. We decided to establish centers throughout the country for interrogation of prisoners and Hoi Chanhs and centers in Saigon for exploitation of captured documents and material, as well as a center where all information would be sent for evaluation and processing into intelligence in support of U.S. and South Vietnam forces. There was an exchange of Army of the Republic of Vietnam (ARVN) and U.S. military intelligence detachments at all levels down to separate brigade.

16. The combined concept was founded in mutual need, trust and understanding. Americans and South Vietnamese were fighting together on the same battlefield against a common enemy. Both of us needed the same intelligence on the enemy, the terrain and the weather. Each of us had capabilities and limitations affecting our ability to collect and produce the needed intelligence. We Americans would add trained and experienced techniques, rapid communications, a sense of urgency, and the support of our intelligence team. On the other hand, we had very few linguists who could speak Vietnamese. We were invited to assist the Vietnamese and, as guests of their country, were subject to their sovereignty. The South Vietnamese were sovereign. They controlled sources of information such as

① men, sophisticated equipment, money, professionalism, management

prisoners, captured documents, captured material, real estate and archives. They had many years of experience in fighting this type of war. They had an insight into the thinking of enemy leaders; they had an understanding and appreciation of enemy tactics and modus operandi; and they knew what information was available in their files and archives and could make it available. They would add continuity to our common activities because they remained when Americans went home after serving our tours of duty. They spoke the same language as the enemy. They also had some limitations. They did not have enough trained intelligence officers and specialists. They lacked necessary equipment and money. Together we proved to be a strong team.

17. When the MACV mission expanded from an advisory to a combat operational role in mid-1965, U.S. military intelligence structures had to be expanded and improved as well. I planned, organized and built up the military intelligence capability to support that mission. This accomplishment included the development and training of a full J-2 staff appropriate for a major joint headquarters (which MACV Headquarters became); the organization of the Combined Intelligence Center Vietnam (CICV), the Combined Military Interrogation Center (CMIC), the Combined Document Exploitation Center (CDEC) and other activities under the

combined intelligence concept for linking American and South Vietnamese efforts; and the procurement and deployment of properly trained military intelligence field units throughout South Vietnam. I oversaw the development of what I considered to be one of the finest intelligence organizations ever assembled for a commander during time of war.

18. I was intensely interested in establishing a data base in which the ever-growing, diverse mass of information on the enemy would be evaluated and utilized in the preparation of intelligence reports and the creation of an ever increasing data base. This was the reason for CICV. With such a data base, credible intelligence judgments, estimates, reports and recommendations could then be made. The Combined Intelligence Center Vietnam was a true product of the combined concept. CICV became the most sophisticated and capable production facility I have ever known in direct support of wartime operation and planning. CICV did an outstanding job providing reliable information about the quality and quantity of the enemy we found in Vietnam.

19. The standards which I imposed on CICV analysts were demanding and strict. For example, when CICV accepted enemy units into the Order of Battle, I required confirmation of the unit from at least two hard sources, such as captured enemy documents and prisoners of war. Nothing went

out in J-2 reports, briefings and estimates that was not based upon the best available evidence at the time.

20. CICV received reports from a wide variety of sources. Since two of the most important sources of combat intelligence are prisoners and captured documents, I established an extensive interrogation system with a large center--the Combined Military Interrogation Center (CMIC)--in Saigon and smaller centers at each Field Force, Division and Separate Brigade. My plans also called for a center at each province. These were to be established by the CIA with partial use by the military. The Combined Document Exploitation Center (CDEC) was located in Saigon.

21. As soon as a member of the enemy was captured, a report called a "Knowledgeability Brief", containing general information, was sent to CICV, CMIC and to Washington, D.C. Addressees furnished questions back to CMIC. By the time the prisoner reached the Interrogation Center, interrogators were ready to question him on subjects about which he was thought to be knowledgeable. The interrogators got their questions from officers who specialized in one or more particular factors of the enemy Order of Battle. These factors included composition, disposition, identification, strength, training, morale, tactics, leadership, logistics, combat effectiveness and miscellaneous factors.

22. The Combined Document Exploitation Center had close to 250 highly trained specialists translating, and analyzing captured enemy documents. My staff wrote a book on Viet Cong Terminology, and we trained Vietnamese intelligence personnel for two to three months in translation of Viet Cong terminology. By early 1967, we were capturing half a million pages of enemy military documents a month, approximately 10 percent of which contained very useful information. If a unit captured a document in the morning and flew it to the CDEC, a report on that document was issued at the latest by the following morning.

