# FAIR PLAY


## CBS, General Westmoreland, and How a Television Documentary Went Wrong

BURTON BENJAMIN

Introduction by Walter Cronkite

(continued from front flap)

"Bud Benjamin was always terrific at recounting war stories. He has returned to the battlefield of the CBS–Westmoreland conflict, gently picked his way through the casualties and given us as balanced and coherent account of this war as has yet appeared."—Daniel L. Schorr

BURTON BENJAMIN, former vice-president and director of CBS News, is the recipient of many distinguished awards including eight Emmys, a Peabody, two Ohio State Awards, the American Bar Association's Silver Gavel Award, and the Champion Media Award. Retired after twenty-nine years with the network, Mr. Benjamin wrote *Fair Play* as a Senior Fellow at Columbia University's Gannett Center for Media Studies.

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**"An insider's portrait of the people and values of a great news organization caught in a rare moment of vulnerability." —Robert MacNeil**

How did Mike Wallace, Van Gordon Sauter, Howard Stringer, and other CBS top brass become involved in a documentary that was so compromised it was called a "smear" in a cover story by *TV Guide*? *Fair Play* is the inside account of the making of "The Uncounted Enemy: A Vietnam Deception," a *CBS Reports* broadcast that caused a crisis at the network and launched a $120-million lawsuit by General William Westmoreland. The book is an absorbing story of the media at work, and it raises important and timely issues of truth, balance, and fairness in broadcast journalism.

Even before General Westmoreland instituted his lawsuit, CBS had chosen Burton Benjamin, one of the most respected figures in television broadcasting, to conduct an internal inquiry—a piece of investigative reporting that became widely known as "The Benjamin Report" after a federal judge forced CBS to make it public. Benjamin now tells the whole story of his investigation—how it was conducted and the clash of personalities that inevitably surfaced—and in revealing how the program was made, he explores the larger issues of news coverage: What are the responsibilities of the press? Should a news organization investigate itself? What is the nature of broadcast journalism?

(continued on back flap)

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editor emeritus, *The Boston Globe*

ISBN 0-06-015928-6

# FAIR PLAY

## *CBS, General Westmoreland, and How a Television Documentary Went Wrong*

**BURTON BENJAMIN**

*An Edward Burlingame Book*


HARPER & ROW, PUBLISHERS, New York
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*For my wife, Aline*

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# ACKNOWLEDGMENTS

This book began as an assignment to write an internal memorandum about a CBS News documentary that was under attack. I had no idea when I began my examination of *CBS Reports:* "The Uncounted Enemy: A Vietnam Deception" in May of 1982 that it would grow into a fifty-nine-page document that became known as "The Benjamin Report." Nor did I ever imagine that it would be further expanded into this book.

It was Everette E. Dennis, executive director of the Gannett Center for Media Studies at Columbia University, who offered me a fifteen-month senior fellowship, giving me the time and space to write it. I am in his debt.

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My wife, Aline W. Benjamin, an editor in publishing when we were married during World War II, read every word of the manuscript with a loving but coldly professional eye, and while endlessly supportive was uncompromising in her standards.

As we say in television, these people deserve to have their names on the credits. Any faults are mine alone.

—BURTON BENJAMIN

*Scarborough, N.Y.*

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"The judgments must be professional news judgments—nothing more, nothing less."

—CBS News Standards, 1976

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# INTRODUCTION

## by Walter Cronkite

Reporting, writing, editing, publishing, or broadcasting the news is a unique calling, and of its many peculiarities one stands out particularly. Its participants, who are quick to label others for what they do or what they believe, can't agree on what to call what *they* do.

The practice of journalism is certainly an occupation, but how can one define it beyond that? Is it a trade, a business, a craft, or, perhaps, even a profession?

At times and in certain respects it certainly is a trade, business, and/or craft. The question and the debate really centers on whether it can be called a profession. By one dictionary definition (i.e., a profession is "any vocation or business") there can be no doubt. The argument, however, centers on another definition, in most dictionaries the first listing: "a vocation requiring knowledge of some department of learning or science."

Practitioners of the two most visible professions, medicine and the law, after suffering years of specialized training, are properly possessive of the title, and along with certain academicians, are likely to be the most critical when journalists claim admission to the sacred halls.

They do have a point if the definition is to be limited to detailed knowledge of a particular learning or science. Suppose, however, that we apply another definition that, it seems to me, is perfectly valid, perhaps even more descriptive than the dictionary offers.

"A profession," this definition would read, "is a vocation that is



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governed by a particular code of ethics, written or unwritten, beyond that which is generally applied to normal business practices."

By my definition journalism is clearly worthy of being called a profession. If further argument is needed it might be noted that the ethics of journalism are honored in the breach with about the same frequency as the ethics that govern the law and, perhaps a little less often, medicine.

The major difference among the professions is that the ethics of journalism are unwritten and, in any punitive sense, unenforceable, whereas medicine has its Hippocratic Oath and standards and the law has its canons of conduct that are guarded by professional societies with powers of investigation and punishment.

Occasionally, at times when the press is for one reason or another under heavy assault by one offended interest or another, the suggestion comes again that journalism *should* have a written set of rules to which all practitioners should be required to adhere or else face punishment.

It then becomes necessary for us to explain why we do not. The argument is embodied in the First Amendment to our Constitution. It is a question of freedom of speech and press. The Amendment states that Congress shall make no law abridging these freedoms. By extension, this conviction that all of our vaunted American freedoms are based on the fundamentals of free speech and press precludes any one person or any group of persons from saying what any other person or group may print or broadcast.

This principle is not endorsed universally by all members of the press by any means. Some if its most distinguished and thoughtful leaders have from time to time proposed various ways to police our publications and broadcasts. Their solutions with rare exceptions recognize two maxims: The monitoring body should be composed of, or at least dominated by, journalistic peers and colleagues and not outsiders, and there should be no prior rules (which could be interpreted as restricting the freedom of speech and press) but only a process of review to assure that the privilege of freedom was not abused and was exercised with fairness to all parties.

The most recent and most ambitious of these attempts was the National News Council founded in 1972. It provided a forum to hear the complaints by aggrieved citizens of unfair press treatment and to hear the defense of the alleged offender. Subscribing news organizations agreed to print any council findings against them.

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The council seemed to work fairly well. However, too many newspapers and broadcasters, including some of the largest, refused to participate and, its scope thus considerably limited, the council died.

The council's principal value, and one not missed by its founders, may have been to demonstrate to the public that, far from being the irresponsible bomb-throwing anarchists depicted by many press critics, journalists are concerned with the fairness of their performance and do apply an unwritten code of ethics to themselves.

Further, these matters are under constant review by standing or special committees of the numerous journalistic organizations—the American Society of Newspaper Editors, the American Newspaper Publishers Association, the AP Managing Editors Association, Sigma Delta Chi-Professional Society of Journalists, the National Association of Broadcasters, the Radio-Television News Directors Association—and the increasingly influential network of critical journalism reviews, journalism foundations such as the excellent Gannett Center at Columbia University, and university journalism schools generally.

It is noteworthy that, regarding the National News Council, few, perhaps none, of the nonparticipating organizations argued that there was no need for restraint in the exercise of journalistic freedom. What nearly all of them objected to was the concept of *outside* restraint. Indeed, several of the nonparticipants are honored for their own high standards and are among the most vociferous in arguing ethical questions before various journalistic bodies.

One of the prime movers in founding the National News Council was the then president of CBS News, Richard Salant. Besides a deep commitment to the concept of independent, impartial, unintimidated, and fair news gathering and presentation, Salant brought to the job the keen and incisive mind of a lawyer.

He was offended by the chaos of unwritten law and memos and directives scattered over the years and the confusion of presiding over an organization that lived under such regulatory disarray. So, over the objections of not a few of the CBS News executives and journalists, he codified the rules into the CBS News Standard of Practices.

The Standard of Practices addressed the knotty problems of lights and cameras inciting street violence, of terrorists demanding air time, of electronic eavesdropping and hidden cameras, of "hand-out" film provided by propagandists and publicists, of news figures demanding payment for interviews, and on and on. Of course it spoke at length of

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fairness, of the concepts of free press-fair trial, of the FCC's Fairness Doctrine and Equal Time rules.

While every newspaper in modern times has adhered to its own or someone else's style book to assure some uniformity in its writing and editing, the CBS News Standard of Practices was a pioneering effort in setting rules of conduct in the gathering of news.

In effect it put into a law of its own the high standards to which CBS News had always aspired, usually with widely recognized success. For the first time there was in print testimony to the ethics to which all responsible news organizations seek to comply.

It was against this background that the then president of CBS News, Van Gordon Sauter, read the harsh criticism of the CBS Reports broadcast on General Westmoreland and chose one of the company's most respected and senior journalists to conduct an in-house inquiry.

How ironic that this very attempt by CBS News to enforce its own strict rules of conduct was used against the company by Plaintiff Westmoreland's lawyers! But the publicity this legal move engendered at least helped in its own way to underline the existence, shared by all responsible media, of a journalistic ethic.

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# 1

# SETTING THE STAGE

The lunch with Howard Stringer on September 17, 1986, was at one of his favorite restaurants, the Maurice in the Parker Meridien Hotel on West 57th Street in New York. It is a large, pricey, mock-elegant room and, at lunch, it is heavily funded by corporate expense accounts. The head waiter was ritualistically obeisant, and we were seated at a fine table in an alcove near the front.

If you had graphed our careers at CBS, there would be four points of convergence—Lyndon Johnson, the Rockefellers, a documentary on Vietnam, and the presidency of CBS News. At our lunch on this warm, end-of-the-summer day, we reminisced about the first two, dealt fleetingly with the third and heavily with the fourth: Who would be the next president of CBS News?

Stringer, forty-four, a tall, Oxford-educated Welshman, who had become an American citizen in 1985, told me if I got the presidency, which he freely conceded he wanted very badly, he would stay at CBS News. If any of the several outsiders who were being mentioned got it, he would resign.

In 1985, I had taken early retirement from CBS after twenty-eight years and had been appointed a Senior Fellow at the Gannett Center for Media Studies at Columbia University. Early retirement was a misnomer; I was sixty-eight years old at the time. The assignment at Columbia was to research a book on fairness in the media, a subject that had been thrust upon me in my last years at the network. I was well



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into it, and the focus would be on Stringer's last documentary, the highly controversial 1982 *CBS Reports:* "The Uncounted Enemy: A Vietnam Deception."

I had conducted the internal investigation of that program, and had written a fifty-nine-page internal report sharply critical of it. When General William Westmoreland sued CBS for $120 million over the documentary's assertion that there had been a conspiracy on the part of his command in undercounting enemy strength in Vietnam (a suit he finally abandoned), the court ruled that the internal report had to be made public. It became known as "The Benjamin Report," and Stringer did not fare well in it. It was one of the few blemishes on his otherwise notable career.

From the first time I met Howard Stringer, in August of 1969, there was no doubt in my mind that his ascendancy at CBS News would be swift. I liked to remind him about that first meeting: I was executive producer of the Walter Cronkite conversations with former President Lyndon Johnson, and Stringer was writhing in pain in a ditch in Fredericksburg, Texas. Producer John Sharnik had assigned him to be our researcher for the interviews at the LBJ Ranch. I had arrived a few hours later than the others in the production unit and found them on a public tennis court in Fredericksburg, standing over Stringer, who had twisted his ankle badly and was lying on the ground next to the courts. We got him to a local hospital where his British accent charmed the staff and the orthopedist, who came from his home to treat him.

A six-foot-three-inch, blond, blue-eyed, humorous man, whose father was a career RAF officer, Stringer spent much of his childhood living on military bases. He would say that he understood Westmoreland better than most people. When he was growing up, many of his father's friends were generals.

As a teenager, Stringer was in ROTC and became regimental sergeant major of his corps. He won scholarships to Oundle, a prestigious all-boys boarding school in Northamptonshire where he spent seven years, and to Oxford's Merton College, where he spent three more. At Oxford, where he read history, he was influenced by Americans who were Rhodes and Fulbright scholars, and he decided that the United States was where he wanted to be. In February 1965, with $200 in his pocket, he boarded the S.S. *United States* and came to this country. Through a friend he was able to get a clerk's job at WCBS-TV in New York.

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Three months after arriving in the United States, Stringer received a draft notice from the U.S. Army. A British subject, it would have been easy for him to take a cab to Kennedy Airport and a plane to London and without any serious penalty or stigma avoid what was likely to be a tour of duty in Vietnam. He was twenty-three years old. But Stringer was challenged by the idea, and after training in South Carolina and Texas, he was indeed sent to Vietnam—as a military policeman.

He was the only college graduate in his unit and no one could quite figure out what he was doing there. There were some who suspected he must be a plant by British intelligence which might have resulted in his odd assignment as an M.P. He was stationed at Long Binh and during his ten-month tour of duty was soon moved out of the police to become personnel sergeant of a battalion. He was under fire during his tour—twice by accident from American troops, once in a plane that was machine-gunned as it left Bien Hoa, and another time when an ammunition dump was blown up setting off a chain of explosions that lasted for six hours.

Stringer's captain was struggling to get a college degree through an Army correspondence course and when he discovered his young, Oxford-educated sergeant, his academic career prospered. With Stringer as his secret weapon, the captain was on his way to graduation with honors.

When he returned to CBS, Stringer moved into network news, first with the election unit and then as a researcher, where Sharnik found him and got him assigned to the LBJ unit. He was so obviously overqualified that he was soon made a producer on his own.

In 1973, our career paths crossed again—the second convergence. After a long campaign, I had persuaded the Rockefellers to cooperate in a profile of the family. I would be the executive producer, and I gave Stringer the assignment as producer. It was the first documentary he would produce alone. He did a brilliant job and the program, which was given an unusual two hours on the air, won an Emmy. From then on, he was on his own, and his work was distinguished. Two of his *CBS Reports*, "The Palestinians" and "A Tale of Two Irelands," were especially well received.

In 1976, Stringer became executive producer of *CBS Reports* and his credits were substantial: "The People Versus Gary Gilmore," "The Fire Next Door," "The CIA's Secret Army," "Any Place but Here" (all with Bill Moyers), "The Boat People," "The Boston Goes to China,"

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"Teddy," and "The Defense of the United States," a highly successful series that ran for five successive nights in prime time on the network.

From *CBS Reports*, Stringer went to the *CBS Evening News* and then into management. He soon became executive vice president of the news division. In 1985, twenty years after his arrival in the United States, when he became an American citizen, a group of us helped celebrate in his office with champagne and a red, white, and blue cake.

His last documentary would be the Vietnam program. For us, it would be the third time our career graph lines had converged. But this was not like the Johnson or Rockefeller programs where we had been co-workers. On the Vietnam program, he had been the executive producer and I had come in after the fact to investigate his work. It was a part of the history that brought us to the lunch table at the Parker Meridien on that September day in 1986.

Two corporate shakeups in the news division also were part of that history. By 1981, it was clear that William Leonard, who had been extended beyond the normal retirement age of sixty-five, was soon to retire as CBS News president and that his successor would be Van Gordon Sauter, a bearded, flamboyant executive then president of the sports division. Sauter's number two would be Edward M. Joyce, another executive on a fast track, who had been managing CBS owned-and-operated stations in Chicago, Los Angeles, and New York. Joyce and Sauter had been the leading candidates for the CBS News presidency, and Sauter had won it. The changing of the guard—Leonard outgoing, Sauter incoming—took too long and for the staff the overlap was often uneasy and confusing.

In February of that year, there were the first reassignments, and they would not only shake the organization but profoundly affect a program in progress, "The Uncounted Enemy: A Vietnam Deception." For Robert Chandler, an experienced fifty-two-year-old executive, who gave the program a first, tentative go-ahead, it was a move in the wrong direction. He was replaced as vice president, public-affairs broadcasts, by Roger Colloff, just turned thirty-five. It took Chandler out of the program mix; he otherwise would have supervised the Vietnam broadcast.

Chandler was a forceful manager and editor, with a strong screening-room eye. His forte was looking at a broadcast before it aired and findings its flaws, its inconsistencies, and its imbalances. He had done this for *60 Minutes* during its most successful years and even that pro-

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gram's producers, notably resistant to any management input, freely conceded that they were in Chandler's debt. Chandler was moved to an administrative vice presidency and was never invited to screen the Vietnam program during any stage of its production.

Colloff, who was bright and energetic, had no experience in producing or supervising documentaries. He had been Bill Leonard's assistant and during the production of "The Defense of the United States"—the five-part series under Howard Stringer's aegis—Colloff was sent to Germany for a crash course to observe first hand how the producers, correspondents, and crews worked in the field.

Andrew Lack, a producer in his early thirties, was also affected by the changes at the top. He had solid credits, especially his *CBS Reports* program "Teddy," in which Roger Mudd left Senator Edward M. Kennedy confused and inarticulate, substantially damaging his bid for the Democratic presidential nomination in 1980. In November of 1981, two months before air, Lack was named senior producer for *CBS Reports*, but he was involved in other projects. It was far too late for him to have any real influence on the Vietnam program.

But no move that the new managers made would have as profound an effect as the reassignment of Howard Stringer in December of 1981. Then thirty-nine, at the very top of his game, he was taken off the Vietnam program a critical month before it was scheduled to be broadcast, and reassigned by Sauter to be executive producer of the *CBS Evening News with Dan Rather*. It was a full-time, consuming job for Stringer, who had never worked in hard news for CBS and was taking on a Rather program that was floundering in the ratings.

Left behind was an intensely controversial Vietnam program, its executive producer gone; its senior producer too new on the scene to help; its vice president inexperienced; and most important its producer, George Crile, embarking on his first solo effort. Crile, who in the past had always collaborated with other producers, was a controversial figure at CBS News. His last effort had been censured by the National News Council.

The Vietnam program was to become one of the most explosive and bitter episodes in the history of CBS News. In my opinion, it had been made vulnerable by the series of high-level changes and staff reassignments that had taken place during the most crucial phase of its production. It was a documentary that slipped through the cracks.

Following the documentary came other changes that had an even

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more telling impact on the destinies of CBS. Sauter after two years had been promoted to the CBS Broadcast Group and Ed Joyce had replaced him as president. Then Joyce was dismissed and Sauter was back as president. And finally, Thomas H. Wyman, chairman and chief executive officer of CBS, was fired and so was one of his key supporters, Van Gordon Sauter, leaving open the presidency of CBS News.

As Howard Stringer and I faced each other over lunch, all of this history was squarely on the table. In the career-path analogy, this was the fourth convergence—one hardly anticipated by either of us. We were now candidates for the same job: president of CBS News. Stringer was openly and aggressively campaigning for it, and I was trying as hard as I could to resist it.

I was under considerable pressure from four former associates to take the job. Frank Stanton, former president of CBS, a man I regarded as the driving force of the organization during its best years, had phoned and urged me to accept. So had Richard Salant and Bill Leonard, two former news presidents. Some of the stronger entreaties came from Walter Cronkite, who more than anyone else had been my closest associate and co-worker during nearly three decades at CBS. It was Cronkite who began with me *The Twentieth Century* series, my first assignment, which ran for nine years. It was with Cronkite that I produced conversations with two former presidents, Eisenhower and Johnson, many *CBS Reports* documentaries, and the *CBS Evening News*. We were close personally and professionally.

I told Stringer I was dead serious: I had no intention at this stage of my life of becoming president of CBS News, interim or otherwise—and he could bank on that.

I knew that whoever was selected would face an array of problems, and we talked a bit about that. Good as CBS News was, it and the other networks were embroiled in a fierce struggle in a vastly new environment. There were the problems created by a new technology which had deprived network news of its once great asset: picture exclusivity. Now, through satellites, local stations had the same access as the networks to pictures from around the world. What the networks had to do to counter this was to exploit their strengths—journalism and courage. It was no longer enough merely to *cover* the news, which used to be my mandate when I was executive producer of the Cronkite News; now the networks had to *explain* the news.

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CBS News, we agreed, was suffering from the abrasions and tensions of austerity, and it would take a vigorous management to dispel the insecurities that had beset the organization. A new president had to assert his ascendancy over the high-paid talents who had been acting as if they were running the news division. Dan Rather, for example, seemed to misunderstand his role, and that might be because he misinterpreted what Bill Leonard and I had told him when he got the job as anchorman. We had told him he would be the "point man" for the whole news organization, as Walter Cronkite had been. Cronkite ran the Evening News; that was his bailiwick and he was in charge. That was all he ran. The rest of the news operation—producers, correspondents, bureaus, hirings, and firings—those were the prerogatives of management. Rather appeared to have assumed some of these prerogatives and had become a manager rather than just an anchorman, which was a full-time job. It would not work.

I told Stringer that the euphoria that was bubbling through the news organization following the ousters of the chairman of the board, Thomas H. Wyman, and Van Gordon Sauter, the news president, was unreal. Everyone was ecstatic that William S. Paley had returned from retirement and that Laurence A. Tisch was on board as acting chief executive officer. Tisch, a short, bald man, glistening with self-confidence, was head of the cost-conscious conglomerate Loew's, and now owned three times as much stock as Paley, the legendary founder of the company. Tisch was perceived by some in the news division as a Messiah, but I told Stringer the exhilaration might be premature. The problems besetting the company—a flat advertising market, keener competition from cable and other sources—would persist. In a few months some of the big-name talent who had been giving advice—great television personalities who couldn't manage a corner grocery store—would come to the conclusion that the realities of the marketplace would prevail and that miracles didn't come easily. Stringer said he knew this, but restraining the high-salaried, big-name correspondents and producers might be the most difficult task of all.

The press had been full of speculation about who would get the big job at CBS News, and I was certain that Stringer would have preferred to keep our lunch private. To his dismay, the ubiquitous television agent, Richard Leibner, who represented Dan Rather and more than a hundred other CBS News correspondents and producers, including at one time

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Stringer himself, swept into the dining room and was quickly at our table.

Leibner had been a persistent hard bargainer when I was vice president and director of news during the seller's market from 1978 to 1981, a time of talent raiding and rashly inflated salaries for correspondents and producers. As he came flitting over to our table time and again with the latest jokes and gossip, Stringer became more and more unsettled. This lunch would be all over town by mid-afternoon.

When we finally left, I could not resist confirming just how badly Stringer wanted the job. "Howard, I'm afraid I have to take back what I told you at lunch. I've changed my mind. I now think I really do want the job." Stringer looked at me with disbelief. "You do?"

"Yes, I do. The lunch just reminded me how much I miss Leibner."

Six days later at a private lunch at the CBS headquarters on West Fifty-Second Street with Bill Paley and Larry Tisch, I turned down the presidency. I told them I thought Howard Stringer would make an excellent president of CBS News.

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# 2

# THE MAKING OF A LAWSUIT

The program, *CBS Reports:* "The Uncounted Enemy: A Vietnam Deception" had been heralded with full-page advertisements in the *New York Times*, *The Washington Post*, the Chicago *Tribune*, and the Los Angeles *Times* on Friday, January 22, 1982, the day before the broadcast. The artist's rendition looked down at a table where eight faceless military men sat over papers as if in a hushed and furtive meeting. Emblazoned across the table, dominating the ad, was a single word, a word that would haunt CBS and the producers of the program for three years: CONSPIRACY. "Reported by Mike Wallace and George Crile," the ad prominently announced. The copy read:

> CBS Reports reveals the shocking decisions made at the highest level of military intelligence to suppress and alter critical information on the number and placement of enemy troops in Vietnam. A deliberate plot to fool the American public, the Congress, and perhaps even the White House into believing we were winning a war that in fact we were losing.
>
> Who lied to us? Why did they do it? What did they hope to gain? How did they succeed so long? And what were the tragic consequences of their deception?
>
> Tomorrow night the incredible answer to these questions.
>
> At last.

