

ARTICLE APPROVED
3F

PHILADELPHIA INQUIRER
11 November 1984

A rare glimpse at the workings of military intelligence in Vietnam

By David Zucchini
Inquirer Staff Writer

NEW YORK — First came full "bird" colonels and two- and three-star generals and presidential advisers. They gave what the military calls the "big picture look" at the numbers war being fought by intelligence types during the Vietnam War.

Then, last week, came lowly John Stewart and Michael Hankins. The two men were junior intelligence officers in 1967, but they offered the jury in the CBS libel trial something the big shots could not: A nuts-and-bolts look at military intelligence.

By doing so, the two officers brought into focus a festering debate-within-a-debate in 1967. Not only was the CIA haggling with Gen. William C. Westmoreland's command over enemy troop numbers, they revealed, but two intelligence shops within the general's own command also were fighting it out.

At issue in both intelligence debates was the drastically different estimates of enemy strength produced by different intelligence-interpreting methods. The methods focused on Communist infiltration into South Vietnam, and the controversial role of South Vietnamese village irregulars sympathetic to the enemy.

A 1982 CBS documentary accused Westmoreland's command of reporting lower enemy estimates in an effort to deceive higher-ups and make it appear that the U.S. was winning its "war of attrition." The program said the alleged deception was part of a "conspiracy."

The lower-level debate revealed by Hankins and Stewart — hinted at by previous witnesses in the five-week-old trial in federal court here but never fully explained — adds new complexity to two questions facing the jury as it decides whether CBS libeled Westmoreland in its documentary *The Uncounted Enemy: A Vietnam Deception*. Those questions are central to how the jury evaluates CBS's presentation of the intelligence debates.

First, did CBS ignore any evidence that discrepancies in enemy estimates resulted from an honest debate over methodology, as Westmoreland's witnesses have indicated? Did the network present one methodology and one set of numbers as absolute truths suppressed by Westmoreland's command?

Second, was CBS faithful to the truth when it attributed Westmoreland's reporting of lower estimates to improper or unethical motives? Did the network ignore any evidence that Westmoreland's motives were soundly based on professional judgments? If the jury believes that the answers to these questions indicate that CBS exhibited a "reckless disregard" for the truth, it will have taken one step in reaching a verdict for libel.

Under libel law, public officials such as Westmoreland must prove that information published about them was false and that those who published it either knew it was false or showed "reckless disregard" for whether it was false.

Westmoreland's intelligence operation was divided in 1967 between "real-time" and "historical" shops.

The Current Intelligence Indications and Estimates Division (CIIED) cranked out daily (real-time) estimates of enemy strength. The Combined Intelligence Center-Vietnam (CICV) provided a longer-range (historical) look at the enemy that was updated as time went on.

In its broadcast, which said that Westmoreland's command suppressed estimates of a much larger enemy than was being reported, CBS relied primarily on interviews with CICV men. But CICV eventually "lost" the debate, just as the CIA analysts who also gave CBS fodder for its allegations "lost" the larger intelligence dispute.

Westmoreland's lawyers have paraded the CIIED "winners" before the jury. They have testified that Westmoreland's command rejected the higher estimates of enemy strength reported by CICV not to deceive higher-ups, but because they

believed that CICV's methodology was flawed. The network's case is not helped by the fact that few of the "winners" from CIIED were interviewed for the documentary. Most of the rebuttal on the broadcast was left to Westmoreland himself and to Gen. Daniel O. Graham, the CIIED chief in 1967.

Still, the jury could choose not to believe the testimony of the CIIED supporters because they are implicated in CBS's alleged conspiracy. Indeed, CBS accused Graham of ordering computer records erased as part of an attempt to cover up the conspiracy.

The CICV officers interviewed on the broadcast seemed to be confessing that they had been unwilling participants in the debate. They indicated that they stopped reporting their own higher estimates because Westmoreland had ordered a "ceiling" on the number of enemy troops they could report.

A key element of the trial will be how persuasive these men are on the witness stand when CBS presents its defense several weeks from now. So far, there is no lack of conflicting viewpoints. As federal Judge Pierre N. Leval told the opposing lawyers in a conference Tuesday: "For every witness who testifies in any important subject in this trial, the other side is going to have six or seven witnesses who disagree. . . ."

For now, the CIIED men have control of the witness stand. CBS attorney David Boies has raised inconsistencies in elements of testimony by all of them, but Col. Stewart proved particularly tough to crack. Stewart, an active Army colonel with close-cropped hair and a rigid demeanor, bristled under Boies' vigorous ques-

CONTINUED

tioning. His long, pedantic answers deflected many points Boies tried to raise.

Boies' chief victory was using Stewart's own figures to show that Westmoreland's command claimed to have killed or wounded more enemy during the Communist Tet offensive than the command itself estimated existed in all of South Vietnam. Even so, Stewart accused Boies of counting some casualties twice and ignoring enemy reinforcements.

Stewart bolstered Westmoreland's case by saying that CICV's higher estimates of enemy strength were rejected because the methods that produced them were considered flawed by CIIED. He added that CICV officers did not have access to highly classified data available to Stewart and others in the CIIED.

The higher estimates were produced in CICV by Lt. Hankins, who proved to be something of a swing witness. Hankins refused to testify for either side; his 1983 sworn deposition was read to the jury.

CBS scored a major point when Hankins became the first witness to say that estimates of higher enemy infiltration had indeed been blocked by Westmoreland's command. But the impact of his statement was diluted when Hankins added that he had come up with the estimates by "playing around" with an untested method that was not a part of his official duties.

Hankins also said he had no reason to believe that the CIIED officers who blocked the report had done so "in bad faith."

Adding a twist to the intelligence debates was George A. Carver Jr., the CIA's top Vietnam specialist in 1967. Carver proved to be a CIA man who agreed with Westmoreland's position on the village irregulars. He also said the general's command was so diligent in providing data to the CIA that its analysts got "more in their in-box than they could handle." Carver's most telling comment on the intelligence debates was that CIA's figures on irregulars were "spongy."

That comment from a CIA man buttressed the argument by CIIED officers that the irregulars could not be accurately counted because they were, in Stewart's words, "a motley crew" of old men and "mama-sans." Carver did not appear on the CBS program. He was interviewed by telephone 12 days before the program was aired, after it was "locked up," or completed.

Testifying for Westmoreland last week, Carver at one point turned the CBS thesis on its head by suggesting that Westmoreland's command feared being accused of arbitrarily raising enemy estimates. Carver made the suggestion as he explained

his reference in a secret 1967 cable to the "political and presentational problems" of "coming out with a brand-new set of figures showing much larger communist force at time when press knew" Westmoreland's command sought more U.S. troops from Washington.

Carver said the higher figures might be interpreted as a ploy to get more U.S. troops. Later, a report Carver ordered written by his deputy seemed to support CBS's version of the intelligence debate. The report spoke of "disguising" higher estimates from "the inquisitive probings of the press" and of "the need to remain within the 290,000 ballpark" — the estimates of enemy strength that Westmoreland's command had released to the press. Other references to the intelligence process last week were less weighty, but perhaps equally illuminating.

Intelligence officer Hankins, for instance, remarked that he was chasing a woman and "drinking and carousing" the night the Tet offensive began.

A