23. The captured documents were also indexed and filmed. The indexes, the documents themselves, the translations and the basic information from the documents were then input into an FMA storage and retrieval unit. The Order of Battle analysts at the Combined Intelligence Center, Vietnam (CICV), had access to all of this information. They also had direct communication with the Requirements officers at CMIC.

24. In February 1966, I brought in Col. Gains Hawkins to head the MACV J-2 Order of Battle Branch. Col. Hawkins had worked with me at USARPAC. He was a highly knowledgeable, experienced, professional intelligence officer. I used to refer to Col. Hawkins as "Mister Order of Battle". He was a man of great honesty and integrity.

He was a good organizer and extremely conscientious and hard-working. I had great admiration for him and trusted him completely. Nevertheless, I made Col. Hawkins convince me of the validity of every estimate we made before approving it for inclusion in the Order of Battle Summary which CICV produced each month. In order for an enemy unit to be accepted into the monthly enemy Order of Battle Summary, its existence had to be supported by at least two hard sources. Our Order of Battle estimates were conservative.

25. The two components of the Order of Battle on which information was most lacking when I took over as MACV J-2 were the enemy's political infrastructure and irregular forces. Throughout my term as MACV J-2, the strength estimates for the political and irregular categories which we included in the monthly Order of Battle Summaries were based on estimates that we had been given by the South Vietnamese before I became J-2. By late 1966 we finally had adequate resources to devote sufficient effort to determining the organization and capability of these forces. I initiated a comprehensive reevaluation of the strength estimates of these two categories. The political order of battle collection program was called "CORRAL", and the irregular order of battle collection program was called "RITZ".

26. When I arrived in Vietnam in mid-1965, I asked my Marine Corps predecessor to brief me on his Order of Battle files. He asked me, "what do you mean by Order of Battle?" Upon assuming responsibility as J-2, I established an Order of Battle ("OB") organization, had trained personnel flown in from Hawaii to set up OB files and train my personnel. We started from scratch, working out of cardboard boxes.

27. As previously mentioned, we categorized enemy units as Maneuver, Combat Support, Administrative Service, Irregular (guerrillas, self-defense and secret self-defense), and Political. I secured endorsement of these categories and their definitions at a major Order of Battle conference in Honolulu, Hawaii, in early February 1967. Everyone at that Conference, which included representatives from the JCS, NSA, DIA, CINCPAC, MACV and CIA, agreed that <u>all</u> of these categories should continue to be included in Order of Battle estimates of total enemy strength and approved my Order of Battle Manual on criteria and methodology. CINCPAC, Admiral U.S. Grant Sharp, published my manual over his name. Moreover, everyone at that Conference agreed that indications were that enemy personnel strength in the Irregular and Political categories must be much greater than current intelligence holdings could justify and that MACV should continue ongoing collection

plans as "a matter of high priority" and "as soon as possible" to report our new estimates in each of these categories of enemy strength. A copy of the relevant section of the Honolulu Conference report is attached to this affidavit as Exhibit A.

28. The CORRAL and RITZ studies were completed in May 1967. Col. Hawkins had been working on these studies for a long time, and I went over them carefully myself until I was convinced of their validity. Col. Hawkins prepared a cable to be sent to Washington, D.C., which included strength estimates for both the Political and Irregular components which were far higher than those then being carried in the Order of Battle Summary. I reviewed the cable carefully, was convinced that the figures in the cable were fully supported by the evidence, and approved the cable. The figures in the cable were conservative. To the best of my recollection, the cable gave the Political Order of Battle at approximately 88,000 and the Irregular Order of Battle at approximately 198,000--a total increase of approximately 134,000 over the figures then being carried in the Order of Battle Summary of 39,175 in the Political category and 112,760 in the Irregular category. This increase in strength reflected better intelligence and not a recent growth in size.