That the advertisement appeared on Friday was understandable. Saturday newspapers, thin in circulation, offer the least attractive day of the week for advertising. That the ad appeared at all was somewhat



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surprising. In the increasingly austere 1980s, networks rarely bought space to promote documentaries, especially those appearing on a Saturday night, the worst day of the week for that sort of programming. When they did, it was commonly a signal: perhaps to Washington (here is something beyond what we customarily do, say *Miami Vice*); or to alert a small but desirable community which networks covet, the so-called opinion leaders (watch this, it's important and will make news). There was another signal. The Vietnam documentary would run from 9:30 to 11:00 p.m.—ninety minutes. For those wise in these matters, this was a certain tip that the network and its news division regarded the documentary as something very special, too important to reduce to the usual *CBS Reports* time length of one hour.

As I sat home that Saturday night watching the broadcast, I was mesmerized by it. It opened with the customary "tease," a provocative introduction running from one to two minutes which producers use to entice an audience into staying with a program for the hour or ninety minutes that will follow. It is a hook, a billboard, a promise of things to come.

The Vietnam program began with the Tet Offensive of January 30, 1968, the screen exploding with gunfire and battle scenes, active footage to rouse an audience from whatever torpor had set in by nine-thirty on a Saturday night. Over the savage, cataclysmic film, expertly edited into a sequence of death and destruction, came the commanding voice of Mike Wallace:

> . . . tonight we're going to present evidence of what we have come to believe was a conscious effort—indeed, a *conspiracy* at the highest levels of American military intelligence—to suppress and alter critical intelligence on the enemy in the year leading up to the Tet Offensive.

After the tease, the broadcast went to its main title—scenes of General Westmoreland with President Lyndon Johnson at Cam Ranh Bay in October 1966. The music over the title was the familiar *CBS Reports* theme, "Appalachian Spring" by Aaron Copland.

Following the first of six commercial breaks that would divide the program into five acts during its ninety minutes, the show got down to business. Although there would be occasional bursts of action—helicopter gun ships spraying the jungles and paddies, troops in combat—it soon became apparent that this was going to be an hour-and-a-half "talking heads" show—a collection of people talking on screen with very little

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action to titillate the audience. In television terms, this is regarded as a curse, almost certain to drive viewers away.

The premise of the program was stated at the beginning of the first act. Vietnam was a war that cost the United States $150 billion, twelve agonizing years, and 57,000 American soldiers dead. "How could we have lost the war," Wallace asked, "when for so long we were told we were slowly but inevitably winning?"

It was a war, the program asserted, where statistics ruled supreme. General Westmoreland put the Viet Cong strength at 285,000 and said we would simply grind down the enemy. But others in the military and intelligence communities were insisting that we were fighting a much larger enemy force.

The technique that producer George Crile intended to use unfolded with the first appearance of former CIA analyst Sam Adams, the program's consultant. Adams immediately launched a series of charges against Westmoreland and his command, following which Westmoreland was confronted with them and pressed to reply.

Throughout the program, Crile would use this technique—attack and defend. He would show former military and CIA officers stating that Westmoreland's command had intentionally undercounted enemy strength, and he would then cross-cut their statements with Westmoreland denying that this was true and defending his position.

Adams was strong and persuasive. He said Westmoreland's figure of 285,000 Viet Cong made no sense: You could count enemy casualties, perhaps 150,000, and you could count another 100,000 deserters. That added up to 250,000. How could there be a quarter of a million leaving or getting killed out of an army of 285,000? "I had to ask myself," Adams said, "who the hell are we fighting out there?"

The pro-and-con pattern in the editing was thus established. There followed scenes of Westmoreland standing before a joint session of Congress on April 28, 1967, with assurances that we were winning the war of attrition in Vietnam.

What the general did not know at the time, the program asserted, was that his intelligence chiefs back in Vietnam had just discovered evidence confirming CIA estimates of a far larger enemy.

Now came important figures from Westmoreland's old command in Vietnam, high-ranking officers contradicting their former chief. Two in particular were especially firm in declaring that the enemy was stronger than the military was prepared to admit. Maj. Gen. Joseph McChristian,

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a West Pointer, was Westmoreland's chief of intelligence in 1966 and 1967. Col. Gains Hawkins was his chief of the order-of-battle section during those same years. They were regular Army prototypes—central casting could hardly have done better—and they were very convincing. They recounted a briefing with Westmoreland when he told them he could not send on higher enemy-strength estimates to Washington. And then came a devastating cross-cut with Westmoreland saying: "Because the people in Washington were not sophisticated enough to understand and evaluate this thing and neither was the media."

Next came former CIA officials to lend further credence to the charges against Westmoreland with direct cuts to the general denying their allegations. There were accounts of meetings during which the military adamantly refused to accept CIA studies calling for an increase in enemy-strength figures. It was charged that the Westmoreland command had dictated a ceiling for the Viet Cong of 300,000 which the military was under orders not to exceed.

In the third act, there was another damaging disclosure: Westmoreland had dropped a whole category of the enemy—the self-defense militia, a force of 70,000—from the order of battle, thus skewing the enemy-strength total. The general came on screen to defend the decision: The self-defense militia, composed of old men and teenagers, had no offensive capability, he said.

Mike Wallace's interview with Westmoreland became more and more harsh. The general, shot in extreme close-up—what cameramen call a choker, under the chin and up to the hairline—was sweating and licking his lips, the personification of a man ill at ease and growing angrier. Wallace was shot much looser, a head-and-shoulders or belt-up shot, and the visual punctuation carried a subtle message: The accused shown very tight, facial ticks and all; the accuser much looser, invariably relaxed. It is a camera technique familiar to viewers of *60 Minutes*.

When pressed by Wallace about the dropping of the self-defense militia, Westmoreland began to run out of patience:

WESTMORELAND: This is a non-issue, Mike. Well—

WALLACE: Here is the issue.

WESTMORELAND: It's a non-issue. I made the decision. It was my responsibility. I don't regret making it. I stand by it. And the facts prove that I was right. Now let's stop it.

All in all, nine former military and CIA officers were on screen to

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challenge Westmoreland. He had only one supporter on the broadcast, Lt. Gen. Daniel Graham, a retired officer who was on his intelligence staff in Vietnam. Graham was on screen only twice and each time very briefly.

As the broadcast neared its end, Westmoreland was reduced to angry and inarticulate replies. In one, Wallace suggested that perhaps Graham only wanted to feed him good news:

WESTMORELAND: I—I—I—I—well—no. No, no. I—no—
WALLACE: You wanted to feed Lyndon Johnson good news.
WESTMORELAND: I—I—I don't know why he would want to—feed me good news. I mean, I knew him very casually. I had never known him before.

The program ended with an epilogue of what the men in the broadcast were doing today. As the credits rolled by, I felt that I had just watched one of the most remarkable documentaries that CBS News had ever produced. That this kind of maneuvering could have happened during a war so futile and so pointless—a war I had seen first-hand during two trips to Vietnam—sickened me.

The program had a quality that I had always sought in the documentaries I had produced: Tell people what they *don't* know. Too many programs rehashed the familiar. This was news—certainly to me. It was important. It was shocking.

I told my wife that "The Uncounted Enemy" might well rank with two of the more celebrated *CBS Reports* of the past, "Hunger in America" and "The Selling of the Pentagon."

Both of these programs had been intensely controversial and were attacked, so it was a prophetic comparison.

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# 3

# THUNDERSTORM

The morning after the Vietnam program, in the huge Sunday edition of the *New York Times* there was an unusual editorial, headlined "WAR INTELLIGENCE AND TRUTH." It began: "A CBS documentary on Vietnam last night has surprising present pertinence." The program "showed that Lyndon Johnson himself was victimized by mendacious intelligence. . . . What made this report more than a matter of history is America's continuing preoccupation with guerrilla wars elsewhere, notably in Central America."

The editorial was remarkable in that the *Times* editorial page dealt only rarely with television news; in fact, the newspaper was often criticized for its cavalier attitude toward broadcast journalism. It was also uncommon for the *Times* to rush to judgment that quickly, although the paper naturally received a video cassette of the program well before it went on the air. For the producers of the broadcast, and for the management of CBS News, there could scarcely have been a more rewarding endorsement.

In the days that followed these were two other important tributes to the program. One came from a source that might have been regarded as unlikely. William F. Buckley, Jr., in his nationally syndicated column, called the program "a truly extraordinary documentary." It "absolutely establishes that General William Westmoreland for political reasons withheld from the President, probably from the Joint Chiefs, from Congress and from the American people information about the enemy."



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Buckley called for a congressional investigation of the Vietnam War's "appalling conduct."

Hodding Carter III in *The Wall Street Journal* was equally enthusiastic. The Vietnam program "rendered an important public service." It "detailed the appalling lies which were fed to the upper reaches of government and to the American people about enemy strength in Vietnam in the late 1960s."

Buckley's "appalling conduct" and Carter's "appalling lies" would both be treasured by the program's producers and by CBS News management, although Carter would later have second thoughts about the broadcast that would create a major contretemps.

On Monday, you could sense the pride and pleasure that CBS News staffers felt in the aftermath of this major documentary. It has always been this way. After the notable Murrow broadcasts, after Cronkite's landmark coverage of the landing on the moon, the entire organization, from mailroom to executive suites, would bask in the company's achievement. The greatest boost for morale in television is not the memos written or the Christmas parties held but what appears on the screen. It can lift the spirits and galvanize the entire news operation. But television is ephemeral; yesterday's show soon becomes today's distant memory.

By the end of the day, I had pretty much forgotten the Vietnam program. I had just returned from a *CBS Evening News* assignment with Walter Cronkite, first in Hungary and then in Poland—a country wracked by the Solidarity turmoil and soon to declare martial law. We had been able to get both Lech Walesa and Premier Wojciech Jaruzelski to sit for interviews with Cronkite. They not only gave us a strong news report but the interviews were expanded into an 11:30 p.m. half-hour special. I was looking for another such assignment.

I was told that there had been some flak after the Westmoreland show, predictably from some of his military supporters and from conservative critics of CBS News. But everyone had expected that; it was a given when you aired that sort of material, and no one seemed overly concerned about it.

Whatever clouds were on the horizon developed into a thunderstorm on Tuesday, three days after the program aired. Westmoreland announced that he would hold a news conference at the Army-Navy Club in Washington. CBS arranged to have it piped to New York live on closed circuit. I sat alone in my office watching it.

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There on camera, in a room filled with reporters, stood a grave William C. Westmoreland, wearing not the four stars of his rank in Vietnam but a dark suit—a jut-jawed, silver-haired, and decidedly angry man two months to the day from his sixty-eighth birthday. Over the years, his face had appeared three times on the cover of *Time* and once each on the covers of *Newsweek* and *U.S. News and World Report*. A reporter would later write of the general when his anger moved to a New York courtroom: "He seems to be standing at attention while sitting down."

Westmoreland was the first captain of cadets at West Point, class of 1936. By 1942, in World War II, he was an artillery battalion commander. He would fight his way from North Africa to Normandy, from the Hürtgen Forest to the Elbe River. He would be a full colonel the month after D-Day. In Korea, he commanded a paratroop regiment and by 1956, at age forty-two, he would be the Army's youngest major general. In 1960, at forty-six, he would be the superintendent of West Point. Only Douglas MacArthur had been younger when he held that post.

Flanking Westmoreland were some of his closest colleagues from those years, a decade and a half ago, in Vietnam: Ellsworth Bunker, the U.S. ambassador, ailing and soon to die; George C. Carver, Jr., head of the CIA task force in Vietnam and the boss of George Allen and Sam Adams, two of the principals in the television program which had brought them all here; Lt. Gen. Daniel O. Graham, a feisty, contentious lieutenant colonel on the intelligence staff in Vietnam who later became director of the Defense Intelligence Agency and now headed an organization supporting President Reagan's Strategic Defense Initiative or "Star Wars"; Lt. Gen. Phillip Davidson, once the top Army intelligence officer in Vietnam; and Col. Charles Morris, his deputy.

As he looked over the room, Ambassador Bunker said it reminded him of the old days in Saigon and the daily briefings called the "Five O'Clock Follies," when there were strong feelings and tough questions by reporters.

Westmoreland, his voice choked with anger, wasted no time in getting to the point:

> Last week my wife urged me to attend a movie which was my first in five years. The name of the movie was *Absence of Malice*. Although I did not take the movie literally, it did show an innocent man whose life and many others were ruined by the unscrupulous use of the media. Little did I know that within a week, a real life, notorious reporter, Mike Wallace,

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would try to prosecute me in a star-chamber procedure with distorted, false and specious information, plain lies, derived by sinister deception, an attempt to execute me on the guillotine of public opinion. It was all there—the arrogance, the color, the drama, the contrived plot, the close shots, everything but the truth. . . . In essence, Mike Wallace, primarily on the basis of material provided by a former intelligence analyst for the CIA, Sam Adams, accused me of withholding and falsifying important intelligence information to the extent that generated a sinister conspiracy against the national interest. That is a preposterous hoax and will not go unanswered.

The general was just beginning to warm to his subject. If he appeared to be "excited" in the film it was because he was "ambushed." Intelligence is at best an imprecise science. "It is not like counting beans . . . it is more like estimating roaches." The theme of the program, "a Machiavellian conspiracy to show progress when in fact there was no progress," was "categorically false . . . a lie."

The general said he had misspoken about infiltration figures during his interview and had sent Wallace and Crile (which he pronounced "Creel") a letter of correction which they had ignored.

General Graham showed excerpts from the program, stopping at the end of each to claim that CBS had distorted or falsified the material. A dispute arose when one of the reporters, Robert Kaiser of *The Washington Post*, claimed that Graham himself had misrepresented an excerpt from Col. Gains Hawkins, a key accuser in the show, by eliminating qualifying words about the Viet Cong. As one former player after another in the drama rose to defend Westmoreland, the emotion in the room continued to rise; it was the sort of event television does best. In fairness, one could not watch this news conference without wondering if it did not pose some legitimate questions about both the premise and the execution of the Vietnam broadcast.

Two quotes struck me forcefully as I watched the news conference, which ran for more than an hour and a half.

GENERAL GRAHAM: Such a conspiracy would have had to involve literally thousands of government officials in the State Department, CIA, NSA, the White House and elsewhere. There would have been enough conspirators in this conspiracy to fill a football stadium.

GEORGE CARVER, JR., of the CIA: It is in my view a mistake to interpret differences of opinion—even very sharp, even very heated—as

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> necessarily being any evidence of conspiracy. Which is what Mr. Wallace charged and my irritation at that charge is why I am here with General Westmoreland today, even though there are many aspects of the struggle with which he and his colleagues and I may not always have been and probably never will be in complete agreement.

Carver heatedly denied that there was any attempt to deceive President Johnson. Not only was the chief executive acutely aware of the military-CIA debate over enemy strength but he repeatedly told both groups: "For God's sake, can't you guys get together? Must you always disagree? Can't you find the common ground as to what the evidence dictates?"

Westmoreland asked that CBS show the other side of the controversy. "In the interests of accuracy I call upon Mike Wallace to apologize for the crude hoax he and his associate have tried to sell the American people. Mike Wallace and his boy, George 'Creel' . . . are a disgrace to American journalism."

Over the years, I had been involved with enough controversial broadcasts to know that rebuttals were not necessarily gospels, that when the ox was gored a network could be accused of a lot of things that were not necessarily true. I remembered two programs, "Hunger in America" in 1968 and "The Selling of the Pentagon" in 1971, which had vulnerabilities but were also unjustly attacked for a lot of transgressions that did not hold up. I was not involved in the production of either but got embroiled in their unpleasant aftermaths, an inexplicable habit of mine at CBS News.

"Hunger in America" was a seering look at the pockets of hunger that existed in this most prosperous of all lands, and it created a furor. The program opened at the Robert Green Hospital in San Antonio, Texas, with nurses working frantically over a dying baby, and Charles Kuralt reporting: "Hunger is easy to recognize when it looks like this. This baby is dying of starvation. He was an American. Now he is dead."

The broadcast had an enormous impact, and the predictable attacks followed immediately. The flashpoint was the dying Mexican-American baby at the top of the program; nothing else was ever successfully challenged. There was outrage in San Antonio, with the local newspaper questioning whether the baby had died of malnutrition or was born prematurely. Representative Henry B. Gonzalez of Texas bombarded

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CBS with angry letters, which I had to answer, and he entered our correspondence in the *Congressional Record*. Gonzalez got a subcommittee of the House to hold hearings on the program. Secretary of Agriculture Orville Freeman denounced it. The FCC conducted a preliminary staff investigation and found no basis for proceeding further.

Whether the baby died of malnutrition or was premature was never conclusively determined. I phoned Mrs. Vera Burke, director of social services at the hospital, who had appeared in the broadcast describing cases of infant malnutrition at the hospital, and asked her if she would come to New York to discuss the matter. The trip appealed to her—more as a junket, I suspected, than to bear witness—and when she arrived in my office I knew that we had a problem. After the usual amenities, I said:

"Mrs. Burke, there's no question in your mind that the baby we showed died of malnutrition, is there?"

"I never said that," the rather formidable Mrs. Burke replied. "I don't know what that baby died of."

That was as far as Mrs. Burke was prepared to go. There was little doubt that babies from the Mexican-American community had died of malnutrition in San Antonio. Whether this baby was one of them could never be proved.

Three weeks after the program had been aired, we repeated it on a Sunday afternoon. In a postscript, Secretary Freeman attacked the broadcast as "a disgraceful travesty of facts." But elsewhere, in Congress and throughout the country, we could report on the nation's strong and compassionate response to "Hunger in America."

On "The Selling of the Pentagon," which documented some of the military's public-relations excesses, the attacks were even heavier. Assistant Secretary of Defense Daniel Z. Henkin claimed he had been misedited—several of his answers were edited together into a single statement, which they should not have been—but there was much heavier artillery. Vice President Spiro T. Agnew, warming up to his anti-press role, lashed out at the program for presenting "alleged facts which are untrue." So did Representative F. Edward Hebert of Louisiana, chairman of the House Armed Services Committee, who called it "a professional hatchet job."

Representative Harley O. Staggers, chairman of the Investigations Subcommittee of the House, demanded that CBS produce the outtakes—unused film edited out of the final version—from the program.

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When CBS President Frank Stanton refused, the committee recommended that he be cited for contempt of Congress, a charge that could have brought a jail sentence. The House narrowly turned back the citation.

CBS News did not turn its back on the controversy or try to stonewall it. A month after the program was aired, it was repeated with a twenty-minute postscript which included attacks by both Agnew and Hebert along with more temperate criticisms from Secretary of Defense Melvin Laird. CBS News president Richard S. Salant then came on camera to defend the broadcast as "a vital contribution to the people's right to know." Agnew had also brought up "Hunger in America" and the dying San Antonio baby, and Salant used some of his time to defend that.

"At the time," Salant said, "we were told by a hospital official that the baby did die of hunger. Later, after the broadcast, she changed her story somewhat, and new evidence came to light. There is no way, however, for the fact to be proven or disproven with certainty at this point. But, in that area, at that time, and in that hospital, babies were dying of malnutrition."

A month later, the charges against "The Selling of the Pentagon" got further amplification. I was assigned to produce an hour with critics and defenders of the broadcast facing each other. The panel included defenders Adam Yarmolinsky and Senator J. William Fulbright, who had written a book about Pentagon public relations before CBS News ever tackled the subject. The critics were Brig. Gen. S. L. A. Marshall (Ret.) and Arthur Sylvester, former public-information chief at the Pentagon.

It was undeniably one of the dullest shows in memory, a classic soporific, live and in prime time. But CBS News had made its point on both "Hunger" and "Pentagon." When the controversies erupted, they had been aggressively ventilated.

All of these events were whirling through my mind after the Westmoreland news conference, and there was one other that I could not forget—one that epitomized the virtue of giving the other side in a controversy a fair shot. It had happened twenty-eight years before, a milestone in television journalism, Edward R. Murrow's *See It Now* broadcast on Senator Joseph R. McCarthy on March 9, 1954. The day before, Murrow had gone to William S. Paley to recommend some right of reply. Before he could say it, Paley had suggested it. And so Murrow

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at the top of his broadcast said: "If the Senator feels that we have done violence to his words or pictures, and desires, so to speak, to answer himself, an opportunity will be afforded him on this program."

Why would not this be the right thing to do for Westmoreland? The general had even laid the groundwork for it near the end of his news conference:

Asked, ". . . would you support a demand that CBS do a further program on this, and tell your side of the story?" the general replied: "Well, we've done a pretty good program today, if you ask me"—obviously suggesting it ought to be broadcast.

I did not know whether or not Westmoreland had a case. Some of what he and his supporters had said sounded convincing enough to make it at least a possibility. Why not let him go on the air with it, state his position, and that would be that?

I walked next door to the office of Bill Leonard, president of CBS News. Leonard, whose tenure had been extended a year before beyond the CBS mandatory retirement age of sixty-five, was in the last months of his presidency. I had worked with him for fifteen years, and we were close personally. Leonard had done it all at CBS, joining the network after serving as a Navy officer in World War II. He had been correspondent, host, producer and executive. He was a heavy-set man, white-haired, who had eclectic interests: CBS News, thoroughbred racing (from time to time he would buy horses that never ran very well), election coverage (he had pioneered CBS News coverage and vote projections), sports of all kinds, mystery novels, ham radio, expert contract bridge and good restaurants. The Vietnam program was the last documentary that would fall under Leonard's stewardship. He had screened it before it went on the air as had his successor, Van Gordon Sauter, although they saw it separately.

A documentary goes through a series of screenings before it is broadcast. When the producer is ready, he screens it for the executive producer, then for the vice president in charge of "soft" news—documentary and public-affairs programs—and finally for the news division president. It is a very difficult assignment for the top man. He may be dealing with material about which he knows next to nothing. He may in a month see four or five reports, all different and presenting different problems. Faith in the producers is essential; that and the ability to ask the right questions.

When he was news president, Dick Salant, who had never produced

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anything, could be particularly penetrating at these critical screenings. He would say about these sessions: ". . . the trouble with screening [a documentary] is that you don't know the questions to ask . . . until the fat's in the fire. And when it's all over, you never dream of asking one of your colleagues whether he cheated by putting in questions in advance. That's in our written standards, and I have to assume the people I pick are trustworthy. Over the years I find out whether they are or whether they aren't. The only thing I think I would have asked [on the Westmoreland program], because I asked it on all investigative documentaries, is: Is this really the best you can do for the other side? Didn't they say something more about it?"

When I went to Leonard's office after watching Westmoreland's rebuttal, Roger Colloff, vice president in charge of documentaries, was with him. Colloff, a week short of his thirty-sixth birthday, was on a fast track at CBS. A Yale law school graduate, who looks quite a bit like Senator Sam Nunn, he had been brought to CBS News by Leonard. In Washington, he had worked for Leonard in the corporate offices when Leonard was vice president and lobbyist for CBS. He had also worked for Senator Walter Mondale and James Schlesinger, then Secretary of Energy.

Leonard was seated at his desk with Colloff standing in front of it. They were obviously having a serious discussion about the Westmoreland news conference. Their conversation stopped when I entered the room.