29. Although I usually sent my intelligence reports directly to CINCPAC and DOD, in this instance I took the cable to General Westmoreland before sending it because I thought he would be interested in knowing that we were finally able to support and defend strength figures in these categories and could discard for the first time the strength figures we had received from the South Vietnamese before I became MACV J-2. I expected General Westmoreland to be pleased with our effort and accomplishment in developing a more realistic and accurate assessment of total enemy strength. I was surprised by his reaction. After reading the cable, General Westmoreland looked at it and said: "If I send this to Washington, it will create a political bombshell". I offered to take the cable personally to Washington and explain its contents in greater detail to the appropriate personnel. General Westmoreland did not accept the offer. He said: "Leave it with me. I want to go over it." I believe that this meeting occurred approximately two weeks or so before I left Vietnam and most probably between May 10 and 15, 1967. No one else was present at this meeting. Rew

30. This was the first time that General Westmoreland had ever held up one of my intelligence reports. I was disturbed by General Westmoreland's expressed concern over political considerations. At no point during our meeting did he ever question the methodology or the evidence on

which these estimates were based. I would not have approved those estimates had I not been convinced that they were valid, sound and fully supported by the evidence.

31. While I was surprised by General Westmoreland's decision, I could understand that he might want a detailed briefing on these intelligence holdings, which he had not yet received. Since I still had approximately two weeks before I was to leave Saigon, I expected him to ask for such a briefing, which I understand he did receive. I was not present at any briefing to him on the cable. While I have no personal knowledge of what happened to that cable, I have seen statements by General Westmoreland in which he acknowledges that it was never sent.

32. To the best of my recollection, the cable I submitted to General Westmoreland contained updated estimates for the Irregular and Political categories which, when added to our estimates on Maneuver and Combat Support categories, amounted to a total enemy personnel strength figure of approximately 429,000--keeping in mind that adding these different categories together is like adding apples, oranges, bananas and pears and that the total represents "fruit" and not one of the specific varieties. However, each of these categories of the enemy posed a threat to the lives and safety of our forces and our military and civilian

allies and was capable of adversely affecting the accomplishment of our mission.

33. Throughout my tour as MACV J-2, I insisted that the enemy's Irregular forces (guerrillas, self-defense and secret self-defense) and Political infrastructure were capable of adversely affecting the accomplishment of MACV's mission, as well as the mission of the Ambassador, and must be included in the Order of Battle. During my two years as MACV J-2, these forces were always included in estimates of total enemy strength. At no point during my tour as MACV J-2 did General Westmoreland ever question either my approach to Order of Battle or the inclusion of these categories in the Order of Battle.

34. The importance of the enemy's Self-Defense forces and Political Infrastructure was documented in a CICV study, "Strategy Since 1954", which was distributed by my successor, Brigadier General Phillip B. Davidson, Jr., on June 29, 1967. The study described the significance of these forces and quoted the words of General Giap:

> "New emphasis on self-defense units will also add strength to guerrilla operations and release main force units by providing strategic reserves, previously provided by main force troops. In Giap's words:
>
> "The self-defense militia forces have satisfactorily fulfilled the role of the reserve force. Under the leadership of our party and forged through realistic combat and production, the self-defense militia forces have matured swiftly and steadily, satisfactorily fulfilled the reserve

force's task, provided the frontline with replacements, and created very favorable conditions for the expansion and development of main force units. [Emphasis added]

"Giap further credits the self-defense militia and guerrilla forces with making a 'great contribution to defeating the US Puppet Rural Pacification Scheme.' This strategic function of the militia and guerrilla forces is considered critical by General Giap:

> "The self-defense militia and guerrilla forces, together with the main force units, regional troops, and the people, have foiled the enemy's 'Rural Pacification' plan . . . and the US aggressors' spreading 'Ink Spot' tactics, and created favorable conditions for the Liberation Armed Forces to step up their activities and annihilate the enemy's military forces. As a result, the US aggressors have been compelled to assign an important part of their military forces to defensive tasks and, therefore, have not been able to concentrate substantial mobile forces.

"Such steps may well hamper the GVN pacification program at a critical time, and possibly divert great numbers of FWMAF troops currently engaged in attacks on base areas to the defense of the RD program. If this strategy is put into effect and if augmented by massive reinforcement of regular NVA units, Allied forces would face a critical situation. Retaining FWMAF forces in large concentrations to augment efforts aimed at NVA regulars and base areas would leave the RD program vulnerable to piecemeal destruction. Defense of RD would leave I Corps and II Corps vulnerable to NVA attack-in-force. Either alternative would strengthen Hanoi's position vis-a-vis future negotiations.

"It is not unreasonable to assume that this is the most likely course of action for the Communists to take. Indeed, there is little reason to think that Ho Chi Minh and the leadership in Hanoi feel that the outcome of the war will be any different politically from the French-Indochina War. Political factors may overcome the weaknesses of the military stance of the VC/NVA forces. Eventual war weariness may undermine the support of the United States government just as it did the French government.

"That this attitude is the source of motivation intended to keep the enemy in the field fighting in spite of the overwhelming superiority of the Free World Forces is clearly reflected in the Hanoi Press. In an article appearing in Hoc Tap, December 1966, entitled 'People's War Viewpoint,' the 'realities of the revolution' are explained:

"How can our people vanquish all wicked enemies having professional armies . . . even US Imperialism, the wealthiest and most powe.ful . . . of the Imperialist camps?

"Despite the fact that the enemy is stronger than we in the field of weapons and technique, we can overcome these temporary shortcomings and restrict and destroy the effect of this baseless strength of the enemy . . . because we have absolute and basic superiority in the political and spiritual spheres.

"As war is a continuation of politics, the political aim of the revolutionary war must be correct and thorough. . . . The political aim of the people's war in our country consists in carrying out the immediate and long-term tasks of the revolution. . . .

"Success in the war is decided by politics and men's minds. . . . [Emphasis added]

"Given the strength of the Viet Cong infrastructure, this conception is not altogether irrational."

A copy of that unclassified study is attached to this affidavit as Exhibit B.

35. The enemy's Irregulars, which included Guerrilla, Self-Defense and Secret Self-Defense elements, and Political Infrastructure were essential in his doctrine and practice of fighting revolutionary war. A town or an area of countryside might be relatively secure from the enemy's heavily armed Main and Local forces but still not be

secure because of vulnerability--especially at night--to Irregulars and the Political Infrastructure. These Irregulars and Political elements performed many forms of terrorism to include intimidation, assassination, ambush, sabotage, mines, demolition, booby-trapping, kidnapping, tax collection, recruitment, confiscation, and propaganda.

36. In addition, Irregulars provided a base from which the enemy recruited and upgraded forces for its more conventional combat units, provided intelligence information for the enemy, represented a constant insurgent influence and helped to provide logistical support and administrative services to the Main and Local forces. Moreover, the Irregulars inflicted casualties on both U.S. and South Vietnamese forces. Though sometimes armed with old or improvised weapons, the Self-Defense and Secret Self-Defense forces were responsible for setting mines and booby traps which killed and maimed many American soldiers. What was important was to determine the capabilities of <u>all</u> the categories of the enemy. They were all parts of a <u>whole</u>. The idea of deleting <u>any</u> category--or identified parts of any category--from the estimate of total enemy strength never was seriously considered by me. Early on during my tour as MACV J-2, CIA representatives suggested that the CIA take over responsibility for reporting on the Political Order of Battle. This took place shortly after the

publication and distribution of our first issue of the Political Order of Battle some time in August 1965. Other than on that one occassion, no one ever suggested to me that I delete any catagory of the enemy from the estimate of total enemy strength reported in the MACV Order of Battle.

37. All categories of the enemy, including the Self-Defense and Secret Self-Defense forces, planted mines and booby traps. The mines and booby traps set by Self-Defense and Secret Self-Defense forces tended to be simple, though nonetheless lethal. A copy of an unclassified CICV pictorial study on "VC Production", which was distributed under my signature in early 1967, is attached to this affidavit as Exhibit C. The study shows the ease with which enemy non-combat personnel prepared mines and munitions.

38. Mines and booby traps inhibited the conduct of even routine military operations. Enemy mines and booby traps killed and wounded many American, South Vietnamese and allied soldiers. I still have in my possession a simple homemade VC mine made out of a beer can. I kept it on my desk in Vietnam as a reminder of the kind of war we were fighting--a war in which the enemy threat was not confined to sophisticated weaponry and uniformed personnel.

39. Throughout my tour as MACV J-2, I insisted that the enemy's political infrastructure be carried in the Order of Battle because the infrastructure posed a threat to

our forces and adversely affected the accomplishment of our mission. Those in attendance at the February 1967 Honolulu Conference, which included representatives from the JCS, NSA, DIA, CINCPAC, MACV and CIA, agreed with my assessment, and the report of that Conference stated that "the political infrastructure is an integral part of the total enemy strength and should be included in the order of battle". A copy of the relevant section of that report is attached to this affidavit as Exhibit A. The infrastructure was the political and administrative organization through which the Viet Cong controlled or sought to control the South Vietnamese. The infrastructure allowed the enemy to maintain control in Viet Cong-dominated areas and engaged in terrorist activities and propaganda in "pacified" areas.