I asked, almost as an aside and not nearly as forcefully as I wish I had, whether they had given any thought to putting the conference on the air that night.

Colloff reacted with annoyance: Oh, no . . . ridiculous suggestion . . . no need to put on anything. He said it in such a pained and disparaging way it was apparent that he regarded the idea as a personal attack, which in a way it was. He was the executive responsible for the Vietnam program; he had approved it in the penultimate screening. Leonard uncharacteristically said nothing, and I concluded they might be happier continuing their conversation without me. I left the office. That night the Dan Rather news ran a short excerpt from the news conference.

In the days that followed, I heard little about the Westmoreland program. It wound up in seventy-second place, dead last, in the ratings for the week. This was not unexpected in the entertainment blizzard of

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a Saturday night. Vietnam was up against two pieces of ABC kitsch, "Love Boat" and "Fantasy Island." Still, the program was seen by an estimated audience of 9,600,000, more than the combined circulations of the *New York Times*, *The Washington Post*, *Time*, and *Newsweek*.

In April, I went to Poland again for the *CBS Evening News*, this time with Bill Moyers. As far as I knew, Westmoreland had said his piece, CBS News had kept its cool, and "The Uncounted Enemy: A Vietnam Deception" could now take its place in one of the world's largest cemeteries, that limbo-land where old television programs are interred.

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# 4

# THE ASSIGNMENT

On May 24, 1982, four months after "The Uncounted Enemy" was broadcast, the longest article in the history of *TV Guide*, the magazine with the largest circulation in the United States, hit the newstands. Emblazoned on its cover was the headline: "ANATOMY OF A SMEAR," and the subhead "How CBS News Broke the Rules and 'Got' Gen. Westmoreland."

In nine pages, staff writers Don Kowet and Sally Bedell leveled a withering indictment against the broadcast. In the CBS News offices in New York, where *TV Guide* runs a bad second to *The Economist*, the magazine was on virtually every desk and was the topic of most conversations. It was difficult to ignore a magazine—never mind that its stock-in-trade was not investigative reporting but running industry puff pieces and program schedules—which had a circulation of 17.5 million, almost twice as many people as saw the Vietnam documentary.

One of the writers of the article, Sally Bedell, was well known to me as a thorough and excellent reporter (she would join the *New York Times* shortly after the Vietnam piece appeared and, as Sally Bedell Smith, do a solid reporting job there). I had never met or spoken to Don Kowet, and still have not.

Their report had unquestionably been the product of a leak from inside CBS News; they had access to all of the uncut interview transcripts and many of the most sensitive internal documents. Their allegations about the program added up to this: The broadcast was dishon-



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estly produced, violated many of the CBS News Standards in its editing, and began with a preconception that nothing could shake. Oddly, they carefully avoided challenging the basic premise of the broadcast, saying of their investigation, "Its purpose was not to confirm or deny the existence of the 'conspiracy' that CBS's journalists say existed."

Their major charges against the program, many of them containing detailed subcharges, ran as follows:

—"CBS began the project already convinced that a conspiracy had been perpetrated and turned a deaf ear toward evidence that suggested otherwise."

—"CBS paid $25,000 to a consultant on the program without adequately investigating his 14-year quest to prove the program's conspiracy theory."

—"CBS violated its own official guidelines by rehearsing its paid consultant before he was interviewed on camera."

—"CBS screened for a sympathetic witness—in order to persuade him to redo his on-camera interview—the statements of other witnesses already on film. But CBS never offered the targets of its conspiracy charge any opportunity, before their interviews, to hear their accusers, or to have a second chance before the cameras."

—"CBS asked sympathetic witnesses soft questions, while grilling unfriendly witnesses with prosecutorial zeal."

—"CBS misrepresented the accounts of events provided by some witnesses, while ignoring altogether other witnesses who might have been able to challenge CBS's assertions."

—"CBS pulled quotes out of context, in one case to imply incorrectly that Westmoreland was familiar with a meeting where estimates of the enemy were arbitrarily slashed—a familiarity that was crucial to proving the conspiracy."

—"CBS's own paid consultant now doubts the documentary's premise of a Westmoreland-led conspiracy."

The piece was on the newsstands at the worst possible time for CBS. Virtually all of the network's top management was in San Francisco for its annual meeting with its affiliates, the owners and managers of the more than two hundred stations that constitute the CBS Television Network.

At one time, a reporter had referred to the affiliates as a group of very rich yokels, but that was in an earlier television age when the

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network was dominant, and often treated its member stations like obedient vassals. By 1982, the power had shifted. The affiliates had been rich for a long time and its members now included powerful group owners who had to be courted and catered to.

In the halcyon days of the 1970s, all stops were out to make this annual conclave what the network wanted—a love-in. At one affiliate meeting in Los Angeles, the network put on a circus with everything but live elephants. At a black-tie dinner which my wife and I attended, all of the stars of the old and new entertainment shows were brought out, one after another, to parade on a big stage while the station owners and their wives broke their hands applauding them. My wife and I are, to put it generously, infrequent viewers of the network's entertainment fare, and it was like watching appearances of the stars of stage and screen from Bangladesh. Jean Stapleton, the co-star of "All in the Family," was sitting at our table, and I turned to her: "Who the hell are these people?" I asked. She smiled sweetly. "Damned if I know."

If there was a guaranteed way to cast a pall over the party in San Francisco in 1982, it was the appearance of *TV Guide* with its harsh accusations about a documentary that these affiliates had carried on their stations. For the politically conservative, bottom-line owners, it was like announcing that the food they had just been served was tainted.

In our apartment in New York that night, we had a guest for dinner, Charles Eisendrath, a journalism professor at the University of Michigan. Eisendrath, a former *Time* foreign correspondent, a knowledgeable and facile young man, mentioned the Westmoreland affair briefly and was interested mainly in my recent trip to Poland with Bill Moyers.

I had returned on the first of the month after a difficult but not earth-shaking assignment. Poland was under martial law, the nine o'clock curfew absolute, our rooms bugged, and Moyers had actually found a bug hidden in a lamp in his room. We had filed three quite good reports and working with the indefatigable Moyers had been rewarding. The story we had thought might burst upon us—another eruption by Solidarity with Soviet troops marching into Warsaw—did not happen. I told Eisendrath that I thought Lech Walesa, who was in jail, had been neutralized as a political force.

At six o'clock, as we were having drinks, the phone rang. It was Van Gordon Sauter, now president of CBS News, calling from San Francisco. He wasted no time in getting to the point. *TV Guide* was out with this disturbing piece which leveled very strong allegations against CBS

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News. I told him I had read it. What we had to do, Sauter said, was to get to the bottom of these charges, who is right and who is wrong, and would I take on that assignment and conduct an internal investigation of the Vietnam documentary?

At first, I found it difficult to reply. I knew at once what this would entail. If I found the broadcast flawless, it would be a whitewash. If I found it flawed, I was a whistle blower with all that meant—damaged careers and personal attacks. I had known Mike Wallace for more than forty years—he and I were classmates at the University of Michigan—and I knew how relentlessly he would fight to maintain his considerable reputation. Crile I scarcely knew. Howard Stringer, the executive producer, had more or less been a protégé of mine.

I had given twenty-five years of my life to CBS News and without being maudlin about it, the organization meant something to me. Of course, it meant Murrow and Cronkite and Sevareid; that was easy. But more than that it meant hundreds of men and women, good reporters, producers, editors, and writers whose names were not known to the public. I thought CBS News had the finest broadcast journalists in the country, and what they stood for, and had battled for, was important enough for me to go on the line for.

My enthusiasm for the assignment was minimal, and I told Sauter that. But I agreed to take it on with one proviso. I wanted him to notify the full CBS News organization that I was doing this and to tell them that "when I speak, you're speaking."

Sauter, forty-six, had become deputy president of CBS News in November 1981, two months before the Vietnam program was broadcast. He became president after Bill Leonard retired in March of 1982. Born in Middletown, Ohio, the son of a fireman and a hat saleswoman who divorced when he was two years old, Sauter was a bushy, bear of a man—"a self-proclaimed, bearded eccentric," the writer Ron Rosenbaum had described him in *Esquire*. Nancy Collins in *New York* Magazine added this: "He has been marked for power and has operated with a blend of studied eccentricity and cool gamesmanship." It was all part of a big publicity push Sauter received from CBS when he moved to the top news job.

He had graduated from Ohio University and received a master's degree in journalism at the University of Missouri. Articulate, frequently if not shockingly profane, a good writer, he had worked for newspapers before leaving the Chicago *Daily News* to join the CBS owned-and-

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operated affiliate, WBBM-Radio, when it adopted an all-news format in 1968. Sauter started as a reporter, moved up to managing editor, and was promoted to New York as head of special events for CBS News-Radio. Then it was back to Chicago as news director for WBBM-TV. He tried his hand as anchorman and quickly found that was not for him or his superiors. He became Paris Bureau Chief for CBS News in 1974, a job he fell in love with, only to be moved up again as vice president, program practices—really censor—for the network in 1976. Next it was on to KNXT-TV in Los Angeles, another owned-and-operated station, as vice president and general manager in 1977, president of CBS Sports in 1980, and president of CBS News in 1981. The smile from above was obviously on Sauter, fixed and growing wider, and some said he would one day be president of all of CBS.

His eccentricities were manifold. In Chicago his office included a parrot named Sam with, in his words, "projectile diarrhea"; in Los Angeles he lived on a houseboat, drove a Jeep, and went to the office in jeans and topsiders with no socks. At CBS News his office included an old rolltop desk, a hat rack with an array of odd caps, and the framed quote of Howard Beale, the over-the-edge anchorman in the movie *Network:* "Television is not the truth. If you want the truth, go to God, go to your guru, go to yourself."

Sauter came to the leadership of CBS News convinced the networks were out of touch with the rest of the country and immediately began downplaying coverage from Washington. He was looking, he said, for "moments." They were described with a catch phrase right out of the telephone company ads: "Reach out and touch someone." Instead of Cronkite's "That's the way it is," it became "That's the way it feels." He said his attention as news president would be consumed by Dan Rather and the *Evening News*, which was stumbling in the ratings when he took over. He said, "I'm going to marry Dan Rather," and he had succeeded in moving the flagship show back to first place. He was a complex, often difficult man, and since I scarcely knew him and was a part of the old guard he seemed intent on shunting aside, I was surprised he had tapped me for the investigation.

In San Francisco, I later learned, the *TV Guide* cover piece hit Sauter and his colleagues amidships. Soon the newsstand at the Fairmount Hotel had to send out for more copies of the magazine. According to Gene Mater, a news vice president, they "talked and talked." They knew, Mater said, they had to do something; they could not ignore the

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story, not with a hotelful of affiliates on their hands. Sauter brought in Ralph Goldberg, assistant general counsel for CBS, and they talked some more. Someone had to look into the allegations, and who would that be? Now the meeting included Sauter, Mater, Goldberg, along with Robert Chandler and Roger Colloff, the two CBS News vice presidents. Edward Joyce, number two to Sauter, was in New York.

"When the *TV Guide* article hit in San Francisco, we were surprised," Sauter told me. "I had been led to believe that the line of questioning by Bedell and Kowet dealt with areas where we were buttoned up, that nothing embarrassing would come out. Instead, we found that it was acutely embarrassing, and I knew something had to be done."

In view of the fact that the charges were far more than anticipated, Sauter said, the question of who should investigate them was naturally dominant. They talked about CBS lawyers, outside lawyers, and someone from the inside. "I felt that journalists should investigate journalists. Goldberg spelled out the risks if a lawsuit should eventuate. Your name was the only one to be mentioned for an inside investigation."

There was some feeling that if Westmoreland sued, a lawyer's investigation might be privileged under a lawyer/client relationship. I later asked Floyd Abrams, the noted First Amendment lawyer, about this. "If a lawyer does the investigation for possible use at a trial," Abrams told me, "then his findings are privileged and not usable. If a lawyer was conducting an internal investigation for a network, then it is not so clear. Is he really acting as a lawyer or working on the journalistic side? It might be privileged but it might not."

When it was agreed that I should conduct the investigation, Sauter told me he said, "Perfect if he'll do it." He met with his boss, Gene F. Jankowski, president of the CBS Broadcast Group, who approved, and then he phoned me in New York. After the call he went forth to face the affiliates.

Gene Mater remembers that Sauter was far from his usual jovial and ebullient self when he announced that CBS News would conduct an investigation into the *TV Guide* charges. Sauter said CBS was taking this very seriously, that I would conduct the examination, and that he would be working with me. He was half right. I did conduct it but he never made any contribution, apart from asking me from time to time how it was going and when I would deliver it.

When I hung up the phone that night, I had to explain to Eisendrath and my wife what the call was all about. Sauter had urged secrecy until

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he made the announcement to the affiliates, and I tried to be guarded. I mentioned that the issue was the *TV Guide* article and that I might be looking into it, and let it go at that.

Eisendrath was spending the night with us, and after he went to bed I told my wife the whole story. I felt that Mike Wallace might be difficult to deal with. He was a preeminent network news figure, and I expected him to be fiercely protective of his turf. George Crile was known to be difficult, and he was squarely on the line with this show. I wondered how supportive Sauter would be and whether CBS Corporate Management would try to finesse the whole matter. And, to put it bluntly, at this stage of my life, I asked myself: Who needed this?

"Well, you've won your first raffle," my wife said. Over the years I had become addicted to contests and had wasted a lot of time mailing entries to Publishers Clearing House. I told her I had many feelings about this assignment, none of which I found amusing.

"You know," she said, "you might have been happier staying in Poland."

By noon the next day, the news that I was going to investigate the Vietnam documentary had traveled rapidly from San Francisco to New York although no memorandum from Sauter had been issued. Apparently, it moved along the gossip trail.

I was working out of a small office, next to Bill Moyers, on the second floor of the CBS Broadcast Center, the former milk barn on West 57th Street near the Hudson River. I read and reread the *TV Guide* article and added up eighteen specific charges made against the Vietnam program. I decided that these charges would constitute the framework for my report. I would investigate each one and try to ascertain whether or not it was true. I hoped to avoid such arcane subjects as how one divines the enemy order of battle or who won or lost at Tet, but I had a feeling that I would not be able to avoid them entirely. I wanted the report to deal with the two issues that were joined in *TV Guide* versus CBS: fairness and accuracy, which to me are the cornerstones of good journalism. I remembered interviewing Stanley Walker, a legendary city editor of the old *New York Herald-Tribune*, who told me this story. When a new reporter would come to the *Trib*, Walker would say to him: "Young man, I have three words of advice for you: Accuracy . . . accuracy . . . accuracy."

I knew that the press was under a lot of pressure and that a principal

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complaint was that the media lacked objectivity. It was my feeling that absolute objectivity was unattainable. I agreed with the writer Gary Wills, who wrote in the *Nieman Reports* in 1978: "Obviously, journalists have biases. As E. B. White has said, no man is born perpendicular."

I also agreed with John Hersey, who wrote in the *Yale Review* in 1980: "As to journalism, we may as well grant right away that there is no such thing as absolute objectivity. It is impossible to present in words The Truth or The Whole Story.

"The minute a writer offers nine hundred and ninety-nine out of a thousand facts, the worm has begun to wriggle. The vision of each witness is particular. Tolstoy pointed out," Hersey continued, "that immediately after a battle, there are as many remembered versions of it as there have been participants."

As far as my examination was concerned, I was not going to try to determine whether Messrs. Wallace and Crile had been objective. What I wanted to know was whether they had been fair and accurate.

I began getting hushed television calls and visits from other producers at CBS News. One, who worked with Moyers, expressed reservations about George Crile, the Vietnam program's producer and reporter. He urged me to see Ira Klein, the show's film editor, who, he told me, was very troubled by the broadcast and might have leaked the story to *TV Guide*. I told him I planned to see Klein. Another producer called to say Klein was working for him and I should be sure to see him. I assured him I would; I began to wonder if these calls were orchestrated. A third producer, assigned to *60 Minutes*, phoned to say he heard the interviews for the Vietnam program had been rehearsed and that they had gone back and done one of them a second time. He strongly advised me to speak with the camera crew for the program. I thanked him and said I planned to talk to everyone involved in the broadcast.

Mike Wallace phoned from the Los Angeles airport. He was on his way to Vietnam for a *60 Minutes* piece. He had heard of my assignment and said he was glad that I would be doing it. I told him, as I would tell others, that I did not see myself as judge, jury, prosecutor, or defense lawyer but as a journalist assigned to a story. And that was the way I planned to do it, as if in my earlier days as a print reporter someone on the desk had said to me: "Here's a story. Go out and see whether it's true or not."

In the fifteen-minute telephone conversation, Wallace began by

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insisting that *TV Guide* had made a "mountain out of a molehill," that his documentary was true, that the books in Vietnam had been "cooked." Then he began changing his emphasis, pointing out that his role in the show had been very limited due to his heavy commitments, especially to *60 Minutes*, and that he had tried to turn down the assignment when it was first brought to him. In reality, he had had very little to do with the program, conducting only five interviews, three of which were used.

He brought up his interview with Walt W. Rostow, former special assistant to President Johnson. They had filmed for three hours and used none of it, and Wallace said that Rostow had regarded the interview as an attack on LBJ, as an accusation that he and the President had colluded to keep information from the American people. Wallace told me that Rostow had flatly denied that any critical intelligence was being kept from him or from LBJ, and I asked whether that wasn't worth putting on the air. No, Wallace said, he believed the critical information Rostow got was "cooked," and that LBJ may have received his information from back-channel sources, not from Westmoreland.

Wallace said that Rostow had not heard of 20,000 to 25,000 regular North Vietnamese troops coming down the Ho Chi Minh Trail; he had said, in fact, that nothing of that magnitude could have moved down the trail. The thrust of the broadcast, Wallace declared, was whether or not there was a conspiracy, and Rostow had told them he knew nothing about any conspiracy. I told Wallace I had just started the project, and I was not read-in enough to discuss it. He said he would be back from Vietnam in about two weeks. I assured him we would talk then.

Roger Colloff, the vice president responsible for the program, phoned from San Francisco. He told me mine was a very tough assignment, and I replied that I had not volunteered for it. He said he had told George Crile to send me all of the unedited transcripts for the interviews conducted for the broadcast. I told him I would need them.

At the end of the first week, I had the research library at CBS dig out all the clips they could find about the order-of-battle controversy in Vietnam. It filled a fat folder, and I spent the weekend reading the material. There were stories from Vietnam, from the Pentagon, from the White House, and about Sam Adams and his crusade. I knew I had scarcely dented the material, which was going to be voluminous, but when I came into the office on Monday, I felt much more secure about the investigation.

I phoned George Crile. I expected a tense, perhaps even hostile,

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conversation, but he was gracious and cooperative. He said he was pleased they had chosen me for the assignment. I told him I would need all the transcripts, all of the memorandums and letters written during the production, and a lot of other material I could not itemize at this time. He said I would get anything I needed.

The next day I had a long-standing date for lunch with two retired CBS colleagues, Richard Salant, former president, and John Sharnik, an accomplished writer and producer. We ate in a French restaurant in the West Forties. They had not heard of my assignment, and I did not mention it. Salant was deeply concerned over the *TV Guide* article and characteristically paid no attention to what he was eating as he talked about it. He said it was the strongest and potentially the most damaging attack ever leveled against CBS News. I had a feeling that Salant, always combative and chafing at the idleness of retirement, would have loved to be back running the whole affair. He said if he were, he would assign someone he thoroughly trusted—he mentioned bringing back David Klinger, a retired vice president who had investigated "The Selling of the Pentagon"—and then have him report his findings very privately to him. He emphasized that it should be kept internal, the report going only to him and the decision ultimately being his alone.

If my investigation could be kept private and internal, I knew that Sauter would be far from displeased, but as I left the restaurant I had my doubts. Given the way the heat was building, the possibility that Westmoreland might sue, the avidity with which the press was pursuing the story, I had these questions: How internal could it remain? How private could it be? How long could it simply be one man's investigation of a single television program?

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# 5

# THE FIRST REVEALING DAYS

In the days following, I immersed myself in the story. It quickly became apparent that what I thought was news, what CBS was revealing to the public for the first time, was not new at all. It had been unfolding for more than fifteen years. It also was obvious that the key figure in the drama was not Mike Wallace or George Crile but Samuel A. Adams, the former CIA analyst whom CBS News had hired as a consultant.

Sam Adams, forty-nine, had the right blood lines for the CIA. He was the fourth cousin, seven times removed, of John Adams, second President of the United States. His father, Pierpont Adams, who was probably named after J. Pierpont Morgan, had a seat on the New York Stock Exchange. Sam Adams went to St. Mark's School in Massachusetts, then on to Harvard, where he majored in history and was graduated in 1955. He then was commissioned in the Navy where he served for "three years, four months and eleven days." He tried Harvard Law School but gave it up after two years, then investment banking, then ski bumming, and finally he turned to the Federal Government and the Central Intelligence Agency.

That the story was not new was confirmed by a check of the *New York Times* information bank. There were thirty-six references to Adams and his work. For two years, from 1965 to 1967, he was the CIA's only analyst studying the Viet Cong full time. In one story, he quoted William



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E. Colby, the CIA director, as saying: "The Agency's assessments in the late 1960s were based in substantial measure on Mr. Adams's work."

According to Adams, a captured enemy document landed on his desk at CIA headquarters in Langley, Virginia, on August 19, 1966. It revealed that in South Vietnam's Binh Dinh Province, irregular forces—both full-time guerrillas and part-time militia—numbered more than ten times the official U.S. military estimates. These were Communist forces outside the regular Viet Cong mainforce units and North Vietnamese Army formations.

The disparity intrigued and eventually consumed Adams. He began to pull together other captured documents and, assessing the information he collected, he extrapolated his data into a countrywide picture that he believed was incontrovertible proof that there were at least twice as many Viet Cong irregulars as the U.S. military command was estimating.

His passion and conviction would start him on a trail that would wind through the Pentagon Papers trial, the House Select Committee on Intelligence, the White House, the pages of *Harper's* Magazine, the corridors of CBS News and the Westmoreland documentary, and eventually to a Federal Court House in New York City.

In March of 1973, still a member of the CIA but isolated and frustrated, no longer involved in his Vietnam studies, Adams volunteered to be a defense witness in Los Angeles at the trial of Daniel Ellsberg and Anthony M. Russo, Jr., accused of espionage, theft, and conspiracy for copying and making public the Pentagon Papers. Adams testified that since at least some of the highly classified documents that had been initially published by the *New York Times* in June of 1971 were based on inaccurate and perhaps deliberately misleading information, they would be of no value to enemy intelligence officers. His position was simply this: Enemy-strength figures were rigged; they were worthless; and therefore they could not possibly violate security.

On May 17, 1973, Adams resigned from the CIA, charging that the agency was "neither honest enough nor thorough enough" in its work in Indochina. He had tried to no avail to interest the Nixon White House in his figures.

In the May 1975 issue of *Harper's,* Adams set forth the details of his long battle. The title of the piece was "VIETNAM COVERUP: PLAYING WITH NUMBERS." The subhead carried a portentous word: "A CIA Conspiracy Against Its Own Intelligence." The word "conspiracy" appeared

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nowhere in the article. The man who edited the piece for the magazine was the same George Crile who would produce the Vietnam documentary for CBS. The story made these charges:

—Since 1966 Adams had been insisting that our estimates of enemy strength, the order of battle, were too low. Instead of just under 300,000, the Communist force might be as high as 600,000.

—In January of 1967, at a conference in Honolulu, Westmoreland's order-of-battle expert, Col. Gains Hawkins, had conceded to him: "You know, there's a lot more of these little bastards out there than we thought there were."

—In September of 1967, at another order-of-battle conference in Saigon, his higher estimates were again turned back when CIA director Richard Helms caved in to the military. Col. Charles Morris, MACV's deputy intelligence chief, told Adams he was "full of shit."

Adams accused Westmoreland and his senior intelligence staff of concealing the actual enemy strength from the Joint Chiefs of Staff, the President, the Congress, and the American people. He further charged that because of the misleading indicators, our forces were surprised at Tet and suffered unnecessary casualties.

Adams was again back in the news on September 18, 1975, when he testified for two and a half hours before the Select Committee on Intelligence of the House of Representatives, the so-called Pike Committee. In pursuing his long crusade, he told the committee that the surprise at Tet resulted from a corruption in the intelligence process, the deliberate downgrading of the strengths of the enemy army in order to portray the Viet Cong as weaker than they were. He charged that the United States lost 7,000 to 8,000 men and 1,200 airplanes at Tet. In his closing remarks, he said the intelligence effort was "very haphazard, slipshod, often dishonest, prone to distort and that it did not do the job it was supposed to be doing." Anthony Lewis of the *New York Times* defended Adams in his column, writing that "his accurate intelligence estimates of Viet Cong military strength were deliberately reduced—falsified."

The controversy surrounding Adams and his allegations again surfaced in the weeks after his testimony. Walt W. Rostow, former special assistant to President Johnson, said that "Adams was confusing a debate within the intelligence community over Viet Cong strength with the question whether the United States was prepared for the Tet offensive.

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. . . This debate had no bearing whatsoever" on the assessment of insurgent capabilities.

Robert W. Komer, LBJ's special ambassador in Vietnam, lashed out at Adams's "outrageous allegations." He called his charge "this piddling issue." He said it "stretches credulity it had anything to do with being surprised at Tet." John T. Morris, a former colleague of Adams, came to his support in a letter to the *New York Times* on October 18, 1975: "I can confirm the entire thrust of Sam's charges." The record "speaks of misfeasance, nonfeasance, of outright dishonesty and professional cowardice . . . a page of shame in the history of American intelligence."

The dispute continued to boil. In December, CIA director William E. Colby and Daniel O. Graham both testified before the Pike Committee. Graham had vaulted ahead in the promotion ranks since Vietnam. A lieutenant colonel then, he was now a lieutenant general and director of the Defense Intelligence Agency. Graham sharply contradicted Adams's Tet figures. Instead of 7,000–8,000 Americans dead, he made it 2,200. Instead of twelve hundred planes lost, he made it fifty-eight. He told the committee that he thought Adams had some sort of "mental problem," and suggested he had been sacked by the CIA, when he had in fact resigned.

The Pike Committee would address itself to the controversy but hardly end it. The most telling of its conclusions dealt with the word that would bedevil CBS in the months ahead—conspiracy: "The Administration's need was for confirmation of the contention that there was light at the end of the tunnel, that the pacification program was working and generally that American involvement in Vietnam was not only correct, but effective. In this sense, the intelligence community could not help but find its powers to effect objective analysis substantially undermined. *Whether this was by conspiracy or not is somewhat irrelevant*" (emphasis added).

Following his resignation from the CIA, Adams retired to a 250-acre farm in Leesburg, Virginia, where he raised cattle. He continued to work on a book about his CIA career with the working title *Who the Hell Are We Fighting Out There?*

In 1980, Adams's Vietnam crusade was revived by his *Harper's* editor, George Crile, now a CBS News producer-reporter. Crile wanted to produce a documentary on the Vietnam intelligence dispute, using Sam Adams's research, contacts, and premise, and Adams was more than willing to cooperate. Thus it was that Sam Adams found himself as a

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consultant, interviewee, and prime mover in the most controversial and agonizing documentary in the history of CBS News.

My preliminary research into the story had now made certain aspects evident. In itself it was not new; it had been around for more than fifteen years. But it was new to television, which in its arrogance does not believe that any story has been told until it tells it. It did have one strikingly new ingredient: the willingness of eight former CIA and military intelligence officers to go on camera to endorse it. The story was also highly controversial, with supporters and detractors in abundance. And, finally, the key figure, the prime mover, was Sam Adams, the former CIA analyst who had made this story his mission.

On May 27, I had to see Dan Rather about an unrelated news matter and went to his office adjacent to his anchor desk. I had first met Rather when he was a new, young reporter for CBS in Texas, and had watched him move ahead rapidly through London, Washington, and the White House, a publicized confrontation with President Richard Nixon, Vietnam, *CBS Reports*, *60 Minutes*, and now to the most coveted job the network had to offer, anchorman and successor to Walter Cronkite on the Monday-to-Friday *Evening News* broadcasts. He was no longer the heir apparent, vying with Roger Mudd for the top job; he was the heir, the point man, the chief correspondent upon whom CBS News and especially Van Gordon Sauter had pinned their hopes.

Rather said he had heard of my appointment, and I was the only one who could do it. I thanked him although this struck me as vintage Rather, whose manner I would describe as Texas courtly. Then he said an inexplicable thing. "If you see George Crile, tell him to call me. I want to tell him I am behind him." I was put off by the suggestion and told Rather that if he wanted to reassure Crile he had better call him himself.

It became apparent that I would need research help in conducting the examination. It was a big and complicated story, and Sauter had suggested a deadline of three weeks, which I already suspected was unrealistic. I decided to go for the best person CBS News had, Toby Wertheim, the senior researcher on the Rather News. She had worked with me briefly when I was producing the news with Walter Cronkite. She was a bright, no-nonsense woman in her thirties, discreet and close-mouthed, which I knew to be essential, and I also knew she had talents beyond the demands of her *Evening News* assignment. She was then

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providing research for J. Anthony Lukas for his Pulitzer Prize-winning *On Common Ground*. She had previously spent a year researching his Watergate book, *Nightmare: The Underside of the Nixon Years*.

I was certain that requesting Wertheim for my staff would be awkward. She was working for Howard Stringer, now executive producer for Rather, before that executive producer for Crile and the Vietnam program. I went to see Stringer and he agreed at once to give her a leave of absence. "I hear you're the Inspector General; you can have her," he said. I thought it was especially decent of him since he had only recently taken over the Rather show. With all of the attention being focused on it, and the pressure I knew he was feeling, he might well have resisted losing a key member of his production team. He also had to know that he would be a principal in my examination of the Vietnam program.

Stringer urged me to run the twenty-seven hours of interviews filmed for the program rather than relying solely on a reading of the transcripts. "When you see them, you may get an idea of why some weren't used," he said. The suggestion made no sense to me. Was some of the film out of focus? Was some of the sound marginal? I was not being facetious, but unless there were technical problems, the essence of a television interview could be found in the written transcript. As a producer, I did run all of the "rushes" for interviews with two presidents, Dwight Eisenhower and Lyndon Johnson, and two Supreme Court Justices, Hugo Black and William O. Douglas. I did so to make certain that the film was technically right but also to look for moments of passion or emphasis that would enrich the broadcast. In my role as investigator, these considerations were no longer germane. I was interested in content: What was used, what was not used, how fairly the film was edited. I was also under severe deadline pressure, and since some of the interviews were conducted with two cameras, it would have taken longer than twenty-seven hours to get through the material. We would run no film during our examination.

Wertheim said she would join me that day on one condition. She asked for a letter from CBS News stating that if there was a lawsuit over the Vietnam program, the network would defend her and pay any legal fees. I said I would get her the letter.

Toby and I went to the Harvard Club to have lunch with Robert Shaplen, a close friend of mine for thirty-five years and perhaps the most senior of all the reporters who covered the Vietnam War.

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Shaplen began as a reporter for the *New York Herald-Tribune* in 1937 and left to become southwest Pacific war correspondent for *Newsweek* in 1943–45, covering some of the heaviest action on the road to Japan. From 1945 to 1947, he was the magazine's Far East bureau chief in Shanghai and became one of the first Western journalists to visit Mao Tse-tung in the caves of Yenan. A Nieman Fellow in 1947, he joined the *New Yorker* in 1952, specializing in Southeast Asia. He was in Vietnam during a time that later correspondents would call "those days of the French" and reported the fall of their empire after Dienbienphu. In 1962, he became the magazine's Far East correspondent in Hong Kong. He wrote many books, two of which were especially notable. *A Corner of the World* (1949) was a collection of short stories about the Far East, one of which, "A Wind Is Rising," was a poignant tale of a French officer plunged into the politics of Saigon. *The Lost Revolution* (1965) was reportage, a sorrowful recounting of how the opportunities in Vietnam had been dissipated and lost.

Shaplen told us he had seen the broadcast and had hated it. He felt that to call this old story a conspiracy was ludicrous. Intelligence was a much-debated business during the war, and the estimates of the Military Assistance Command, Vietnam (MACV) were always considered less reliable than those of the Central Intelligence Agency. The question was, Shaplen said, who constituted an enemy? A man with a gun? A man with a part-time gun? A man with a night-time gun? Much of the intelligence dispute was a legitimate argument between highly trained men who had no particular axes to grind. It was not a conspiracy.

He felt that Sam Adams was obsessive. He thought well of Maj. Gen. Joseph McChristian, Westmoreland's intelligence chief in 1966–67. Shaplen mentioned other senior correspondents in Vietnam: Keyes Beech of the Chicago *Daily News*, George McArthur of the Los Angeles *Times*, Bud Merrick of *U.S. News and World Report*, and Malcolm Browne of the *New York Times*. He doubted that any of them would buy the conspiracy theory that CBS News had propounded. He urged me to call McArthur, whom he considered to be one of the best informed of the correspondents.

I phoned McArthur in Washington, the first of several conversations with him. He had just read the *TV Guide* article and shared Shaplen's feelings about the use of the word "conspiracy." "CBS treated the story as if it was new," he said. "It wasn't new; it was old." McArthur said that Ambassador Ellsworth Bunker placed no credence at all in the

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figures he was getting from MACV. "Military historians to this day do not know what the correct enemy-strength numbers are."

In 1982, as I was beginning my investigation, a new book, *On Strategy: A Critical Analysis of the Vietnam War*, written by an Army historian, Col. Harry G. Summers, Jr., appeared. Summers dealt with the numbers dispute succinctly. "The problem in Vietnam was not the numbers; it was the policy."

And so the issues were beginning to be joined, the differences more sharply delineated, the old animosities and disputes rising to the surface. Our principal job was not to answer all of the abrasive questions the war had posed but rather to determine how fairly and honestly the Vietnam documentary had dealt with its material. That would be the main focus of our efforts in the days ahead.

On Friday, May 28, 1982, the end of my first week of research, Edward M. Joyce called me to his office. Joyce was executive vice president of the news division, second only to Sauter. In fact, the two men had vied for the top job when Bill Leonard was retiring, and Sauter had won it. Sauter and Joyce worked closely together; at times they seemed to be cloned. Sauter, who had a weight problem, drank endless cans of Tab in his office and soon so did Joyce, who had no visible weight problem. Around the newsroom, they were swiftly known as Tab One and Tab Two.

In some ways, they were an odd, unlikely couple. Sauter, heavy-set, full-bearded, would stride through the halls, bear-hugging favorites and greeting subordinates, both tall and short, with "Hi, big guy." When he entered a room, he filled it. He left no doubt—he was the boss. He was changing CBS News by shedding what he called "the yesterdays," the older employees who had been prominent in the past, and CBS News was going to be reshaped into his mold.

Joyce, forty-nine, was much more laid back, but it was a mistake to confuse his deceptively bland manner with softness. He was as tough and determined as Sauter. There were reports of flareups between the two—none ever witnessed by me—but that was predictable. Black Rock had picked one and made the other number two, and in corporate America that inevitably produces tensions.

Sauter and Joyce reported to Gene F. Jankowski, president of the CBS Broadcast Group, who reported to Thomas H. Wyman, president and chief executive officer of the corporation. At one time, the news

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chief reported directly to the president of CBS, and Richard Salant for a time was a member of the board of directors, but those days had passed.

Joyce would occasionally say things that got him in trouble. He would lash out at the agent Richard Leibner, and agents in general, saying: "I am determined not to let the flesh peddlers affect the caliber of our broadcasts." It was widely reported and not helpful in future negotiations. He would tell a press junket that CBS has "the only world-class anchorman" and that NBC was peopled with "fifty-two guys named Irving." It was a thoughtless remark and some felt it was anti-Semitic.

When I came to his office, Joyce was in shirt sleeves, wearing red suspenders, his usual dress. He has a pleasant, mellifluous voice, a product of his early days as a radio reporter. He had been instrumental in establishing all-news radio in New York before he moved into television as general manager of the CBS-owned stations in Chicago, Los Angeles, and New York.

We reviewed the situation on the Vietnam broadcast as I knew it at that early date. Joyce freely conceded that he was troubled by the whole situation. He said CBS News ought to have regular sessions, as the stations division had, reviewing the news standards for correspondents and producers. He said he thought I would be best off by confining my examination as much as possible to the *TV Guide* allegations and resisting any broadening of the investigation. I told Joyce I was worried about time pressures. There was no way I could complete the assignment in the three weeks I had heard Sauter mention. He said he was certain I would be given enough time.

That afternoon I received a phone call from Edward M. Fouhy, a former colleague at CBS, who was then the bureau chief for ABC News in Washington. "It's a dangerous assignment," Fouhy said, "and you could get hurt." I asked him how. I was past ambition and what could they do—make me retire? "Okay," he said, "but what if they ask you to water down your report?"

I told Fouhy that would be easy. I'd just retire sooner.

The Vietnam program I was now going to investigate reminded me of a parable which circulated around the Pentagon at the height of the Vietnam War. As the story went, it was decided to put into a computer all of the data on North Vietnam and all of the data on the United States—gross national products, size of the armies, size of the air forces, size of

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the navies, logistical capabilities, comparative weaponries and manpower available to each side. Some keys were pressed and the machine was asked when the United States could win the war.

The answer came back quickly: 1964.

The problem was the year was 1969.

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# 6

# ENTER THE HEAVIES

The office of Gene F. Jankowski, president of the CBS Broadcast Group, is on the thirty-fourth floor of the corporation's headquarters at Fifty-second Street and the Avenue of the Americas. An understated, gray-honed-granite building, somber and brooding, it was the last designed by Eero Saarinen and is known throughout the trade as Black Rock. There are only two floors above Jankowski's: the thirty-fifth, which understandably accommodates the highest brass, at that time William S. Paley, the founder and chairman, and Thomas H. Wyman, the president and chief executive officer, along with their corporate staffs; and the thirty-sixth, which incomprehensibly is home for the company lawyers. I always felt that placing the lawyers at the very pinnacle was oddly foreboding.

The purpose of the meeting that I came to attend on Wednesday, June 2, was obvious, and it had now been reduced to shorthand: The Westmoreland Show. We gathered in Jankowski's rectangular conference room around a large table that could seat as many as twenty persons. Next to the conference room was his private dining room, and next to that his office.

Jankowski, forty-eight, a husky, athletic, incurably optimistic man, held one of the most important jobs at CBS; the Broadcast Group was the principal source of the company's revenues. Born in Buffalo, a graduate of Canisius College, he went on to get a graduate degree in communications art at Michigan State, served in the Navy, and joined CBS



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Radio as a salesman in 1961. He moved quickly up the corporate ladder, through sales and finance, and in 1977 was elevated to his present job, which over the years has been one of the most volatile at CBS. He had survived the ousters of two presidents and a good many other high-level executives.

The meeting, the first of several, lasted into the afternoon. It began in typical CBS fashion: relaxed; peppered with a little gossip here, a joke there; grace under pressure; the unflabbable, Tiffany-of-the-networks image incarnate. Present were Van Gordon Sauter, president of CBS News; Edward Joyce, executive vice president; Gene Mater, vice president in the Broadcast Group; and Ralph Goldberg, assistant general counsel for CBS. Jankowski was in and out of the room during the day, stopping at one time to inform me that I would see Tom Wyman the next day. The Westmoreland affair had risen to the top.

Yet the atmosphere—free of panic or raised voices—did not surprise me. No jobs were on the line, as far as I could determine. Sauter and Joyce, while discomfited by the program they had approved, were not mortally threatened by it. Mater and Goldberg were as uninvolved in its production as I was. Jankowski was far above the fray; he probably had never heard of the program until a few days before it aired.

I had expected to receive very sharp and specific marching orders for my investigation, but instead I was given a list of general suggestions. They recommended a two-pronged examination with the obvious first consideration being journalistic—the paramount issues of accuracy and fairness. Second, I would have to address myself to the matter of the CBS News Standards, the guidelines formulated over the years which delineate quite specifically how CBS News is expected to conduct its business. Did the program violate these guidelines as *TV Guide* had alleged, and if so, how and why?

They felt I should see no outsiders at this time and should confine the examination to those within the organization. They included as insiders Sam Adams, the program's consultant, and Alex Alben, its researcher, who had left CBS News for the Stanford Law School. They said that interviews with Generals Westmoreland and Graham and with Walt W. Rostow, LBJ's special assistant, were beyond the scope of the examination. Since I had already seen an hour and fifty-four minutes of Westmoreland and his supporters at his news conference, I thought I could live with that.

In addition, they did not think it wise for me to contact Lt. Gen.

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Phillip Davidson, Westmoreland's intelligence chief during the Tet Offensive, or Davidson's physician, Dr. Mauro Gangai, director of the urology clinic at Brooke Army Medical Center in San Antonio. That gave me a problem. Mike Wallace had told both Westmoreland and Graham during their interviews that Davidson was on his deathbed. This became the excuse for not having him on the broadcast. *TV Guide* had checked out the story and found it flat-out wrong. Both Davidson and his doctor had told the magazine that the general was in good health. I decided to ignore the instructions, and we had no trouble reaching Davidson, who told us he had recovered from the bout with cancer he had suffered in 1974 and had just remarried.

Ralph Goldberg, a CBS lawyer, had drawn the unenviable assignment over the years of keeping the network out of trouble and extricating it when it got into trouble, which was not infrequently. He had been in the trenches during such trying experiences as "The Selling of the Pentagon," and the "Winner Take All" tennis program, in which a CBS Sports broadcast described a tennis match in Puerto Rico as winner take all. It was not, and the FCC got into the case. The network managed to escape with a slap on the wrist.

Now Goldberg had the Westmoreland matter on his plate—I was certain it gave him no pleasure—and I listened carefully to his advice. He put the heart of the allegations this way: That we were out to get Westmoreland, and that we would not let the facts get in the way, which suggested willful intent on the part of CBS. "Your job," he said, "is to find out whether the allegations are true." In all of the advice, notwithstanding the low-keyed meeting that had just ensued, I could sense an unspoken concern: The fear that Gen. William C. Westmoreland was going to take his case to the courts and sue CBS for a lot of money.

Back at my office later that day I decided to look into the matter of Sam Adams's consultancy. Was he a consultant or a *paid consultant*, and if he was the latter, which I assumed he was, how much was he paid? I phoned the CBS News vice president for Business Affairs, Arthur Sekarek, and got this breakdown of payments to Adams:

| | |
|---|---|
| February 13, 1981—$4,000 | June 2, 1981—$5,000 |
| April 10, 1981—$8,000 | June 16, 1981—$5,000 |

Later, another $3,000 was authorized by a note from Vice President Roger Colloff. The total fee was thus $25,000, with an additional $400 to

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$500 still to be decided. Adams also had received $4,904.69 in expenses. The significance of these payments was that while Wallace would say in his narration at the top of the broadcast, "A former CIA analyst, Sam Adams, introduced us to this evidence, and he became our consultant," he never revealed that Adams was a *paid* consultant. Since Adams was also interviewed on camera by Wallace, not revealing that he was being paid was a violation of CBS News Standards, which states that

> Appropriate payments may be made, of course, to informants, consultants, and others who furnish liaison, information or contact services. If, however, any of these are interviewed in connection with the broadcast on which they are being paid for such services, we must identify them in the broadcast as having worked as paid consultants.

Adams had been given more roles than any consultant I had ever seen at CBS News. His research and contacts shaped the story; he was interviewed on camera and so became a part of the story; he functioned as an associate producer from time to time, sitting in on several interviews with people he had helped persuade to appear, and was in and out of the cutting rooms and at various production meetings.

The paid-consultancy clause doubtless stemmed from the news division's long-standing aversion to any kind of checkbook journalism, its determination not to pay for news. In those few cases where it was permissible to pay for some unique expertise, the rules were clear: Make sure your audience knew precisely what you had done. In the past, CBS had paid for interviews with former Presidents Eisenhower, Johnson, and Nixon. It had also paid for one with H. R. Haldeman that was roundly criticized as inappropriate, especially after Haldeman sat there for an hour saying nothing. Over the years, however, the network had pretty well held to its no-payment policy.

The guideline frequently gave us problems in filming interviews with important figures in Britain. The BBC routinely pays for these interviews, and we were often turned down by prominent persons who could not understand why if the impoverished BBC could pay, big, rich CBS could not. The traditional CBS News position was: We don't do this except in unusual circumstances. Over the years, it kept the network out of a lot of trouble.

On Wednesday, June 2, I went to the thirty-fifth floor of CBS for the meeting with Tom Wyman. As I walked down the hushed, heavily carpeted corridor to his executive suite, I wondered how this intense and

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cultivated man, who had been with the company for only two years, was reacting to the stir over Westmoreland. Paley had brought him to CBS from a business that could not have been more different—Pillsbury and its subsidiary, the Green Giant Company. When he was appointed, I thought to myself: Wait until he finds out how jolly this giant is and how important the green is at Black Rock.

Since Frank Stanton's forced retirement in 1971, Bill Paley had appointed four presidents. In nine years, two had been fired, one had died in office, and Wyman was in place. In spite of Paley's enthusiastic endorsement of Wyman—he told the press he had finally found the man to succeed him—there had to be unease on the part of anyone who was the designated number two at Black Rock.

Wyman was cordial and businesslike as the meeting began but left no doubt that he was deeply concerned about the Westmoreland matter, as was his board of directors. Fifty-three years old, he was a soft-spoken man and sometimes I had to strain to hear him. He had qualities that would attract Paley. He had graduated *magna cum laude* from Amherst, where he wrote his senior thesis on Yeats, played on the tennis team, and was an excellent golfer as well. He had studied in Switzerland and worked for Nestlé there, had then returned to the United States for an important post at Polaroid. He was said to have substantial management skills. In all respects, Tom Wyman impressed observers as a man of taste and intellect, two qualities which CBS had always coveted in its public image.

Jankowski, Sauter, Mater, and Goldberg were invited to the Wyman meeting, and I outlined how I planned to proceed. The investigation would be journalistic, not judicial. I was assigned to a story and would try to get to the bottom of it. I told them, as I had told others, that I did not plan to be judge or jury, prosecutor, or defense attorney. I would conduct the major interviews face to face but would not use a tape recorder, which I thought might be inhibiting. It was agreed that the way I chose to operate was the way to proceed, and few suggestions were offered.

The meeting with Paley followed, and only Wyman, Jankowski, and Sauter were asked to join. I found this instructive—the rigid pecking order in the corporate world, those invited and not invited. At the outset, a major question arose: Should an outsider, such as a journalism dean or an eminent lawyer, be brought in so that the investigation would not seem to be totally inside CBS? Paley mentioned "that fellow who

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was involved in the Watergate case"; he could not remember his name. I told him I would have no problem with an Archibald Cox or someone like him. As a matter of fact, I wanted him to know that I would not feel deprived at all if they turned over the entire investigation to a person of that sort. I said I had not sought the job nor did I covet it. Wyman said they knew that and as quickly as it was brought up, the matter was dropped.