40. On my last day in Vietnam, I became aware that a new plan for attacking the Viet Cong political infrastructure was to be implemented. It was to be called the Intelligence Coordination and Exploitation for Attack Against the Infrastructure Program. Ambassador Robert W. Komer, who had just arrived in Vietnam, was to head the program as a deputy to the MACV commander. To put it mildly, I was amazed and dismayed. I called on Ambassador Komer and General Westmoreland that last day and pointed out that I had not known about the program but that I was confident that the combined military intelligence system was out front leading

the way against the political infrastructure. I suggested to Ambassador Komer that coordination was in order. I invited him to accompany me to General Westmoreland's office. He declined and told me, "Have a good trip home, Mc."

41. At no point during my tour as MACV J-2 from July 13, 1965, to June 1, 1967, did I conclude that we had reached the so-called "cross-over point" in the war effort. The "cross-over point" was a term used to mean that point at which the enemy was losing forces at a rate faster than it could replace them. Although I was pressured during 1966 and 1967 to produce intelligence reports which would show that the "cross-over point" had been reached, I repeatedly resisted those pressures and reported that the evidence did not support a conclusion that the "cross-over point" had been reached. In fact, ~~every intelligence report released~~ most Estimates signed by me [illegible] during my tour as MACV J-2 concluded with words to the effect that: "The North Vietnamese and Viet Cong have the will and capability to continue a protracted war of attrition at current levels of activity indefinitely." I included those words in my reports because I believed that they best conveyed my professional judgment about the course of the war, based on all available evidence. Throughout my tour as MACV J-2, it was consistently my belief that a "cross-over point" had not been reached, nor when I left

Vietnam in mid-1967 did it appear to me that a "cross-over point" could be reached at any point in the foreseeable future.

42. While no one ever overtly pressured me in the sense of ordering me to change an estimate of enemy personnel strength during my tour as MACV J-2, from time to time, I would hear a rumor that some people in Washington thought that my estimates of enemy strengths were too high. I always felt that my estimates were conservative and valid. I felt then and I still believe that my reporting was as accurate, timely, adequate and useful as we were capable of reporting.

43. During my tour as MACV J-2, a representative from the office of the Secretary of Defense came to Saigon to review my methodologies and criteria. He was quite candid in acknowledging that he was sent to Saigon because some people in Washington had raised questions about my estimates. I gave him complete access to every aspect of my intelligence operation. Several days later, he returned to my office after completing his review and told me that he was very impressed with the MACV J-2 intelligence organization and that there was not a single thing about the operation that he would recommend be changed.

44. While I was MACV J-2 from July 13, 1965, to June 1, 1967, I made a conscientious effort to keep all

higher headquarters (DOD, CIA, DIA, CINCPAC) accurately, timely and adequately informed of all intelligence in which each was interested. All of these headquarters were, from the day I became J-2, placed on distribution of all MACV J-2 intelligence reports, including translations of captured documents, interrogation reports (POW's, Hoi Chanhs), agent reports, intelligence studies, J-2 estimates, Order of Battle summaries, and so forth.

45. During my tenure as MACV J-2, I made a concerted effort to provide all information which we acquired about the enemy to the CIA's Saigon Station. CIA analysts had complete access to MACV facilities and analysts, and I stressed an approach of full cooperation. It is inconceivable to me that there would have been any reason for denying CIA analysts access to MACV facilities, information or analysts. Certainly such a restriction never took place during my tenure as MACV J-2.

46. As chief of intelligence operations in Vietnam, I considered the professional performance of duties of the officers and analysts under my command to be a direct reflection of my leadership. I set the standards and the policies of operation, and as a military officer I take full responsibility for the actions of the personnel under my command. I set high standards of performance during my tenure as MACV J-2 from July 13, 1965, to June 1, 1967, and

I am proud of the performance of the officers, men and women who served under me.

47. I stand by every intelligence report that I signed during my tenure as MACV J-2 in Vietnam from July 13, 1965, to June 1, 1967. Every estimate on which I put my name was the best estimate available--timely, accurate, adequate, well-documented and based on all the available evidence. As I look back on the two-year period in which I served as MACV J-2, there is not a single thing in any of my intelligence ~~reports~~ Estimates that I would want to change.