It was apparent to me that the concern over the Westmoreland affair on the thirty-fifth floor of Black Rock was palpable. Watching the top players now—Paley, Wyman, Jankowski, and Sauter—I sensed that there would be other meetings at the summit after I had gone. That the law department would be involved was unquestionable, and I suspected the CBS outside counsel, Cravath, Swaine & Moore, was certain to be brought into play. Wyman had said he would keep the board of directors informed, and I thought of one director who certainly would be interested—Roswell Gilpatric, former deputy Secretary of Defense and also a Cravath partner.

Wyman asked me how long it was going to take to finish the investigation, and I said I hoped to finish it in three weeks, a naive estimate on my part. It would take me six weeks working long days and weekends. As I left the thirty-fifth floor, I began to think, angrily, how easily this whole exercise could have been avoided. Had they put Westmoreland and his news conference on the air on that Tuesday night in January, the general would be back in Charleston, licking a few lingering wounds perhaps, but mollified, the incident forgotten.

Jankowski and Sauter told me that they were going to Phoenix where about a hundred television critics would gather for an annual meeting arranged by the CBS press department to promote the network's wares. Jankowski said they would tell these critics exactly what we were doing so that the CBS side got to the press directly.

On June 10, Van Gordon Sauter stood before the critics in Phoenix and said: "The eighteen allegations in that [*TV Guide*] article are serious and troublesome. They require a response predicated on an examination of our records and of people, internally and externally, who were involved in the broadcast. . . . What is most troubling to us as a news organization is the allegation relating to the violation of CBS News Standards and improper journalistic techniques."

Sauter said that he and I would be doing the investigation and would

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complete it in about three weeks. Asked by a reporter why anyone should believe what CBS came up with, he replied: "We are going to be thorough, objective and zealous. I trust my own efficacy and I certainly trust Bud Benjamin's [Sauter and most of my colleagues always used my nickname] based on his record and my knowledge of him. We both have a significant vested interest in the ongoing credibility of CBS News, and there is no protective attitude that can stand in the way of that."

Sauter then made a point which seemed odd to me and still does. If the CBS investigation "leads to the conclusion that you're not guilty, then you'd better get some outsider to come in and look at it, too—so they'll say you're not guilty." It made it sound as if they would only believe me if my conclusion was "guilty."

Asked whether *TV Guide* got the story through a leak from a disgruntled CBS employee, Sauter said he didn't know but that "it could have been prompted by leaks from a source who simply cared about good journalism."

Some reporters expressed skepticism about *TV Guide*, whose publisher was Walter Annenberg, former Ambassador to the Court of St. James's, close friend of Presidents Nixon and Reagan. Annenberg's conservative preferences were well known, and he had recently used his magazine to outline his aversion to "adversary and advocacy journalism." This skepticism about Annenberg's influence would recur throughout my investigation in spite of denials by *TV Guide* reporters Kowet and Bedell, and their editors, that the publisher had had any input into the story.

The toughest analysis of the Jankowski-Sauter visit to Phoenix came from Tom Jicha of the Miami *News:* ". . . the charges are too serious and the stakes too high for an extended in-house probe to suffice. The public deserves answers, independently arrived at answers, and it deserves them the day before yesterday. The credibility of all tv documentaries and news magazines, perhaps most especially CBS' blockbuster hit *60 Minutes,* stands to be caught in the fallout of this sordid episode. . . .

Jicha's column concluded: "Sauter defended his probe by saying: 'it really comes down to whether the company trusts me.' I disagree. It comes down to whether the nation trusts CBS."

The aggressive questioning by the reporters might have been expected. Many of those covering television tend to be hostile toward the

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medium—"blow-dries with pancake makeup earning too much money," one veteran reporter called television journalists not long ago. I doubt that any of them were expressing concern that CBS's problems might dampen investigative reporting in their newspapers. They are inclined to view television as "them" and print as "us"—not in the same boat. As Eric Sevareid complained when television was attacked on a press issue and newspapers were standing aloof: "We're both in the same boat, and my end is sinking."

As Sauter wrestled with the case in Phoenix, I was in New York wading through the material. The timing of my investigation, it seemed to me, could not have been more inauspicious. Derelictions by the press—the prestigious and respected press—had been a disquieting part of the news in recent months. *The Washington Post* in 1981 had been jarred by the Janet Cooke scandal. It had been revealed that its story about an eight-year-old heroin addict was a fake, and the paper had to turn back in humiliation a Pulitzer Prize its reporter had won for it. The same year, the *New York Times Magazine* had been stung by a partly plagiarized, partly fabricated story written by a reporter who had described a month-long journey in 1981 with Cambodian guerrillas.

I hoped, fervently hoped, as I worked that weekend in New York, that CBS News was not about to make this a troika.

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# 7

# THE TIP OF THE ICEBERG

During the first week in June of 1982, more and more material descended on our cramped offices at CBS News, much of it sent over by George Crile, producer of the Vietnam program. There were five books of uncut transcripts representing twenty-seven hours of interviews, and we would study these with particular care: How did the film that was used in the program correspond to the film that was shot? Did the excerpts selected accurately reflect what each of these people had said? Had the film been edited fairly in accordance with the applicable CBS News guidelines?

There were also a thick volume, referred to as the Crile White Paper, which was about the size of the telephone book in his hometown of Cleveland. Prolix and resolutely defensive, it was an augury of the cascade of paper that would be a legacy of the Vietnam documentary. It indicated at the outset the unease felt by Crile and Mike Wallace over the *TV Guide* investigation into their work.

The White Paper included a twenty-eight-page single-spaced rebuttal to the "Anatomy of a Smear" article, with transcript excerpts from the interviews with Generals Westmoreland and McChristian and an insistent defense from Crile that he had treated them fairly. There were two letters to the *TV Guide* writers from Crile and Mike Wallace which had expressed concern about the proposed article well before it was scheduled to appear on May 29.



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On March 25, Wallace had written a three-and-a-half-page Dear-Sally letter to Bedell, and on April 9, Crile had followed with an eleven-page, single-spaced, Dear-Sally-and-Don letter. Both Wallace and Crile had urged the writers not to rush to judgment. There were other letters—exchanges between General Westmoreland and Crile, replete with once-secret documents, and several letters from Walt W. Rostow. Wallace had interviewed Rostow for three hours and Crile had chosen to leave all of the interview on the cutting-room floor.

There was also a predictable five-page, single-spaced letter from Reed Irvine, self-appointed watchdog for the conservative press watchers known as Accuracy in Media, requesting time under the Fairness Doctrine to reply to the Crile documentary. Crile had drafted a twelve-page reply, condensed by Bill Leonard to a page and a paragraph turn down.

In addition, Crile had prepared a fourteen-page rebuttal to the critical Westmoreland news conference of January 26, full of handwritten editing revisions and demonstrably written under the guns.

There were generous excerpts from books which Crile believed supported the premise of the broadcast—one from Thomas Powers's book *The Man Who Kept the Secrets: Richard Helms and the CIA*, another from David Halberstam's *The Best and the Brightest*. Crile always referred to them as Pulitzer Prize winners, which indeed they were, but not for the books he was citing. Halberstam, then with the *New York Times*, had won the prize for international reporting from Vietnam in 1964, and Powers, then with United Press International, for national reporting in 1971.

Sam Adams's original *Harper's* article of May 1975 was also enclosed, along with a nine-page, double-spaced article by Col. Gains Hawkins, one of the key on-camera supporters in the broadcast. It was titled "Musings on Vietnam—On a Latter Day."

Throughout the White Paper it was apparent that the producers had anticipated trouble as soon as the broadcast was aired and had been assiduously mounting a defense in depth. In addition, there were documents written well before the documentary was even completed which reflected certain tensions on the part of both the producer and his chief correspondent.

On May 11, 1981, four days before Westmoreland would sit before the cameras in a West Fifty-Ninth Street hotel in New York, Crile had written to Wallace:

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Mike:

We're on for Westmoreland next Saturday morning. I read him the letter yesterday, and he didn't complain about any of our proposed areas of interest. He puzzles me—seems not to be all that bright. . . .

We have certainly covered our asses, technically at least. But I am a bit worried that he just doesn't understand that we are going to be talking to him about American intelligence, military intelligence during the Vietnam war. I just don't want to have him sit down and refuse to answer questions on the grounds that he can't remember certain things and that we hadn't told him what we were up to. So I think I will give him another call later in the week and try to bring him a little further along without hitting him over the head with a sledge hammer.

I've redone the questions. There are now less of them and better focused with comments at front of each section. They're being typed now—will be sent up this morning. Would like to go over them with you when you can.

George

The letter that Crile had read to Westmoreland on the telephone on May 7, as mentioned in his note to Mike Wallace, listed five main points that the interview would cover. The real subject, the controversy between the military and the CIA over military-strength figures, was not listed first but fourth in the letter.

1. Did American intelligence adequately predict the Tet offensive and the nature of the attack? Were those with a need to know adequately alerted? Were we surprised by the scope and timing of the attacks?
2. Was the Tet offensive an American victory or defeat? Why did so many Americans consider it a defeat when most military men claimed it was a major victory? How should we think about this critical event?
3. Did the press present a reliable picture of the enemy we faced and the state of the war?
4. *What about the controversy between CIA and the military over enemy strength estimates?* (Emphasis added)
5. What about the differing views of the enemy and progress in the war as seen by Lyndon Johnson, Dean Rusk, Robert McNamara, Richard Helms, Walt Rostow, and of course General William Westmoreland?

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Why Crile had read the letter to Westmoreland instead of sending it to him in the mail was something I would have to determine. In an earlier phone conversation with Wallace and Crile before consenting to the interview, the general had asked whether this was going to be a "*60 Minutes*-type program." He said Wallace had replied: "Oh, no, it'll be an educational and objective type of program." I would also learn that the afternoon before the interview in New York, Crile had his secretary, Carolyne McDaniel, try to hand-deliver the five-point interview letter to Westmoreland at the Plaza Hotel, but the general had not yet checked in. She left the envelope at the front desk.

Mike Wallace's lengthy, harsh interview with Westmoreland took place on May 15. Present along with the producer, correspondent, and two camera crews were associate producer Joseph Zigman and Grace Diekhaus, a staff producer for CBS News.

Two women, Diekhaus and Judy Crichton, had been co-producers with Crile in his previous efforts. This was the first time he had produced a documentary alone, and he had invited Diekhaus, a close friend and confidant, to be with him for the critical Westmoreland interview. Diekhaus had been his co-producer on his last *CBS Reports*, "Gay Power, Gay Politics." She had been a producer for *60 Minutes* and was now the executive producer of an afternoon spinoff, *Up to the Minute*. After that show folded, she would again be a producer at *60 Minutes*. She had not been assigned to "The Uncounted Enemy"; she was helping Crile on her own; and no one in CBS management knew she was there. She was frequently with him in the editing rooms during the production.

The Westmoreland interview was quintessential Mike Wallace—the questions tough and unrelenting. The camera angle on the general was kept ultra-tight, a closer angle than even *60 Minutes* normally features. "It wasn't just a close-up," an observer said later. "It was a close-up of his pores."

Two exchanges that made the final cut and were in the broadcast typified the scene—the probing Wallace and the beset Westmoreland. In the first, Wallace asked whether dropping the irregulars and self-defense militia from the order of battle was based on political considerations.

WESTMORELAND: No, decidedly not. That—that—
WALLACE: Didn't you make this clear in your August 20th cable?
WESTMORELAND: No, no. Yeah. No.

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WALLACE: I have a copy of your August 20th cable—
WESTMORELAND: Well, sure. Okay, okay. All right, all right.
WALLACE: —spelling out the command position on the self-defense controversy.
WESTMORELAND: Yeah.

Wallace then read excerpts of the cable to him. "We have been projecting an image of success over the recent months . . ." Wallace left out the next three words: "*and properly so*." Also, the August 20 cable was not sent by Westmoreland; it was sent by Gen. Creighton Abrams, second in command. Westmoreland did sign off on it. Wallace then quoted further from the cable, which explained that the self-defense militia had to be removed, "or the newsmen will immediately seize on the point that the enemy force has increased . . . drawing an erroneous and gloomy conclusion."

WESTMORELAND: Well, sure. They would have drawn an erroneous conclusion because it was a non-issue. It was a false issue. It would have totally clouded the—the situation, which would have been detrimental. But the fact is that since it was wrong, since it was not accurate, since it was not sound, would have brought about that impact, yes.

Later, Wallace quoted a question he had asked Col. George Hamscher, a man Westmoreland had never heard of—not a member of his command but with the Defense Intelligence Agency in Hawaii. Wallace had asked the colonel whether he had not sat back in amazement at an intelligence meeting "when you watched this performance of arbitrarily cutting certain numbers out of units?" He asked Westmoreland about that.

WESTMORELAND: I didn't do that.
WALLACE: No, I know you didn't.
WESTMORELAND: I didn't do that.
WALLACE: Well, you—people in your command did.
WESTMORELAND: I didn't do that. Now—
WALLACE: It was on your watch, sir.
WESTMORELAND: —I—well—

As the questions grew tougher, the general grew testier. This retort to Wallace did not make the broadcast:

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WESTMORELAND: See, I happened to be in Vietnam. I don't know where in the heck you were, but I was in Vietnam.

During the interview, sweating under Wallace's barrage, Westmoreland kept licking his lips nervously. Later, he would say that the harsh lights dried them out and it wasn't until his wife acquainted him with "that wax stuff you put on your lips" that he would know how to handle this in the future. He was so innocent about television that he thought this interview was like a live appearance—when Wallace was speaking, his camera would be on and the camera pointed at the general would be off. He was not aware that when you shoot film, both cameras are running all the time, and any lip-licking, perspiration-wiping, and unease are recorded. He would also say that he was upset during the interview when he looked over his shoulder and saw Crile holding up cue cards with questions for Wallace.

When the Westmoreland interview ended, the general stormed out saying he had been "rattlesnaked." He was later asked why, when Mike Wallace unloaded his first broadside, he didn't get up and walk out, giving the audience a protracted view of his backside. The general replied he feared it would have been an admission of guilt, but he came to understand that had he done so, and then blasted CBS for its interviewing technique, the program would have been scrapped.

Three days after the interview, Crile wrote to Wallace:

> Mike:
>
> The interview was a classic. It keeps growing in my mind. I don't think you could have possibly done a better job; I certainly know no one else who could have. It was wonderful having you as our champion.
>
> Now for the reaction. I can't imagine Westie taking this lying down. I'm sure he has already called Danny Graham [Lt. Gen. Daniel Graham, his former intelligence officer] which is fine and to be expected. I think we should call Graham ourselves and line that interview up for you right away.

In Crile's White Paper, the preponderance of material dealt not with what happened before the broadcast but after it. Now *TV Guide* was on the case, and both producer and correspondent were obviously concerned. Two months after the broadcast and two months before the magazine would publish "Anatomy of a Smear," Crile and Wallace both sat for disturbing interviews with Kowet and Bedell.

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It was these interviews that generated the letters from both the producer and his correspondent to the two writers while they were still working on their piece. Wallace's letter to Bedell declared that those who were now criticizing the Vietnam program—"the old boy military network, mainly"—were unwilling "to confront its main thesis: That there was a concerted effort to keep a 'cap' on the enemy order of battle in order to prove 'progress' in the war, and to that end, junior officers were forced to 'cook the books,' to manipulate figures, so as to keep those numbers down."

Wallace mentioned a part of the interview that was troubling him: "Sally, the thrust of your questions last Friday seemed to indicate that you felt we had not done enough to get differing views on what went on . . . that we simply took at face value what was offered by those opposed to Westmoreland et al, and failed to follow up sufficiently. Not so." He said Crile's notes were voluminous and clear on this.

Speaking candidly, Wallace went on: "By no means am I suggesting that we put together the perfect errorless documentary. But little so far presented in your questions to me, nor in George's reports to me on what you have put before him, lead me to believe that the documentary was less than faithful to the facts." He concluded by praising Crile: "not the kind of individual to 'cook' a story to follow some pre-determined line. He's a good, devoted reporter, just as you are. He is an honorable man who produced what he . . . and I . . . genuinely believe was faithful to our understanding of what went on back in 1967 and 1968. And it wasn't pretty."

Crile's letter a week later was more impassioned and much longer. In its eleven pages, it was alternately imploring and sternly resistant. Concerning an interview Kowet had conducted with Col. Gains Hawkins, a key supporting witness, Crile wrote: "Hawkins may not have been totally forthcoming with you, Don, because he was taken aback by what he thought were peculiar questions from you. He even called me afterward to ask if you were indeed a reporter from *TV Guide*. He had an unfortunate experience many years back when Sy Hersh kept calling his wife pretending to be working for military intelligence." (Seymour Hersh, a nationally known investigative reporter, told me that he never made any such calls.)

Under "Some Final Observations," Crile wrote: "You told me that from the standpoint of the story you are working on, that you are not interested in whether the charges made in that documentary are right

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or wrong. I said I couldn't believe you were disinterested in this question. You finally acknowledged, Sally, that you were not convinced that MACV had suppressed evidence of greater enemy numbers. That took my breath away . . . I would urge you to read your own words and see if you feel comfortable that they reflect the kind of probing objectivity that ordinarily accompanies a reporter's consideration of official statements and actions."

In his concluding paragraph, Crile pleaded with the two writers:

> I realize this is an unusual thing to do—writing this kind of letter. I do so because of your reputation for thoroughness and fairness. My concern is that due to what may be certain preconvictions you may rush to judgment and in some instances base your conclusions on incorrect premises. It is your choice, of course, but I still think it would be useful for you to share your central criticisms with Mike and me. All we can do is give our best explanations. If they are unpersuasive, you can leave them on the cutting room floor.

Once the *TV Guide* article appeared, during that fateful May weekend when most of the network brass were courting their affiliates in San Francisco, Crile was back at his typewriter with a fifteen-page, single-spaced rejoinder. He began by stressing "one critical point." The authors had not challenged the central premise of the broadcast, that enemy-strength figures had been intentionally undercounted. The testimony of the military intelligence officers who supported this allegation "has not been challenged. General Westmoreland has personally called several of them and suggested that they might like to make public statements saying their words had been taken out of context. They have refused."

Crile denied he had "turned a deaf ear" toward contrary evidence. "As in any investigative report," he said "there was, of course, an operating thesis." He vigorously denied that his paid consultant, Sam Adams, had been rehearsed, and presented a statement from Adams backing him up. He admitted that he had twice interviewed former CIA man George Allen when he did not like the first interview and had shown Allen interviews of other supporters. "This kind of screening is not standard practice at CBS News," he wrote, "and I should not have done it. . . ."

He insisted he had not thrown soft-ball questions at friendly witnesses while "grilling unfriendly witnesses with prosecutorial zeal." He denied that he had been guilty of unfair or deceptive editing. He said he had interviewed a great number of people beyond those who ap-

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peared in the broadcast. He maintained that he had not deceived General Westmoreland in advance about what his interview would cover.

What Crile had put forth was a point-by-point denial of the charges made by *TV Guide*. It was now up to me to determine who was right.

There were two aspects of the Vietnam broadcast that critics seized upon—the program was out of balance and those supporting its thesis were treated much more kindly than those opposing it. The lineup of those who appeared on camera broke down this way:

| *Supporting Adams Thesis* | *Opposed* |
|---|---|
| Sam Adams | Gen. William Westmoreland |
| Col. Gains Hawkins | Lt. Gen. Daniel Graham |
| Maj. Gen. Joseph McChristian | |
| Lt. Richard McArthur | |
| George Allen | |
| Col. George Hamscher | |
| Col. Russell Cooley | |
| Joseph Hovey | |
| Cdr. James Meacham | |

This amounted to a nine-to-two equation—eight supporters for Adams and one for Westmoreland. And General Graham, the lone Westmoreland supporter, was given exactly twenty-one seconds on screen. In total, Westmoreland and Graham spoke for five minutes and fifty-nine seconds in the broadcast. Adams and his eight supporters spoke for nineteen minutes and nineteen seconds.

While no producer is expected to weigh the two sides on a scale and come up with a precise balance, a fundamental question had to be asked about the Vietnam broadcast: Was there fairness and balance, the essence of the CBS News Standards, in terms of people or time on camera?

After his interview, and understandably still bruised by it, General Westmoreland wrote to Wallace and Crile on June 9, 1981:

> If it is your purpose to be fair and objective during your quest which I assume you intend to be, I suggest that you interview:
>
> Ambassador Ellsworth Bunker

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Mr. Robert Komer
Lt. Gen. Daniel Graham
General Walter Kerwin, Jr.
Mr. George Carver, (former CIA) and
Mr. William E. Colby.

Westmoreland also suggested "a colonel who was associated with Col. Hawkins whose name I believe was Morris." He was referring to Col. Charles A. Morris, a MACV intelligence officer. From the above list, only one man, General Graham, found his way on camera.

As I began to read through the transcripts, the contrast in tone between the interviews conducted with Generals Westmoreland and Graham and LBJ's special assistant, Walt W. Rostow, on the one hand, and those supporting the Adams-Crile position on the other, became more and more pronounced. The hostile witnesses were questioned by Mike Wallace, perhaps the most able and certainly the most tenacious interviewer in television. Sam Adams was also interviewed by Wallace, but his eight supporters were questioned by George Crile and the difference was striking. Instead of the vigorous interrogations that Westmoreland, Graham, and Rostow sat through, the approach was friendly and supportive, more like prompting than like journalism.

In my report, I would characterize the two kinds of interviews as Harsh and Coddling.

## HARSH

**Gen. William C. Westmoreland,** *Commander, U.S. Military Assistance Command Vietnam, 1964–68*

We have seen some of the stern questions which Mike Wallace asked the general and which were used in the program. There were others that wound up in the outtakes which further reflected the spirit of the interview.

In one case, Wallace brought up Maj. Gen. Joseph McChristian, MACV's intelligence chief, a fellow West Pointer whom Westmoreland had praised. Wallace asked Westmoreland about differences between him and McChristian about removing the self-defense militia from the order of battle.

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WESTMORELAND: I don't remember everything that I talked to Joe McChristian about. If he has a vendetta because he didn't get promoted, well, I'm sorry. But that seems to be the case. These village defenders had no offensive combat capability, and neither did the defenders of the Vietnamese. This is a non-issue, Mike. I made the decision. It was my responsibility. I don't regret making it. I stand by it. And the facts prove that I was right. Now let's stop it.

Later, Wallace pursued the matter of enemy troop strength, suggesting that the Viet Cong may have had as many as half a million men. Then he got to the key premise of the broadcast. If that were so, he went on, "you were going to be in trouble. You couldn't ask for more troops, therefore you couldn't let the enemy be perceived as larger."

WESTMORELAND: Well, that is absolutely fallacious. It has no validity whatsoever. I'm absolutely amazed that you would come out with a statement like that.

WALLACE: It's not a statement; it's a question.

Perhaps the most hostile question in the interview came during an exchange about Tet. Wallace brought up Sam Adams. He said he had told Adams this: Westmoreland has called Tet a great military victory and said it proved that his command had really overestimated, not undercounted, the enemy. Then he quoted Adams's reply:

WALLACE: He still thinks you're nuts, Adams. He still thinks that you're dead wrong. Were and remain dead wrong. Forgive me, sir, for what I'm about to say. Adams said, he's a liar. I know so much now about what General Westmoreland has done behind the scenes that I know General Westmoreland is lying. . . .