48. At no point during my tenure as MACV J-2 was I aware of, nor would I have permitted, the arbitrary reduction of any strength estimates. The estimate is the apex of the intelligence process. The standards which I established as MACV J-2 did not permit the possibility of an arbitrary reduction of strength estimates. The estimate must be supported by solid and reliable evidence. To reduce arbitrarily an estimate of enemy strength constitutes a distortion and, indeed, a falsification of intelligence which I would never have permitted. In the system which I established as MACV J-2, the evidence always spoke for itself. There was no room for manipulations or political considerations to affect the intelligence process.

49. At no point during my tenure as MACV J-2 did I ever permit, nor would I ever have permitted the imposition

of a ceiling on the estimate of total enemy strength. The imposition of an arbitrary ceiling on the estimate of total enemy strength constitutes a falsification of intelligence. During my tour as MACV J-2 from July 13, 1965, to June 1, 1967, I was never ordered to impose a ceiling on enemy strength. Had I ever been ordered to impose a ceiling on enemy strength, I would have refused to obey that order and requested reassignment.

50. At no time during my tenure as MACV J-2 did I ever indicate in words or in substance that there was any limit on the enemy strength estimates my command would accept, nor would I have tolerated such an instruction. A statement or instruction that enemy strength estimates cannot exceed a particular level would be wrongful and amount to a falsification of intelligence.

51. The events leading up to my participation in the CBS broadcast, "The Uncounted Enemy: A Vietnam Deception", are as follows: In 1977, Samuel Adams called me and said he was writing a book on intelligence in Vietnam and asked me to meet with him to discuss my role as MACV J-2. I agreed to meet with Adams because I thought it important to set the record straight and Adams seemed to me sincerely interested in finding out the truth. I met with Adams in my home and told him substantially what I have said in this affidavit. Adams told me at that time that he believed that

there had been some wrongful manipulation of intelligence figures in Vietnam in the period from 1966 to 1968. We discussed this. Before our meeting was over, he told me that I had convinced him that there had been no wrongful manipulation of intelligence during the period in which I had been MACV J-2 from July 13, 1965, to June 1, 1967.

52. In early 1981, Adams again called me, along with George Crile, a CBS producer who was working on a documentary about military intelligence during the Vietnam War. They asked me to grant an interview on film. I asked Adams and Crile to send me letters detailing the subjects they wanted to cover in the interview. After receiving those letters, I considered the matter thoroughly and decided to grant the interview. Copies of the letter from Samuel Adams and the letter from George Crile are attached to this affidavit as Exhibits D and E, respectively. It was clear to me that these were serious men engaged in a conscientious and good faith effort to find the truth. I also felt that as MACV J-2 from July 1965 to June 1, 1967, I had knowledge of certain matters relevant to the subject of the documentary. Again, I wanted to help set the record straight, and I believe that I accomplished that purpose in my interview, which took place on March 17, 1981. At all times during the process leading up to and including my interview I felt that George Crile treated me fairly and acted professionally. I

was given full and fair opportunity to prepare for my interview and to answer the questions put to me.

53. I have reviewed the transcript of my video-taped interview with George Crile for the CBS broadcast, "The Uncounted Enemy: A Vietnam Deception". A copy of my interview transcript is attached to this affidavit as Exhibit F. I believed my answers to Crile's questions to be true and accurate at the time I gave them, and I believe them to be true and accurate today.

54. I saw the CBS broadcast, "The Uncounted Enemy: A Vietnam Deception", when it aired in January 1982. As to those aspects of the broadcast about which I have personal knowledge, I found the broadcast to be fair and accurate. While I have no personal knowledge about the broadcast's charges that intelligence reports had been falsified after my tour of duty as MACV J-2 had ended, I felt that these allegations were particularly serious because they were made by responsible intelligence officers such as Colonel Hawkins, whom I knew to be a man of great honesty and integrity. I have no regrets whatsoever about my decision to appear on the broadcast. I appreciate having had the opportunity to make whatever contribution I could to clarify the record on this important subject.

55. Within two or three days after the broadcast aired, I was called by George Crile, who asked whether I had

seen the broadcast and what my reactions to it were. I indicated that, in general, I respected the broadcast. I told him that I felt the broadcast accurately reflected my views. However, I told him that I had reservations about one aspect of the broadcast -- its use of an answer which I had given to a hypothetical question about the placing of a ceiling on total enemy strength. The relevant portion of the broadcast reads as follows:

WALLACE: CBS REPORTS has learned that Colonel Hawkins was in fact carrying out orders that originated from General Westmoreland. Westmoreland says he doesn't recall these orders. But the head of MACV's delegation told us that General Westmoreland had, in fact, personally instructed him not to allow the total to go over 300,000.