WESTMORELAND: . . . I never saw Adams in my life. Adams made his pitch to the authorities in the CIA. They shot him down. They did not agree with his pitch. Where Adams is I don't know now. I never met the man. He's never met me to the best of my knowledge. He is in no position to make a statement of that type, and he is absolutely dead wrong.

What the interview succeeded in doing was to put Westmoreland on the defensive and confuse him. He declared angrily that he had not prepared himself for this kind of an interview, dealing with events and

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decisions that happened fifteen years before. "I can't remember figures like that," he told Wallace at one point. "You've done some research. I haven't done any research. I'm just reflecting on my memory."

**Lt. Gen. Daniel Graham,** *Chief of Current Intelligence and Estimates Division, Vietnam 1967–68*

At the Westmoreland news conference General Graham accused Crile and Wallace of breaking their word to him. "When Mr. Wallace asked me for an interview," Graham said, "I said I would do so on one condition—that I be allowed to state the facts, which he could check out easily, that the size of the enemy attacking force in the all-out Tet offensive was under 100,000 and this made MACV's estimate of 285,000 look a lot better than Adams's estimate of 600,000. That he, Wallace, would leave that in my interview after editing. He agreed to do so, but he did not honor that agreement."

Both Crile and Wallace denied that they made any such agreement. They conceded that they had promised to ask the question but had never said they would use the answer. Roger Colloff later wrote to Graham: "both Mr. Wallace and Mr. Crile indicate firmly that *no* assurance was given that this subject would be included in the final broadcast. Such an assurance would have been contrary to CBS News Standards."

The question was the first posed to Graham in his interview. "All right, the point you wanted to make about Tet. Why don't you make it right off the top?"

Graham replied that if only 84,000 of the enemy attacked at Tet, then his strength figure of 296,000 was not too low but too high. If the enemy had a larger force—the kind of numbers Adams and his supporters were pushing for—they would have thrown many more men into the Tet Offensive.

The remainder of the interview was much more pointed and occasionally acerbic. Graham lashed out at Sam Adams, who had obviously been his *bête noire* for a long time. "He tried to get me court-martialed . . . I think he's got a hangup that verges on a mental problem over people refusing to accept his number at the time of the Tet Offensive. I think it's a mental problem."

Wallace minced no words in dealing with the general. "Honesty is what we're talking about; not that you set out to lie. Some of your former officers who compiled this report, this very report for you, say it's an

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unreliable report. They say in effect, you, MACV's intelligence chiefs, had begun dictating to them what the strength estimates were going to be, and that it was left to them to manipulate the evidence to fit the figure."

WALLACE: It's your report.

GRAHAM: No that's not my report.

WALLACE: It's your estimate. Take a look at it.

GRAHAM: No, it isn't. No, that's not an estimate. That's so bloody precise. That's no estimate.

Graham insisted that the military had "guys all over the districts trying to find out how many guerillas there were. That is better than a guy sitting in Washington looking at old captured documents. The military estimates were the best."

Adams extrapolated, he said, and he was wrong.

None of this made the final broadcast. Only two extracts from Graham's lengthy interview found their way on the air. The first extract, or sound bite, dealt with an allegation that he had blocked infiltration estimates from going through.

GRAHAM: I never blocked any reports.

WALLACE: Who did?

GRAHAM: Nobody that I know of blocked any reports. If anybody had blocked information going forward, it would have been me. But I never blocked any information going forward. I'm not that dumb.

The second charge by an intelligence officer was that Graham had ordered that the staff's computer data base be altered.

GRAHAM: Oh, for crying out loud. I never asked anybody to wipe out the computer's memory. I don't know what he—I honestly haven't got an idea what he's talking about.

That was it for General Graham. He got twenty-one seconds to issue two denials—suppressing enemy-strength estimates, altering the computer data.

**Walt W. Rostow,** *Special Assistant to President Lyndon B. Johnson, 1966–69*

Rostow, who was interviewed by Mike Wallace for three hours—none of which was used—tried hard to convince the correspondent that the White House knew all about the numbers argument and that this

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dispute was not critical to the kinds of decisions that had to be made. "This tortured debate about order of battle and whether it was manipulated," Rostow said, "should not be confused with the range of information on which President Johnson made his assessments—before Tet, during Tet and after Tet."

Rostow and Wallace knew each other and there was some banter midway in the interview:

ROSTOW: Now, Mike, let me remind you what the history is, which you know as well as I do.

WALLACE: Not as well as you do. Don't patronize me, you son of a bitch. Go ahead. (CHUCKLE)

ROSTOW: All right. No, you do. You've worked hard on this and much more freshly than I have.

Beyond that, it was hardly a light-hearted interview. Wallace kept pressing Rostow about the order of battle and the "cooking of the books," Rostow kept insisting Wallace had his history wrong.

ROSTOW: Now there you are wrong. He [LBJ] absorbed all of this intelligence.

WALLACE: This intelligence didn't come to him.

ROSTOW: You're quite wrong. It did get . . . You're wrong, Mike. Don't keep saying things that are not so.

ROSTOW: Now, let me just . . . No, you've really got to take this seriously because you're going to do great damage to the country, and you're going to get it wrong.

WALLACE: You're a historian.

ROSTOW: Yes, sir.

WALLACE: History is owed an explanation for this. Why this effort has been made to cook the figures?

ROSTOW: The . . . if . . . Mike, you . . . you know, you've got to get to the bottom of this. You've got to listen to all sides.

## CODDLING

The attitude toward the friendly witnesses, who supported the Adams thesis that George Crile had adopted as the linchpin for his documentary, was nowhere more apparent than in the double interview

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of George Allen, the senior CIA official in Vietnam. Allen was interviewed in New York on May 26, and when Crile found the result disappointing he was interviewed again on June 29.

Allen, one of the most respected intelligence figures of the war, had spent more than fifteen years studying the conflict in Vietnam. His interviews were filmed in different locations but Allen was asked to wear the same suit, which would have made it possible to intercut the two sessions although this was not done. What was used in the program all came from the second interview. The questions asked in the two were virtually identical.

The double interview was a violation of CBS News Standards, which explicitly state: "Interviews which are not spontaneous and unrehearsed are prohibited unless specifically approved by the President of CND [CBS News Division]." It was implicit that a second interview could be neither. Furthermore, before the second interview Allen was shown excerpts from interviews with Gen. Joseph McChristian, Col. Gains Hawkins, and CIA analyst Joseph Hovey, all supporters of the program's premise. No one from the opposing side, Westmoreland, Graham, or Rostow, was afforded an opportunity to see other interviews. Sam Adams was at Crile's side when he interviewed George Allen, Col. Gains Hawkins, Col. Russell Cooley, Col. George Hamscher, Cdr. James Meacham, and the CIA's Joseph Hovey.

In his White Paper, Crile took issue with the *TV Guide* charge that sympathetic witnesses had received preferential treatment. "This totally misrepresents the character of those interviewed and the nature of the questions put to them," he wrote. "None of the military officers . . . were eager to grant interviews. All of them would have preferred to let this chapter in their lives remain buried. Invariably it was an agonizing experience for them to have to admit to being part of a process that they believed to be dishonest and against the best interest of their country."

How Crile went about getting the information he wanted is shown in the following excerpts:

Sam Adams, *Former CIA analyst, Vietnamese affairs, 1966–70*

Mike Wallace's interview with Adams was fairly straightforward, with some pressing questions at the end about his preoccupations and possible obsessions. It was a far cry, however, from the severe questioning given to General Westmoreland.

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WALLACE: You know, this sounds almost too pat, Mr. Adams.
ADAMS: Yeah, okay.

WALLACE: Wait. Okay. Come back to that question I asked a little while ago in which I said, you know, Sam Adams is there. He's Paul Revere. He's the only man who knows all of this.
ADAMS: Yeah.

ADAMS: I'm not doing this very well.
WALLACE: Oh, no. No. No. You were perfect. Don't say that. You're doing it just right.
ADAMS: Okay.
WALLACE: Keep it up. Pick it up. Go.
ADAMS: Okay. I was getting confused. Now . . .

WALLACE: Sweet shit. You—what happened to your career? What happened to your career at CIA?

WALLACE: This is perfect. All right. This is going to be good. That's really what you want.
ADAMS: Okay.

WALLACE: Why is this such a preoccupation of yours, almost a mania to get to the bottom of it?
ADAMS: I suppose because it was, you know, I figured I had this big thing going. I felt very strong about it, and—
WALLACE: It's an obsession with you.
ADAMS: An obsession with me? That's a strong word, but I suppose you could say that's a case, but it's a hell of an interesting subject. I mean, if you got to be obsessed, it's not a small obsession.

**George Allen,** *Senior CIA officer in Vietnam, 1964–66. (Allen was with Army intelligence from 1949–61; with the Defense Intelligence Agency, 1961–63; and with the CIA, 1963–79.)*

*First Interview*

At both Allen interviews, Sam Adams was present. From time to time, Allen turned to him for help.

CRILE: George—let me—don't worry about it. I know exactly what you're doing as I recall the way you told it first . . .

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CRILE: George, if you were George Orwell trying to give a sense of how we went about thinking about the enemy in Vietnam, how would you characterize the use of language and the thinking that went into our intelligence reporting?

ALLEN: I'm not sure what you have in mind, George.

CRILE: George, would you please help your old protege, Sam Adams, here in some way?

CRILE: All right. Then what happens to his findings?

ALLEN: What happened, Sam?

CRILE: I don't mean to pin you down, George.

CRILE: If you can't answer this one, it's fine. We just go on to the next one, but I really would love some insight into the dimensions of the problem.

CRILE: It strikes me that you were in a reasonably peculiar position here. George Allen, the . . . perhaps the government's greatest expert on Vietnam.

CRILE: Well, I'll quote you. The real reason the numbers were such a big deal is that once you questioned overall strength estimates, you are challenging the premise of U.S. involvement.

ALLEN: Did I say that?

CRILE: You did, but you can take it back.

ALLEN: No, that's pretty good. I must have . . . I was only drinking beer that day, too.

CRILE: Make it simpler, George.

ALLEN: I'd like to make it simple.

CRILE: Not simple, simpler.

ALLEN: Simpler. I'm just grasping here for a simple expression.

CRILE: Come to the defense of your old protege, Sam Adams.

*Second Interview*

CRILE: We're going to keep going at this until we get it right.

CRILE: There was more to it than that as you have explained it. Remember?

ALLEN: No I don't remember. Refresh me.

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CRILE: I'll refresh you.

ALLEN: Is it really kosher to go over this?
CRILE: Oh, this is what we do.

CRILE: George, if you . . . keep your enthusiasm, you're on the right side.
ALLEN: It's getting late. (BACKGROUND LAUGHTER)

ALLEN: This isn't good either.
CRILE: It's beautiful. It's wonderful.

CRILE: We've done it before but tell me. Why was it the most difficult assignment you ever had?
ALLEN: I'm sorry, George. I don't know what you want me to say. I don't know what you're expecting me to say.

ALLEN: Oh, George, I still don't have an answer for that one.
CRILE: Is there an answer for it? Paint the best face on it you can.
ALLEN: I'm going to have to come up for another interview, George. (LAUGHTER) . . . I've got to think about that. That's where you lost me last time.

**Maj. Gen. Joseph McChristian,** *Chief of Intelligence, Vietnam, 1966–67*

In the interview, McChristian decried attempts to falsify intelligence reporting. Crile followed this with a statement that established the tone for their exchange.

CRILE: The reason we are interviewing you, sir, is because you represent a different tradition than the one that is being alluded to. And I'd like just to read to you part of a letter from Gains Hawkins, who is your old order of battle chief. And this is him writing about you. He says, "General McChristian is your . . ." and you'll have to pardon Gains Hawkins because he may be engaged in hyperbole here, but forgive him. He says, "General McChristian is your white knight serene, impeccable and untouchable."

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**Col. Gains Hawkins,** *Chief, Order of Battle Section, MACV, 1966–67*

The interview with Colonel Hawkins was equally friendly and supportive.

CRILE: Could I help?

HAWKINS: Yes.

CRILE: When you talked to Sam Adams a few years back, you described it this way.

HAWKINS: He expressed concern with the impact of these new figures being so much higher than the figures we had carried in the order of battle. I hate to—

CRILE: No, that's fine.

HAWKINS: —to put words in a man's mouth.

CRILE: Let me not, let me not. But the way I said it was approximately the way you remember it?

HAWKINS: Yes.

**Col. George Hamscher,** *Intelligence staff officer, Commander in Chief Pacific, Hawaii, 1966–67*

Colonel Hamscher attended an intelligence meeting at the Pentagon that wrestled with the order-of-battle question. He was based in Hawaii and was not part of Westmoreland's command. He referred to his junior status at this meeting; he was then a "light colonel . . . an elbow man . . . not a moving force." He told Crile he was just monitoring the events—sitting on the sidelines—but was "aghast" at the manipulation of enemy-strength numbers.

HAMSCHER: This isn't how it ought to be done, this is how you are taught it should be done. On the other hand, when you have spent maybe a quarter of a century in the Army—

CRILE: C'mon, sure. Don't pull away from that.

HAMSCHER: There is no real moral issue involved as you see it at the time. You do what you are told. At least, I do.

CRILE: C'mon, go back to who you are. You represent something when you are a colonel in the Army at time of war. You have some set of values. You are sitting in the Pentagon. Isn't it right next to the Joint Chiefs of Staff, that room?

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HAMSCHER: I don't remember honestly. There are a lot of small rooms in the Pentagon.

None of this made the program. In the broadcast, Crile sought to get Hamscher to say that the Pentagon meeting was engaged in faking intelligence estimates. Hamscher held back from that.

HAMSCHER: That's your characterization, and that's too strong for me. My misgiving was that we were faking it. There was manipulation, yeah.

### Joseph Hovey, *CIA analyst in Vietnam, 1965–68*

Hovey was a young intelligence analyst in Vietnam. According to the program, he had predicted the Tet Offensive.

CRILE: You are 28 . . . you're probably the man in Vietnam who knows as much about the Viet Cong as any other American. The CIA analyst watching them . . .

CRILE: Well, you must be something of a hero at this point. You've predicted the biggest event of the Vietnam war.

HOVEY: Well, I don't know if hero is the right word. But I feel that I did the job I was sent there to do. I—

CRILE: Well, let's just think back in terms of what happened to you and your career. You had authored an extraordinarily predictive intelligence report. It's like having predicted Pearl Harbor.

HOVEY: Okay.

### Cdr. James Meacham, *Senior Intelligence Officer, MACV, 1967–68*

Commander Meacham, now military editor of *The Economist*, was interviewed by Crile with Adams assisting in London on March 2, 1981. The thrust of the interview involved a series of letters Meacham had written to his wife during the war, letters highly critical of American intelligence operations in Vietnam. Alone among the friendly witnesses, Meacham resisted many of Crile's questions and was a difficult interview.

CRILE: (referring to letters to his wife): They're your words. "Lying." In other words, we will lie. "We're mesmerized in our lies. Some day it will come out." (Later) . . . they're about lying. They're your words.

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MEACHAM: Well—well, I mean—so what? What do you want me to say about them?

CRILE: Well, I was trying to have you put some light on it.

MEACHAM: Well, I'm not sure I can. I mean we've been over this several times . . .

CRILE: . . . you wrote that [letter to his wife].

MEACHAM: Well, so what?

CRILE: So aren't you saying that you were manipulating figures to come out with preconceived notions as to what the estimate should be? Faking intelligence?

MEACHAM: No, no. I'm not saying that at all.

CRILE: You say, anyhow: "We are winning the war and now I can prove it, having received sufficient, adequate guidance from my leaders."

MEACHAM: Well, we certainly weren't faking any intelligence. Nobody that I have any connection with ever faked any intelligence.

CRILE: Well, please—please help me, because it's not a mystery.

MEACHAM: I mean, you're trying to get me to say that we all falsified intelligence. I'm not going to say it because we—I don't have any sense of having done that.

CRILE: What do you have a sense of having done?

MEACHAM: I don't know how to answer.

CRILE: Are you proud of your performance, of MACV's performance?

MEACHAM: Well, of course not. But I mean—I don't see the connection.

CRILE: Do you understand that the—I mean, what Sam and I are both trying to say right now?

MEACHAM: I understand perfectly well what you're trying to say.

CRILE: And . . .?

MEACHAM: I don't agree with it.

CRILE: Well not—not that—agree with it. It's a question of whether there isn't some way to reach a—Well, I would love to have you present this history with some perspective which would be—

MEACHAM: Well, I've done the best I can do. I'm sorry that it's not satisfactory to you.

The double standard that a reading of the transcripts demonstrated,

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the harsh treatment of some, the coddling of others, was hardly reassuring. My next task would be to see how fairly the material had been edited.

Toby Wertheim persuaded me that we needed additional research help, and I was able to add Barbara Pierce to the staff. A calm and measured woman, who had worked in print before coming to CBS News, she was exactly right for the assignment—close-mouthed and energetic. My staff now consisted of three: Wertheim, Pierce, and Shari Lampert as research assistant. Lampert, genial and industrious, had worked with me when I was vice president of news. She would help with the research and run the office.

I began to worry about leaks and called a staff meeting, the first and last we would have. All of us knew that CBS News was a human sieve; it sustained TV gossip columnists all over the country. I cautioned that we must be ultra-discreet. In what had to be a first, there would not be a single disclosure during our six-week examination. Our investigation might or might not prove to be important, but the fact that nothing ever leaked would be historic.

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# 8

# A MATTER OF STANDARDS

If one were to search for an inflammatory word, a spectacularly inflammatory word, it might well be "conspiracy." It was a word that the Vietnam documentary used only once (interestingly enough, just as it had been used only once in Sam Adams's 1975 *Harper's* article, not in its text but as a subhead). In the CBS program, it was used in the so-called tease, the introduction to the broadcast.

Inevitably, the word "conspiracy" was going to be a critical issue in assessing the program, and I addressed it in the most direct fashion available. I looked it up in several dictionaries:

> **conspiracy** [*Webster's Third New International Dictionary*]: 1**a:** An illegal, treasonable, or treacherous plan to harm or destroy another person, group, or entity. . . . **2:** a combination of persons banded secretly together and resolved to accomplish an evil or unlawful end. . . .
>
> **conspiracy law** [*Random House Dictionary of the English Language*]: An agreement by two or more persons to commit a crime, fraud, or other wrongful act. . . .

In the *TV Guide* article, Crile had been quoted as saying: "Conspiracy . . . was a characterization which we agreed to use in the script at the very end, after reviewing everything in the show." In his White Paper, Crile went on:

> My thinking and I think everyone else's was quite simple. Evidence was



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> systematically suppressed, reports altered and blocked, officers instructed to argue for estimates they knew to be indefensible. These actions were carried out in order to conform to a command position which called for indefensibly low estimates of enemy strength. It was not a single act; it was a series of actions, often calling for a great deal of coordination and boldness. It took place over a number of months involving a large number of intelligence officers. The word conspiracy is strong, but we could not figure out what other word described the activities that we had documented. I still cannot.

Roger Colloff would later write to Van Gordon Sauter that "conspiracy" was not a word that he and other executives had taken lightly. They, too, had turned to a dictionary, *Webster's New World*, which carried these definitions:

> 1: a planning and acting together secretly, especially for an unlawful or harmful purpose, such as murder or treason 2: the plan agreed on; plot 3: the group taking part in such a plan 4: a combining or working together.

According to Colloff, "we agreed that the use of the word 'conspiracy,' while tough, was warranted by the facts presented by the broadcast and the underlying research." He said this was accepted by those who were at the screenings: George Crile, Howard Stringer, Andrew Lack, Mike Wallace, Margery Baker (a CBS News vice president), and Bill Leonard.

In defending the use of the word "conspiracy," Roger Colloff would quote Wallace's critical phrase from the broadcast with a truncated dictionary definition: that a conspiracy ("a planning and acting together secretly") existed at the highest levels of American military intelligence. Missing from his parentheses was the rest of the dictionary's definition—"especially for an unlawful or harmful purpose, such as murder or treason." I did not find this persuasive.

The word "conspiracy" should have come as no surprise to any of George Crile's superiors at CBS News. On November 24, 1980, fourteen months before his program would be broadcast, Crile submitted to management what is known as a Blue Sheet, a proposal for the documentary he wanted to make. Producers routinely send these not only to outline but to protect their ideas; if two producers come up with the same idea, it is usually first in, first out. Crile's Blue Sheet was unusual: it ran for sixteen single-spaced pages. Most producers find a single page, or at most two pages, sufficient. In Crile's lengthy proposal, the word "con-

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spiracy" was used twenty-four times and the word "conspirator" five times. The finished program would indeed parallel what Crile had promised in the Blue Sheet, and when criticism began to mount he would point this out in a June 1982 memorandum to his correspondent, Mike Wallace:

> Throughout that Blue Sheet were references to "conspiracy." . . . As Bill Leonard said: "these things either happened or they didn't; if they happened it was a very important story and we should run it." My commission was to go out *with* Adams and prove on film that these people would testify to what Adams told us they had told him. So I did. And CBS News with its eyes wide open, looked at the interviews, decided to commission the documentary, hire Adams and sent us on our way to complete the work as spelled out in the Blue Sheet. The documentary they got is the documentary they commissioned.

Management did not give Crile a full-fledged approval. Instead, they told him to go out and present evidence on film, rather than on paper, to support his proposal. They authorized a conditional budget of $25,000 and told him to film some of the former military officers and CIA men who, he maintained, supported the Adams-Crile thesis. He interviewed Col. George Hamscher, Lt. Richard McArthur, Col. Gains Hawkins, Maj. Gen. Joseph McChristian, Cdr. James Meacham, and Joseph Hovey of the CIA. A Mike Wallace interview with Marshall Lynn, a CIA analyst, was scrubbed.

It was after seeing excerpts of the filmed interviews, excerpts carefully selected by Crile, that CBS News gave the producer a firm go-ahead. For the first time, he would be the sole producer of a major documentary. He was given a budget of a quarter of a million dollars to complete the program.

One aspect of the program puzzled me. Why had Crile not made reference in his script, however briefly, to the final report of the House Select Committee on Intelligence that was issued in 1976? The committee, known as the Pike Committee after its chairman Otis Pike, said some things that would have fortified Crile's case considerably.

Although the committee could not help him much on conspiracy (as mentioned, it had said that whether or not there was a conspiracy was irrelevant), it had some other things to say that would have been useful. It accused Westmoreland's command of creating "false perceptions" of enemy strength that gave policymakers "a degraded image of

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the enemy." It cited "pressure from policymaking officials to produce positive intelligence indicators." It said the Vietnam "numbers game" prevented "perhaps the President, and certainly members of Congress, from judging the real changes in Vietnam over time." On the dropping from the order of battle of the enemy's Self-Defense and Secret Self-Defense forces, the S.D. and S.S.D. irregulars—who, Westmoreland said, were made up of black-pajamaed men, women, and children with no capacity to fight—the Pike Committee said: "As foot soldiers realized at the time, and as different studies by the Army surgeon general confirm, the destructiveness of mines and booby traps, which irregular forces set out, was increasingly responsible for American losses."

I considered writing in my report that by not using any of the arsenal available in Pike, the program had missed a great opportunity to counter its critics. One paragraph of narration by Mike Wallace quoting from the report would have helped. I decided to resist the temptation. My mandate was not to assume the role of producer but to analyze where the program might have gone wrong. I had already determined that there was a strong disparity in the way opponents of the thesis and those friendly to it had been treated.

The next question was: How was the material itself handled? Had it been edited fairly, in accordance with the standards CBS News had established over the years? Here again, my staff and I were in for some surprises.

One of the great advantages that print journalism has over television is the ellipsis, a mark or marks such as —, . . . , or *** to indicate the elimination or suppression of words or phrases. When a reader comes across a paragraph with one of these symbols, he assumes there has been a jump in what the person quoted has said.

For example, a newspaper might quote Mr. Jones as saying: "My position on protecting the tankers in the Gulf has not changed. . . . It is the right policy and I support it."

To save space, the reporter used four dots to shorten the quote. Mr. Jones had said more in his interview, and what the dots eliminated was: "Most Americans may not have heard of Kuwait, Bahrain, Qatar, or the United Arab Emirates, but they are vital to our national interests." The reporter decided that was excess verbiage and the four dots took care of that.

Television has no such ellipsis. When a jump is required in an

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answer, the usual technique is to cut away to a listening shot of the interviewer while the subject continues his reply. (In a one-camera interview, the listening shot is usually made after the interview is over, sometimes after the subject has left the room.) To the viewer, the uninterrupted answer, punctuated only by a listening shot of the reporter, plays as a single, direct reply. The listener is unaware that a cut has been made.

Some fitful attempts have been made to clarify this confusion—a fast dissolve of the picture of the subject may indicate to some there has been a passage of time, but this device is infrequently used. Another device, much clearer, is to have the reporter record a narration line: "He would also say . . ." which is inserted between two disparate answers. To this day the ellipsis is a problem that troubles television news producers.

The core of the predicament is that reporters are not stenographers. Their job is not to present an unevaluated transcript of what a person says; if they did, newspapers would read like the *Congressional Record*. Reporters fling a wide net, select the most pertinent statements, and compress these into a coherent story. Their job is to illuminate with precision and fairness. The raw data goes into the reporter's notebook; the finished abridgment goes into the newspaper.

In television, the extract used of what a person says is called a sound bite; the unused portion is an outtake. The print press and television over the years have fought hard in the courts and in Congress to keep reporters' notebooks and outtakes privileged, generally with success.

A landmark example was the refusal of CBS President Frank Stanton in 1971 to turn over to a House committee outtakes from an explosive documentary, "The Selling of the Pentagon." The sanctity of outtakes was threatened again in 1979 when the Supreme Court ruled in *Herbert* vs. *Lando*, a case involving a Mike Wallace report on *60 Minutes*, that outtakes were necessary to determine a reporter's "state of mind." Today, newspapers and television continue to oppose attempts by judges and legislators to get into their notebooks or outtakes.

The filmed interviews conducted for the Vietnam program ran for a sprawling twenty-seven hours. When cut down by Crile, they totaled twenty-five minutes and eighteen seconds. This was a ratio of more than fifty to one, which might seem profligate and excessive but really was not all that unusual. In television, the greatest eater of film is the interview. It would not be a question of length or overkill that would be

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a consideration in my examination but whether the material had been selected and used fairly.

Fairness can never be completely codified; it is something that resides in a producer's mindset and heart, perhaps even in his genes. Over the years, the CBS News Standards had tried to help. It is a document prepared by management, evolutionary in that many of its clauses could be traced directly to past transgressions. Whenever the network got into serious trouble over a practice that had developed, a clause or section would be added to the Standards proscribing it in the future.

A good example was "The Selling of the Pentagon." In that otherwise excellent broadcast, Roger Mudd had interviewed Assistant Secretary of Defense Daniel Z. Henkin. Answers to different questions were edited together into a single uninterrupted reply. To the viewer it appeared to be one question, one answer. Henkin complained that he had been edited unfairly and the Standards address this directly:

> If the answer to an interview question, as that answer appears in the broadcast, is derived, in part or in whole, from the answers to other questions, the broadcast will so indicate, either in lead-in narration, bridging narration lines during the interview, or appropriate audio lines.

In the Vietnam program, I would find that this provision had been violated continually. Two Westmoreland answers to two separate questions were edited into one answer, as were three George Allen answers, two Sam Adams answers, and three Richard McArthur answers. None did violence to what these people said, but they were still violations of the guidelines.

I would have more serious problems with Crile's editing decisions during the production, which I felt distorted some of the interviews that had been filmed.

In one case, accounts of two separate meetings about enemy-strength estimates were cut together so that they appeared to be one meeting. Both meetings were in Saigon, the first in April of 1967; the second in August of the same year.
Present at the first meeting were:

General Westmoreland.
Maj. Gen Joseph McChristian, intelligence chief.
Col. Gains Hawkins, order-of-battle expert.

Present at the second meeting were:

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General Westmoreland.
Ambassador Robert Komer, LBJ's special envoy.
Colonel Hawkins.

The pattern Crile used in editing this sequence was: first meeting; straight cut to the second meeting; straight cut back to the first meeting. The distortion was this: Westmoreland began talking about an April meeting; Hawkins's response was about an August meeting; and McChristian followed him talking about the April meeting again. When you read the following excerpt, you will see how the sequence played out. Remember it goes: first meeting, second meeting (in italics), back to first meeting, and it all ran in one uninterrupted block.

WESTMORELAND: I do recall a session with Hawkins, yes, but I was very suspicious of this particular estimate. And the reason was, you come to a shade of grey. You get down to the hamlet level, and you've got teenagers and you got old men who can be armed and can be useful to the enemy and who are technically Viet Cong—

WALLACE: Right.

WESTMORELAND: —but they don't have any military capability of consequence.

HAWKINS: *There was no mistaking the message.*

CRILE: *Which was?*

HAWKINS: *That there was a great concern about the impact of these figures, that—they're being higher.*

CRILE: *They didn't want higher numbers.*

HAWKINS: *That was the message.*

WALLACE: This is the way General McChristian remembers Westmoreland's reaction to the briefing.

MCCHRISTIAN: And when General Westmoreland saw the large increase in figures we had developed, he was quite disturbed by it. And by [the] time I left his office, I had the definite impression that he felt if he sent those figures back to Washington at that time, it would create a political bombshell.

Later in the broadcast, this happened again—separate meetings cut together so they appeared to be one meeting. The first meeting was a National Intelligence Estimate meeting at the Pentagon in August of 1967. Westmoreland was not there. The second, chaired by Westmoreland, was a meeting in Saigon in September of 1967.

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The sequence began with Col. George Hamscher, the officer from Hawaii, talking about the Pentagon meeting. Then via a straight cut to Westmoreland talking at a totally different meeting in Saigon (italics). Then back to Hamscher still talking about the Pentagon meeting.

HAMSCHER: It was a lousy strength estimation. It was shoddy. But we did it.

WESTMORELAND: *Now, who actually did the cutting? I don't know. It could have been my—my chief of staff. I don't know. But I didn't get involved in this personally.*

HAMSCHER: This boils down to another one of the uncomfortable little jobs that you do for your commander. And these vary in degree.

To the viewer, it all played as one meeting. Westmoreland, as edited, was put in the context of talking about a meeting he did not attend in a colloquy with an officer, Hamscher, he had never met.

There was more selective editing in a section dealing with President Johnson. Wallace asked Westmoreland whether LBJ was "a difficult man to feed bad news about the war." Crile cut a critical portion of the general's answer. As it played in the broadcast, the viewer had to assume that LBJ hated bad news and the Saigon command spared him from a lot of it. But that was not what Westmoreland said. His full answer follows; only the boldface portions were used.

WESTMORELAND: **Well, Mike, you know as well as I do that people in senior positions love good news, and they don't like bad news, and after all, it's well recognized that supreme politicians or leaders in countries are inclined to shoot the messenger that brings bad news. Certainly he wanted bad news like a hole in the head.** He welcomed good news. But he was given both the good and the bad, but he was inclined to accentuate the positive.

Later in the interview, Westmoreland was even more cogent in describing what was sent to the President. This exchange was not used in the final broadcast.

WALLACE: You told me the President didn't want to hear bad news.

WESTMORELAND: Well, who does? But that doesn't mean we didn't give him bad news. We did give him bad news.

The Vietnam program maintained that the enemy count in the war

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was seriously skewed in 1967 when the Viet Cong irregulars—the old men, women, and children in their black pajamas—were eliminated from MACV's order of battle. Sam Adams and his supporters pointed out that this seemingly insignificant force was hardly benign. They set mines and *punji* sticks, razor-sharp bamboo spikes, tipped with human excrement, which they would camouflage on trails and in the jungle. The stakes could pierce a military boot, wounding and causing infections, and they resulted in many American casualties. Estimates of the size of this force, the so-called Self-Defense and Secret Self-Defense, ranged from 100,000 to 200,000. Westmoreland's position was that these people had no real military capability. Furthermore, since we did not count the old men, women, and children on our side, why should we count them on the enemy side?

Nine times in his interview with Wallace, the general said this as forcefully as he could. Some sample quotes leave little doubt about the point he was trying to make:

> . . . if you're going to do that [count the enemy irregulars] you have to have the counterpart group with the Government of Vietnam troops, which we never included. They had no military competence. . . .
>
> In order to include a lot of teenagers and old men, village defenders who could prepare *punji* stakes in the enemy order of battle, we had to also include the counterpart in the order of battle of the South Vietnamese. The fact is that these village defenders had a minimum to do with the outcome of the war. . . .
>
> . . . the defenders of the South Vietnamese villages, those under control of the government and with allegiance to Saigon, they also put in *punji* stakes. They defended their villages. They put in mines. But these people had no offensive combat capability. . . .
>
> I come back again: if you're going to include people defending a village in the order of battle of the enemy, you've got to include them in the order of battle of the GVN, the Government of Vietnam.

The general may have been right or wrong, but his point—we don't count ours, why count theirs—got lost. The program also implied there was something secret or furtive in the elimination of these forces, but it did not go unnoticed by the press in Saigon.

On November 24, 1967, the *New York Times* published in an inside page a story from its correspondent in Saigon, Tom Buckley, which gave the details. It stated that total enemy strength now numbered 223,000

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to 248,000. This was a sharp reduction from the old figure of 297,000. Gen. Winant Sidle, the military command spokesman, explained that 75,000 to 85,000 officials such as hamlet chiefs, tax collectors, and propagandists would no longer be carried in the order of battle, nor would 30,000 to 50,000 of the irregulars in the Self-Defense and Secret Self-Defense forces, whom he described as "essentially low-level fifth columnists used for information collecting."

There had to be something of a Catch-22 about this. They were there, then they were not there, but they were still there.

There were revealing editing decisions made in the interview with Maj. Gen. Joseph McChristian, who in 1966–67 was Westmoreland's chief of intelligence. McChristian told George Crile that in 1967, he brought new enemy-strength estimates, showing a large increase, to Westmoreland, who was disturbed by them. He asked McChristian not to send the estimates along but to leave them so he could review them. "Shortly thereafter," McChristian said, "I left the country, and I don't know for a fact actually what happened to that message."

The program charged that McChristian's estimates were suppressed by Westmoreland and suggested that this had led to McChristian's transfer from Vietnam. Although prodded repeatedly during his interview, McChristian never came out flatly and said this. He described his transfer this way: At the end of his two-year tour, Westmoreland asked him to stay an additional year as chief of intelligence, but he wanted to command a division in combat, which meant in Vietnam, the only combat the United States was then engaged in.

"I didn't want to remain just an intelligence specialist," McChristian told Crile. He said Westmoreland agreed that he had earned a combat command and that he would support his request. Later, Westmoreland showed him a Pentagon cable which said that extending general officers in Vietnam for a third year "was not favorably considered at that time." But he would get command of a division at Fort Hood.

Crile pressed McChristian on the transfer. He quoted a Jack Anderson column of November 30, 1967 (Crile revealed to the general that he was working for Anderson at the time), which said that McChristian had been transferred "for reporting higher estimates than the Pentagon liked."

"Do you think you were transferred out because you were reporting higher estimates than were wanted at the time?" Crile asked the general.

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MCCHRISTIAN: I can't answer that question.

CRILE: Possibly?

MCCHRISTIAN: I don't know. Possible—yes, it's possible, but I don't know whether that's a fact or not. In fact, the column that you refer to was the first indication that ever came to my attention that I was moved out of Vietnam. I had just assumed it was normal Army transfer policy orders.

None of the above was used in the final broadcast.

Crile continued to pursue the matter with McChristian. He returned to another Jack Anderson column, written in 1975, and asked the general about "your suspicion that you had been transferred because of some connection to trying to raise the figures." McChristian's reply was still ambiguous: "It has made me feel that perhaps I was very naive at the time and more than likely I was moved out of Vietnam to get me out of the way. But I don't know that for a fact." This also was not used.

The portion that was used required a highly selective edit. First, the broadcast used a brief sound bite of Westmoreland expressing admiration for McChristian but saying that he and his staff disagreed with his findings. Then Mike Wallace said: "Consider Westmoreland's dilemma. If he accepted his intelligence chief's findings, he would have to take the bad news to the President. If he didn't, well, there was only General McChristian to deal with."

There followed a misleading edit of McChristian's reply to still another Crile attempt to nail down the sequence: Was he moved out of Vietnam "because you would not keep the numbers down—the estimates?" (The section in boldface was used in the final broadcast.)

MCCHRISTIAN: No, because nobody ever asked me that, because I reported it as I saw it and **evidently people didn't like my reporting because I was constantly showing that enemy strength was increasing.**

Although McChristian was pushed hard in his lengthy interview, he never conceded that his reports were "suppressed." Yet Wallace ended the sequence in the final broadcast with this narration: "Shortly after Westmoreland suppressed his intelligence chief's report, General Joseph McChristian was transferred out of Vietnam. . . ."

There was another aspect of the McChristian interview that troubled me—the hypothetical mode. Crile started it with this question (not used), which set the stage:

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CRILE: If I could ask you to be what amounts to an expert witness here as to procedure, and this did not happen under your regime, under your command, but if you had been chief of MACV intelligence, and if a commanding officer had come to you and said that he wanted to put a ceiling on all enemy-strength estimates, and he did not want you to allow the estimates to rise above that, even if you believed they should, what would you have done?

There followed an array of hypothetical questions, none of which dealt with any specific actions or decisions by McChristian. Questions like: ". . . if you could put yourself in the shoes of a loyal staff officer who has just been instructed by a general to go to Washington, to a National Intelligence Estimate meeting and argue for figures that he knew in his heart to be wrong. . . ."

The next two hypotheticals elicited strong McChristian answers, and they were used in very specific context in the broadcast.

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—

MCCHRISTIAN: Uh—hmm.

CRILE: —what does that constitute, sir?

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?

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.

This provided a highly dramatic ending for the second act of the program. "The Uncounted Enemy" then went to a commercial.

Col. Gains Hawkins, the former order-of-battle chief, was and would continue to be a staunch supporter of the Adams-Crile thesis, but the editing of his interview was also open to question. In an early part of the program, Adams had described to Mike Wallace a 1967 meeting of the National Intelligence Estimates Board at the CIA in Langley, Virginia. Hawkins was there to represent MACV and to Adams's surprise was defending the military's lower enemy-strength figures. The Hawkins

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sound bite was edited from his long interview with Crile. The sequence began with Sam Adams saying that Hawkins looked sick as he sat there endorsing the MACV's figures. Then it went to Hawkins with a critical deletion (boldface used):

HAWKINS: Now prior to this when we had the old figures that we inherited from the South Vietnamese forces, **there was never any reluctance on my part to tell Sam or anybody else who had a need to know, that these figures were crap. They were history. They weren't worth anything.**

Hawkins had called the old South Vietnamese figures "crap." As used in the broadcast, the MACV figures at Langley became "crap."

Another aspect of the interview was Hawkins's repeated disagreement with a key premise of the program—that information had been kept from the President of the United States, Lyndon B. Johnson. Twice Hawkins said that he doubted that. None of what follows was used:

CRILE: How much did General Westmoreland know?

HAWKINS: Knew everything as far as I'm concerned. President Johnson knew everything.

CRILE: Let me stick for the moment . . .

HAWKINS: No one fools the commanders.

CRILE: Yes, but why should we think that President Johnson knew about this controversy?

HAWKINS: Because President Johnson had his special representative in Saigon, Mr. Robert Komer, who was at . . .

CRILE: Ambassador Robert Komer.

HAWKINS: Ambassador Robert Komer, who was acutely aware of every figure that was being presented, every figure that was being rejected or not approved. Thoroughly, completely aware. And you must assume he was reporting . . .

CRILE: Back to the White House.

HAWKINS: To the White House. Else why was he there?

There were other Hawkins quotes which wound up on the cutting-room floor. Among them:

On his relationship with his commander: "I have no direct relationship with General Westmoreland other than in two intelligence briefings."

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On Westmoreland ordering the MACV representatives to hold to an enemy-strength ceiling of 300,000 at the National Intelligence Estimates meeting at Langley in 1967: "I'm not familiar with that instruction."

On who was the villain in all of this: "I'm not going to point a finger at anyone."

On intelligence estimates: "When you get down to it, who the hell can prove one figure is better than the other figure? You don't have that two plus two equals four in this business."

I had now gone over the transcripts with my staff as carefully as possible. The next step was obvious: We would confront, face to face, those who had been responsible for the Vietnam program.

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# 9

# THE INTERVIEWS BEGIN

**Ira Klein,** *the film editor*

He came striding into our office on Thursday, June 3, 1982, the first of my face-to-face interviews. Before I finished, I would interview thirty-two people, fourteen in person (twelve of them CBS employees) and eighteen by telephone. As agreed, I never used a tape recorder. Wertheim, Pierce, and I would take full reporter's notes, then combine them into a single transcript. My office was barely large enough to accommodate the three of us and the subject.

Some film editors develop what I call a cutting-room stare, which comes from too many hours in too many windowless cubicles, eyes fixed on images they have rerun a hundred times. It is a job that demands intense concentration, a visual sensitivity, considerable hand-eye coordination and, among the better practitioners, a strong story sense and intellectual input. It is a lonely, confined life, and it is not uncommon for film or tape editors to seem preoccupied and withdrawn.

Ira Klein seemed neither; he was only thirty, perhaps too young to have fallen victim to some of the occupational burdens of his craft. He is of medium height with dark, curly hair and brown, friendly eyes. He was wearing the trappings of his trade—open-collar shirt, jeans, and a bush jacket.

Klein was born in Queens, attended Forest Hills High School, and majored in film at Ohio University. After graduating in 1974, he worked



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on several low-budget features as an assistant film editor, the bottom rung in the editing room. He came to CBS News as a free-lance assistant in the documentary unit in 1978. He was well thought of and a year later was promoted to full editor. Although he had never worked on a documentary that ran longer than eighteen minutes, two years later, in December of 1980, George Crile offered him what loomed as his greatest opportunity—editor of the ninety-minute Vietnam program. Klein seized the assignment and began in April of 1981.

As soon as we started the interview in my office, it became apparent that Klein was a man who wanted to unburden himself. While not especially articulate, even laconic at times, he spoke with passion and pent-up anger about what had happened during the production of the Vietnam program. I would have to weigh whether his embittered account was based on fact or on personal animus.

Klein agreed that the program was what television producers call a "talking head" film. Of the 74,000 feet of 16-millimeter film that was shot, it was all interviews, someone talking, except for a brief scene of Sam Adams and Mike Wallace walking together at the Adams farm in Leesburg, Virginia. The rest of the program was composed in the main of library footage from the Vietnam War.

Klein was bitter about the procedures followed during the production. He had hired an assistant film editor, Phyllis Hurwitz, and, since he was busy completing another documentary, it was she who edited the "selects," the preliminary interviews with General McChristian, Colonel Hawkins, Commander Meacham, and others. CBS News executives had ordered Crile to shoot these interviews in order to convince them that his Blue Sheet witnesses would deliver their indictments on film. The excerpts were screened for Roger Colloff and Howard Stringer in Klein's editing room on a Steenback, an editing console with a television-size screen. Although the film ran for only twenty minutes, the presentation took an hour, with Crile starting and stopping the machine to provide narrative for his two superiors. Klein had never seen the material before, and it was after this show-and-tell that a firm approval was given by management for the Vietnam program.

I asked Klein how deeply Mike Wallace was involved in the broadcast. He said: "Wallace was only peripherally involved with the project from start to finish. He was not involved at all in the editing; he was never in the editing room. He'd be around for the big moments. When we screened the selects for Colloff and Stringer, when we got around to

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screening the show for Bill Leonard and Colloff, then Mike was there. And when arguments started to break out about the show, Crile would call Wallace in and Wallace would make a decision one way or another."

This confirmed what Wallace had told me on the telephone, that he had not played a heavy role during the program's production.

For the interviews conducted by Wallace, two film cameras were used, one on the subject, one on him, so that the questions were the actual ones used in the interview. On those where Crile was the questioner, only one camera was used, and "reverses" were filmed—questions repeated for the camera by Crile after the interview was over. This was hardly a departure from normal CBS News practice. Two cameras meant two crews and was quite expensive, usually a perk reserved for the elite correspondents, a small group which certainly included Mike Wallace.

Klein thought the lighting used in the show was designed to create a mood, an ominous mood. That was not apparent to me; the lighting was undistinguished, flat, close-up lighting, free of any nuance that I could see.

Klein first got to know Sam Adams in April of 1981 when he started working on the film. "I would attend chronology sessions with him in Crile's office. Sam carried around a briefcase full of chronologies, his handwritten research on the Vietnam dispute, and he would read from these and Crile would sit there taking notes."

Klein said he was present at half a dozen of these meetings and after one of them, he claimed he told Crile that Adams seemed obsessed. He asked Crile: "Can you trust the information and accuracy of what Sam is telling you?" Crile said that he knew about Adams and cut off the conversation.

Later, Klein said, Crile told him he did not want Adams around when the two of them were editing. Crile even resisted having Phyllis Hurwitz, Klein's assistant, in the editing room at these times although her technical assistance was important. Neither Joseph Zigman, the associate producer, nor Alex Alben, the researcher, was encouraged to participate in these editing sessions.

The editing room was open, however, to two women who frequently were there behind closed doors with Crile. Throughout the production, Grace Diekhaus, his former documentary associate, would join Crile to offer critiques of sequences that had been edited. Another woman who began to appear was Susan Lyne. Klein found out she was living with

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Crile (they were soon to be married). Lyne was managing editor of *The Village Voice* from 1979 to 1981.

Lyne came with increasing regularity, going over the film with Crile and working on the script. One Saturday, Klein said, he was in his cutting room after a screening with Crile, Sam Adams, and Alex Alben. After Crile left, the three of them were having a frank discussion about the film when Susan Lyne entered. She listened for a while and then left. The next day, a Sunday, Klein was in his cutting room waiting for Crile when the producer phoned. According to Klein, Crile said, "Don't listen to Sam and Alex." He said he had heard that Adams and Alben had been "bad-mouthing" the broadcast.

Klein said he told Crile he didn't want Lyne in his editing room again, but the producer was inflexible. At eight-thirty one morning, the day of an important screening, Klein said he arrived to find Crile and Lyne running the film on his editing console.