CRILE: Wasn't there a ceiling put on the estimates by General Westmoreland? Weren't your colleagues instructed, ordered, not to let those estimates exceed a certain amount?

COLONEL GEORGE HAMSCHER: "We can't live with a figure higher than so and so"--

CRILE: Three hundred thousand.

COLONEL HAMSCHER: --is the messa--is the message we got.

WALLACE: Colonel George Hamscher was one of several members of the military delegation troubled by having to carry out General Westmoreland's command position.

COLONEL HAMSCHER: I was uneasy because of the bargaining characteristics. This is not the way you ought to do it. You don't--you know, you don't start at an end figure and work back. But we did.

WALLACE: You should know that these men that I've mentioned felt very uncomfortable carrying your order. They felt that this arbitrary ceiling--"You're not to go above 300,000"--

GENERAL WESTMORELAND: Well, why, if--if they felt that way about it, why didn't they forthrightly tell me that? They didn't.

WALLACE: Pretty good question.

GENERAL WESTMORELAND: They didn't.

WALLACE: And they take the responsibility for it. And they say, "We were wrong."

COLONEL HAWKINS: I am a staff officer, and I defended the command position. I did it in full knowledge, and if there's any--if it was immoral or illegal or reprehensible, the fault is here. It doesn't go anywhere else. I defended the--the command position on the figures.

WALLACE: Colonel Hawkins assumes full responsibility for his actions. But we went to General McChristian, his old intelligence chief, to ask what we should think of General Westmoreland's instructions.

CRILE: To put a ceiling on enemy strength estimates, to tell an intelligence operation that it is not permitted to report enemy strength estimates over a certain number--

GENERAL McCHRISTIAN: Uh-hmm.

CRILE: --what does that constitute, sir?

GENERAL McCHRISTIAN: From my point of view, that is falsification of the facts.

CRILE: Are there statutes in the Uniform Code of Military Justice that would speak to that situation?

GENERAL McCHRISTIAN: Not that I'm aware of. But there's something on a ring that I wear from West Point that the motto is: "Duty, Honor, Country". It's dishonorable. [Emphasis added]

While I was aware prior to my interview for the broadcast of Colonel Hawkins' testimony that it was alleged that he had been ordered to abide by a ceiling established by General Westmoreland in the latter half of 1967, I had no personal

knowledge of such a ceiling since I had left Vietnam on June 1, 1967. I forthrightly answered Crile's hypothetical questions about the imposition of a ceiling. It was my belief and is still my belief today that the placing of an arbitrary ceiling on estimates of total enemy strength constitutes a falsification of the facts and is dishonorable. However, I did not intend my answers to refer to General Westmoreland since I have no personal knowledge that he established a ceiling on total enemy strength in the latter half of 1967.

56. I described this one presentational question as "improper" in my previous affidavit of December 21, 1983, submitted at the request of counsel for General Westmoreland. What I meant by "improper" in that context was that the presentation on the broadcast was possibly confusing or imprecise in that it was not clear that I was responding to a hypothetical question. By using the term, "improper", I did not mean to convey that I felt George Crile had purposefully misrepresented my position or had acted unethically. I have at all times found Crile to be professional in his conduct and sincere and honest in his desire to find out the truth. I believed in Crile's sincerity, honesty and professionalism when I agreed to be interviewed for the broadcast, and I believe in Crile's sincerity, honesty and professionalism today.

57. Immediately after the broadcast, I was contacted by General Westmoreland, who advised me that he was planning a press conference in Washington, D.C., to denounce the broadcast and asked me to attend to speak on his behalf. He also told me that he had been hurt by my statement on the broadcast that "it's dishonorable" to impose a ceiling on total enemy strength. In declining General Westmoreland's invitation to participate in his press conference, I sent him the following mailgram:

> "I have gone over my notes and find that George Crile did tell me that Colonel Hawkins testified that he had been ordered to abide by a ceiling established by you. Knowing this unproven allegation I answered George Crile's question. I'm sorry if my answer hurt you. The allegations in the documentary pertained to actions that took place after I left Vietnam. I feel that the people who were there should help you refute them. If they cannot refute them then I think you, General, should determine who the guilty persons were."

A copy of that mailgram is attached to this affidavit as Exhibit G.

58. The CBS broadcast stated: "Shortly after Westmoreland suppressed his intelligence chief's report, General Joseph McChristian was transferred out of Vietnam." Dan Burt, counsel to General Westmoreland, told me that in his opinion the CBS broadcast implied that I was transferred out of Vietnam for reporting higher numbers. While I do not interpret the broadcast that way, I want to explain fully the circumstances concerning my transfer. Several months

before the end of my two-year tour of duty in Vietnam in mid-1967, General Westmoreland asked me to volunteer to remain as J-2 for a third year. I felt highly honored and told him so. However, I told him if I did so, my entire future in the Army would be as an intelligence specialist. I had never sought an intelligence assignment. My training was in infantry and armor. I volunteered to extend my tour of duty for a third year if I could command a division in combat. General Westmoreland said that I had earned and deserved to command a division in combat and that he would so recommend to Washington. A few days later he called me in to his office and handed me a cable from Washington. It stated that the policy to extend a general officer for a third year was not favorably considered. This meant that I could not remain in Vietnam in any assignment. I received orders assigning me as Commanding General, 2nd Armored Division, stationed at Fort Hood, Texas, about six weeks before I left Vietnam. I subsequently became aware of reports, for example, in James Reston's New York Times column of November 23, 1967, and Jack Anderson's columns of November 30, 1967, and October 31, 1975, that I was transferred, in Anderson's words, "for reporting higher estimates than the Pentagon liked". I have no personal knowledge, however, of whether or not that was one of the reasons for my transfer. Copies of those three articles are

attached to this affidavit as Exhibits H, I and J, respectively.

59. I was aware that there were persons in the military and the administration who objected to the magnitude of the estimates of enemy strength which I was reporting as MACV J-2. As I said during my interview for the CBS broadcast and reiterate in this affidavit:

> "Evidently people didn't like my reporting, because I was constantly showing that the enemy strength was increasing. I was constantly reporting that the North Vietnamese and the Viet Cong had the capability and the will to continue a protracted war of attrition at the same level of operations that were currently going on for an indefinite period. And I personally wrote that paragraph in every estimate I sent in and insisted that that be known. Maybe there was objections to that."

While my position may not have been popular in 1967, it was based on the facts as they existed at that time. When I left Vietnam on June 1, 1967, the enemy still had the will and capability and manpower to continue the war at current levels of activity indefinitely.

60. When I left Saigon, I wrote the following letter to each member of my intelligence team:

> Upon my departure from this command I take pride in expressing my admiration for your unexcelled performance of duty. You have earned for military intelligence a reputation of excellence second to none. You consistently have provided timely and accurate intelligence upon which the direction and support of this war have been based. You collectively constitute the finest military intelligence team to ever support our armed forces in combat. Your past performance is magnificent history. Your future holds greater

> challenges and opportunities. Your capabilities are extensive. I have full confidence that you, your officers, noncommissioned officers, enlisted personnel and civilians will continue to keep intelligence out front where it belongs. It has been a great honor serving with you as a member of the First Team. Please convey my appreciation to all concerned.

61. I take no offense to criticism of my performance as MACV J-2. A career military officer must expect criticism. His whole life is devoted to the noble concept of defending the Constitution of the United States. When one takes that oath, one should expect and, indeed, welcome criticism. People have the right to criticize those of us who dedicate our lives to public service. Such criticism is healthy. It keeps public servants honest. One hopes it will be constructive criticism. If misused it can do great harm.

62. I have cooperated fully with counsel for both plaintiff and defendants in this lawsuit. I do not consider

myself a partisan of either side. If requested by either side, I will testify as a witness at trial if this case goes to trial.

Joseph A. McChristian

Sworn to and subscribed before
me this 20 day of April, 1984.

Ann R. Bedwell
Notary Public

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES MAY 16 1987
BONDED THRU GENERAL INSURANCE UND

EXHIBIT A is JX 227.

EXHIBIT B is JX 241.

EXHIBIT C is JX 473.

EXHIBIT D is DX 330.

EXHIBIT E is DX 332.

EXHIBIT F is JX 10.

EXHIBIT G is JX 464.

EXHIBIT H is JX 279.

EXHIBIT I is JX-364.

EXHIBIT J is JX 348.