Before Sam Adams's interview, one that would be critical to the program and its thesis, "he was definitely rehearsed," Klein told us. "It was in Alex Alben's office and Crile, Alben, and Joe Zigman were in there with Sam. I was in and out of the room. Crile was going over the questions with him. They rehearsed him all day long. Mike Wallace was not there or possibly even aware that this was going on. When the interview took place, Wallace was handed the questions that had been rehearsed."

Klein's charge would be strongly denied by all who were allegedly involved—Adams, Wallace, Crile, Zigman, and Alben. No one disagreed that there were long meetings with Adams before his interview, but they said this was to get him to focus on his material. He was so full of information they were worried about long, windy answers.

Klein would buy none of this. "Adams was rehearsed," he insisted during my interview with him. "And he wasn't the only one. There were long, elaborate discussions with Colonel Hawkins before his interview that sounded like a rehearsal to me."

The film editor's relationship with Crile became more antagonistic as the program went into full production. "Crile was totally disorganized," Klein told me. "He would disappear. In August he was involved with another story—a report for the *Evening News* on hired assassins. He was making plans to do another show on drugs in November."

Klein said he asked Crile: "Why are you doing this? It's unrealistic. How can you work on other projects at the same time as you work on

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this?" He said Crile apologized but did not change his schedule. "He'd be gone all day," Klein told me, "and then he'd come into the cutting room at six o'clock at night and begin pressing the crew to get going.

"Here we were with all of this material and not a line of Mike Wallace's narration recorded or laid down, and he was pressing us. George is difficult to work with and incapable of taking responsibility. It's always someone else's fault."

Before the production was completed, Klein would say that he couldn't stand to look at Crile. He conceded during the trial which followed that he had called him "devious and slimy," "a social pervert."

His rancor did not embrace others involved in the production. "Sam Adams," he said, "was a wonderful man but obsessed." George Allen, the CIA's Vietnam expert, was "an honorable man, very loyal. He almost backed out of the show." Klein liked Joe Zigman, the veteran associate producer who, in the hierarchy, was the man he reported to and often confided in.

The double interview of George Allen created the most heated exchange between Crile and Klein. After the first session, Crile brought Allen to the editing room and told Klein he wanted to show him film of his interview and samples from some of the others who supported the program's premise. Klein said he looked at Crile as if he were out of his mind. "You're compromising me and jeopardizing the project."

"Don't worry," he said Crile replied. "Everything will be okay."

The next day Crile again brought Allen to the editing room and everyone but Klein was asked to leave. "Don't worry," Crile told Klein. "George Allen is an old CIA man. This won't go any further."

"I was stunned," Klein said, "but I ran the interviews for him."

Klein told me he was also troubled at the way Crile was cutting the Westmoreland interview. "Here this old man comes up—I doubt he ever read the letter they dropped off at the hotel—and they ask him questions about things that happened fifteen years ago and Crile doesn't give him a chance to speak. He didn't want Westmoreland to speak of women and children in the Self-Defense and Secret Self-Defense forces not belonging in the order of battle. All he wanted was yes and no. He didn't give him a chance in the cut."

By September, after reading the full transcripts of all of the interviews, Klein told us he was also bothered by the Hawkins interview. Crile did not plan to use the statement by the colonel that LBJ had to know what was going on in the order-of-battle dispute that was boiling

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over in Saigon. Klein said when he was unable to persuade Crile that this belonged in the broadcast, he went to Joe Zigman. He told us Zigman looked at him and said: "Ira, don't get involved."

In September of 1981, believing the program to be in disarray and drained by late hours and weekends of work, Klein said he insisted they add another film editor to the staff. Others would dispute that it was Klein's idea; some would say he resisted the change. But Joseph Fackovec, an experienced staff editor, was taken on and would cut the last two of the five acts. Klein said Crile told him: "Joe is just a pair of hands."

Klein said he told Crile he must get Howard Stringer involved with the show and urged a screening by October 1. The last two weeks of September, Klein said, "were murder for the staff. Seven-day weeks and some all-night work." Several rough-cut screenings were held for Stringer. "There were lots of questions and some battles," said Klein. "There was one cut of Westmoreland that Stringer thought was too short—didn't give him a chance to say his piece. Crile objected to lengthening the cut and called Mike Wallace in. Wallace agreed with Stringer, and we added a few lines to the cut."

In December, Van Gordon Sauter, the president-designate of CBS News, asked to see the program. The day before the Sauter screening, Roger Colloff decided he wanted to check the film once more, and during this screening another battle erupted between Crile and Klein. It had to do with enemy-infiltration figures and a November 1967 appearance by General Westmoreland on *Meet the Press*.

The full exchange with Lawrence Spivak, the moderator of that program, was as follows (what Crile used is in boldface):

SPIVAK: **What about infiltration? A year ago you said they were infiltrating at the rate of about 7000 a month. What are they doing today?**

WESTMORELAND: **I would estimate between 5500 and 6000 a month.** But they do have the capability of stepping this up.

At the Colloff screening, the sound tracks had been split and Klein was sitting at a panel manipulating knobs that controlled the volume. The unused portion of Westmoreland, "But they do have the capability of stepping this up," came out loud and clear. Apparently, it got by Colloff, but after the screening, according to Klein, Crile went into a frenzy. "Why is that line in there?" he asked Klein. The editor explained

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it came with the *Meet the Press* film and would be dialed out in the final sound recording. Crile was still furious.

When Sauter, Colloff, and Ed Joyce came for their screening the next day, Crile stood up behind them during the *Meet the Press* sequence and gave Klein a big hand signal to cut the sound so that Westmoreland's last few words would not be heard. None of the others noticed this or were aware of the deletion.

In the final broadcast, Westmoreland was asked to explain the contradiction between the infiltration figure of 20,000 a month that he gave Mike Wallace in the *CBS Reports* interview and the 5,500 to 6,000 a month he had given Lawrence Spivak in the 1967 *Meet the Press*.

WESTMORELAND: Sounds to me like a misstatement. I—I don't remember making it. But certainly I could not retain all these detailed figures in my mind.

Back at his home in South Carolina after the interview, the general had some time to reconsider his answer. On June 9, 1981, seven months before the program would be broadcast, Westmoreland had written a "Dear Mike-and-George" letter about the matter. With his letter, Westmoreland had sent seventy-two pages of documents consisting of cables, declassified reports, intelligence estimates, and the like. Twenty-seven pages into the package, a letter was buried. It read in part: "As of November 1967, infiltration (probable plus possible) was carried on the running tabulation as 5900. Hence my estimate given to Larry Spivak was generally correct."

What the general was saying was that he was right the first time on *Meet the Press,* and wrong the second on the *CBS Reports* interview. It would have been a lot clearer if the letter had been the top page of the package and had stated unequivocally: "I hereby ask for a correction." That would have been hard to ignore. Crile assured Mike Wallace there was nothing new in Westmoreland's package and filed away the letter. Westmoreland would later say: "Why should I write a letter if I didn't intend a correction?"

Klein knew none of this as he was completing his editing, nor was it entirely clear to him why Westmoreland's line about the enemy having the ability to step up its infiltration had agitated Crile so much, but the episode made him more suspicious about the program.

After the screenings for the outgoing and incoming CBS News presidents, Bill Leonard and Van Gordon Sauter, the Vietnam program had

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secured its final approvals and crashed through the Christmas and New Year's holidays toward final completion. They now had an air date: January 23, 1982. Instead of sailing into those final days as many programs do—the worst is over and only technical details have to be completed—controversy and editorial problems continued to beset the unit.

On Wednesday, January 13, ten days before air, Klein had recorded all of his sound onto a single magnetic track and the negative for the film had been cut and printed into air and standby reels.

Crile was in Washington to screen the finished show for Don Oberdorfer of *The Washington Post*. Oberdorfer told me that his reaction was: "It was a nice piece of journalism, it was a good job of portraying the numbers controversy, but it had nothing to do with Tet." (Peter Braestrup in the *Washington Journalism Review* in May of 1982 had quoted Oberdorfer as calling the program "ambush journalism." Oberdorfer denied to me that he had said this.)

Back in New York, all that remained to be done was relatively routine—transfer picture and sound to videotape, which is what the networks transmit when the program is broadcast. But now an agonizing problem arose.

Sam Adams had read the final script that was about to be distributed to the press and had found two errors. There was a line in the script about Gen. Phillip Davidson that was inaccurate. More serious and difficult to deal with was a Mike Wallace question to General Westmoreland which misquoted a letter the former intelligence officer, Cdr. James Meacham, had written to his wife during the war. Picture and sound for the program were wrapped up, the negative cut, and to make changes now would be an intricate and exacting business.

Adams immediately brought the two mistakes to Carolyne McDaniel, Crile's secretary, who was shaken by the news. She rushed to tell Terry Robinson, the unit production manager, and Klein. Klein told us that he advised McDaniel, who was an intense woman, known to panic, to calm down, phone Crile in Washington, tell him about it, and let him look at the film and provide an explanation. She made the call and Crile said he would deal with it the next morning.

When Crile arrived on Thursday, January 14, he discussed the two problems with Sam Adams. He then told Klein to remove the inaccurate General Davidson line. The misquote in the Westmoreland question was no problem, leave it.

That night, Crile summoned Klein and told him there was a prob-

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lem with the Westmoreland line and the way they would fix it was to change the *picture*. They would cut from Wallace reading the Meacham letter to Westmoreland to a shot of the general listening. The sound track, which contained the misquote, would remain the same.

Klein told us he said to Crile: "There's no way I'm going to participate in that. If the track has an error in it, what good is it to change the picture?" Klein said Crile walked out of the room.

The next day, when the film and sound were to be transferred to videotape, Klein said Crile walked by his office and said everything was okay. "No, it's not okay," Klein replied. Crile said he had spoken about both changes to Roger Colloff, the vice president in charge of the production, and had his approval. "If that's an executive decision," Klein replied, "I'll do it, but I do think Colloff should see it."

On the following day, according to Klein, Terry Robinson went to Andrew Lack, the senior producer of the program, and told him of the picture switch in the Westmoreland interview. That night, the show was transferred to tape.

On Sunday, January 17, there was more tape work to be done. It was at that point, Klein told us, that Robinson came to him and said: "You're not going to believe this but we have to make a change. Colloff, Lack, and Crile met on Saturday and the inaccurate line has to be taken out."

Crile arrived at the studio a few minutes later. Klein said when Crile spoke to him, he made no eye contact: "We have to make a change. Roger says we have to make a change if it is not too much trouble." He then left the room. Klein said he and Terry Robinson just looked at each other.

That night Klein said he happened to meet Lack outside the CBS News Broadcast Center on West Fifty-Seventh Street and asked him: "You know what's going on?" According to Klein, Lack said Crile had lied to him. Crile had only spoken to him about the routine Davidson change, not the Westmoreland error. Lack said Crile had asked him whether Klein had been the whistle blower and had come in through the back door to tell him about the problem.

On Monday, Crile called Klein into his office and said they definitely had to make the change. He would record a line of narration from Wallace to cover the mistake and for picture use a shot of Westmoreland listening. Klein found a listening shot from the first act and inserted it into the sequence, which was in the fifth act.

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Thus, when he was interviewed, Westmoreland was responding to a question that had an inaccuracy in it. When the inaccuracy was deleted, it changed the question. Westmoreland's response remained the same. So in the finished broadcast the general was not answering the same question he had been asked in his interview.

Lost in the flurry over the last-minute corrections was another problem which Klein told us he found deeply disturbing. He said Sam Adams had informed him earlier that week that Lt. Gen. Phillip Davidson, the former intelligence chief who was supposedly on his deathbed, was in good health. In a taxi the next night, Klein had passed this on to Crile, but the producer said nothing. The information got buried during the frantic days before air.

General Davidson was there when Gen. William Westmoreland and his supporters issued their angry rubuttals to the Vietnam program at the Army-Navy Club in Washington on January 26, 1982. Crile, Klein, Sam Adams, Grace Diekhaus, and Carolyne McDaniel watched by closed circuit in an office at the Ford Building, across the street from the CBS Broadcast Center. When Westmoreland brought up what he considered to be a correction letter about enemy-infiltration figures, Klein said he mouthed silently to Crile: "What's this all about?" He described Adams as slumped in his chair as if to say: Why is he doing this?

According to Klein, Adams came to his cutting room the following day and said: "We have to come clean. The premise is not accurate. Westy is overburdened in his role in the film. He was not concealing evidence. LBJ had to know."

"It's a little bit late," Klein said he told Adams. "Didn't you discuss this with Crile?" Adams replied: "Yes, I discussed it with him all along. We are involved in a cover-up while we are accusing others of a cover-up."

It was at this time, Klein said, that he felt he had a professional responsibility after ten months on the program to speak with Andrew Lack, the senior producer, "Instinctively," he told me, "I knew you cannot suppress the truth." On February 24, he went to Lack's office for a three-hour meeting. The editor expressed his concerns: the Westmoreland documents; the failure of Crile to interview former CIA man, George Carver, who had said at the news conference that it was he who had resolved the order-of-battle controversy with Westmoreland; and Sam Adams's expressed doubts about the program's premise. Klein said that Lack asked him: "Why the hell didn't we interview Carver?"

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Klein said he told Lack: "There is a potential problem here, and we must address it with some kind of dignity." Lack said he felt that Klein should discuss the matter with Crile. "What good would that do?" the editor replied. "He has lied to me in the past. I don't trust him." He told Lack to look at the documents in the program's files and give him his interpretation.

The summit meeting was held in Lack's office—Crile, Lack, and Klein. Crile called Mike Wallace and asked him to join them. According to Klein, Wallace looked at the Westmoreland documents and said to the editor: "You know I was only a cosmetic factor in the show." Klein replied: "Yes, I understand."

"When did you see these documents?" Wallace asked him. "Why didn't you come up with them earlier?"

"I didn't know they existed until last week," said Klein.

Wallace thumbed through the documents again and according to Klein said, "Well, Westy has lied. He's lied before." Then, Klein said, he turned to him: "I respect your opinion, but this sort of thing happens all the time on *60 Minutes*."

Shortly after the meeting, Klein went on a two-week vacation. When he returned, he was told by Lack that he had spoken with Sam Adams, who denied saying the program's premise was wrong. Lack said he saw no sense in conducting any kind of inquiry since it would take at least a year.

In March, Klein received a call from Sam Adams, who invited him to visit him at his farm in Virginia. Again Klein went over what he considered to be the program's inadequacies. He told us that Adams agreed the program had oversimplified the story and put too much of a burden on Westmoreland.

Klein said he thought the decent thing to do was to tell Crile about his meeting with Adams. "Let's you, Sam, and me get together," he said Crile told him. "By the way, are you the guy talking to *TV Guide*?" It was then that the magazine was concluding its investigation of the Vietnam program. Klein said he had never spoken with anyone from the magazine but he had talked about the show with colleagues at CBS.

At the end of April, Wallace said he wanted to speak with Klein. Wallace asked who was leaking to *TV Guide*. Klein described him as accusatory and angry. Klein asked him whether he believed in the film. Wallace said he had been reading transcripts and talking to people. Again he said to Klein: "You know what my role was," and walked out.

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Later, in Crile's office, Klein said Wallace told him: "I'm not going to leave Crile dangling."

Klein said he replied: "What about all of us, our careers?"

We had spent four hours with Ira Klein and would spend another at his request with him and his assistant, Phyllis Hurwitz, who confirmed his story and had no new information. One question we did not ask either of them was: "Did you leak the story to *TV Guide*?" Klein was a prime candidate, but he had denied it, and we were not persuaded that the question of who leaked was important to our inquiry.

Ira Klein's accusations were detailed and damning. Our job in the days ahead would be to hear the story from others, especially those he had accused of mismanagement and shoddy journalism. Was Ira Klein engaged in a vendetta or had he told us the truth?

### Alex Alben, *the researcher*

On June 8, he came into our office, a short, squarely built young man in his early twenties, preppy in his dress and at first somewhat guarded in his answers. He had left the Vietnam unit before the program was completed and entered the Stanford Law School, not an easy admission. He was obviously bright and, as soon became apparent, inexperienced in television journalism. We would interview him again on June 10.

Alben said he had heard of the issue of undercounting enemy strength in Vietnam when he came to the project but did not know Sam Adams nor had he read his article in *Harper's*. At first, Alben felt unclear about the direction he was supposed to take as researcher. He read about the Vietnam War and went through the Pentagon Papers. He still did not understand what the progression of the program would be.

Did he know from the outset what the premise of the show was? "Not exactly. Crile gave me bits and pieces of what I was supposed to do but not the big picture. There was some element of secrecy about the project. Others on the unit told me that's the way things worked on *CBS Reports*."

About a month into the assignment, Crile let him read the Blue Sheet after what he called "some misdirected and unproductive work." Then he told Alben to focus on President Johnson's visit to Cam Ranh Bay in October of 1966.

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Was the premise of the program logical? "This was a paradox I grappled with. Given Westmoreland's desire to increase manpower, why would he underestimate enemy strength in Vietnam? The paradox remained with me as long as I was on the show, and I believe it was a concern of Crile's, too."

Did he believe they made the right selection of people to appear on the program? "General Davidson should have been contacted, but Sam told us he was ill. In a perfect world we would have had him and also Col. Charles Morris. The multiple roles of George Carver of the CIA could not be conveyed in a documentary. But no one was ever afraid that an interview with him would blow the entire thesis out of the water."

Why not try to find library footage and let LBJ speak for himself? "I called the LBJ Library in Austin and they told me they didn't have any outtake film of him. I was unable to get transcripts of the LBJ interviews that CBS News had done."

I knew a good deal about the Johnson interviews, which had been conducted by Walter Cronkite. I was executive producer of the series. I also knew that one episode, "The Decision to Halt the Bombing," filmed in 1969 and broadcast on February 6, 1970, was in house with all of its outtakes and readily available. I checked the transcript and found that President Johnson had made these points:

> —We were ready for Tet. My advisors told me in the late fall that a substantial move by the North Vietnamese was underway. The troop deployments, captured documents, information available to us said it was coming but we didn't think they would do it exactly at Tet, a religious holiday.
>
> —Westmoreland cancelled leaves so as to be prepared.
>
> —On the presidential trip to Australia, I said we were going to get an all-out kamikaze attack.
>
> —Tet was a military victory for us.
>
> —General Westmoreland called it.
>
> —The North Vietnamese took very heavy casualties.

It could certainly be argued that some of these statements by the President of the United States might have been useful to include in the broadcast.

What about the interviews conducted for the program? Alben said: "I read all of the raw interviews. At first I thought we used them well.

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Then I began to feel we should have used more complete statements. Perhaps it was inexperience. I didn't understand how to do this."

What about the three-hour interview with Walt W. Rostow, LBJ's special assistant, none of which was used? "I agreed with the decision not to use any of Rostow. I pulled Rostow memos from the LBJ Library and came to the conclusion that, given Rostow's view of the war and his relationship with the President, it would have given us too much trouble explaining his position. It would have been good to get someone else from the White House. I began to pull 1968 campaign footage to underscore what Westmoreland meant by political pressure coming from Washington, but there was not enough time."

Was Sam Adams coached for his interview with Mike Wallace? "He was not and I told Sally Bedell [of *TV Guide*] that when she asked me. There were two sessions of a couple of hours each, broken by lunch. I was there most of the time and so were Joe Zigman and Ira Klein. We were trying to get Sam away from his chronologies and get him to talk to camera. Crile was concerned that Adams would talk of his experiences and not talk of what he learned as a reporter. I was giving Adams feedback but never shaping his answers editorially."

Alben said Crile wrote out the questions for Mike Wallace to ask Adams. Alben said he submitted some questions but 90 percent of those on the list were Crile's.

What about the Westmoreland "correction" letter? "When it came in, Crile asked me: 'What is this?' I told him it was documents I already had. That was all he asked."

What about the letter to Westmoreland, delivered the night before the interview, with the five points to be covered in his interview? "I was with Crile when the letter was drafted. I wanted to be more explicit. I felt the real subject of the interview, American intelligence and the order-of-battle controversy, should have been higher up. Crile probably did not tell Westmoreland what we were covering. His letter may have hidden our real goal."

And what about the word "conspiracy"? "The word was not freely bandied about. I did not use it. In retrospect, it was a mistake to use the word 'conspiracy.' "

Alben told us he did not find Crile to be intransigent. "He respected people's opinions and would listen. You could argue with him over points."

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Alben said he spoke to Crile by phone from California after the *TV Guide* article appeared. He said Crile told him there would be an investigation of the show.

### Carolyne McDaniel, *the secretary*

On June 11, George Crile's secretary and part-time researcher walked nervously into my office as if she were being followed. A full-blown woman in her twenties, about five-seven with black, shoulder-length hair and glasses, she aspired to be an opera singer and seemed physically right for the role. Klein told me she sometimes practiced arias in an empty office at the production center.

"Crile was anxious for me to see you," she said. She told us she had been a social worker, was new at CBS, and had no interest in a career in television or journalism.

Her attitude toward Crile was decidedly ambivalent. She would damn and praise him in virtually the same sentence. "He is a manipulator," she told us, "yet he has the ability to get people to work their tails off for him. The project was disorganized from the beginning. Crile is the most disorganized person I know. Sometimes I could not figure out his desk.

"I told him in a cutting room one night, for someone in communications, you have the worst skills in communicating. I think this helped things a bit.

"At a certain point, I hated Crile. He would ask you to come in early. You show up and he calls an hour late to say he just woke up. He was not considerate of other people's time. He expected me to do research, to get food for the staff, and to do personal errands for him. But there are also lots of good things about George.

"He's a brilliant man and reporter, but I think he does not like to be alone. He needed the confidence of someone at his side like Grace Diekhaus and Susan Lyne. That caused extra problems. I found that when Grace and Susan got involved, we were on the outside.

"Crile had few friends in our area. I was told he did not get along well with other people he had worked with. On our unit the troops began to be against Crile. I am ashamed I behaved that way."

She said Howard Stringer was aware that Crile drove people crazy and was disorganized but at the same time he was confident of his ability. She quoted Stringer as saying: "Crile is not here for his weaknesses."

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McDaniel was scarcely flattering about Ira Klein. "I believe there was an ego problem between Ira and Crile. George would come and talk to me, then Ira would come and talk to me. They weren't talking to each other, and I would become the go-between. It was as if I was the in-house social worker.

"Ira and George always had different accounts of the same conversation. Crile would say one thing and Ira another. Ira felt he was part owner of the show. This feeling grew and became too large. After a while, it seemed to me that Ira wanted to make his own film.

"The attitudes on the show were bad. Ira, Phyllis Hurwitz, and I would trade Crile stories in the cutting room—not things of substance, small things. I am not proud of my feelings then. I was fatigued, but I realized I could not leave the show in the middle."

When Alex Alben left the unit to enter law school, McDaniel said she was given research responsibilities although she readily conceded she did not know much about journalism. "I did not have a good handle on this intelligence thing. It did not interest me," she told me.

Crile, she said, told her to go to the CBS News library and read back issues of the news magazines from the Vietnam War period. She said he wanted colorful passages describing the war that would be useful to him in writing the script for the program. She also went through transcripts of the *CBS Evening News* for the period, searching for stories that were relevant, but she could never find the videotapes she needed. She was also told to research the political climate of the time. She said Ira Klein told her that some of the people on the unit resented her being elevated into research.

"George allowed me to go into the cutting room," she told me, "but he did not want Alex Alben there. He said the chemistry was not right. Alex wanted too many facts and figures in the broadcast. He said I had a more visceral, gut reaction."

After she became involved in research, she said she told Crile that perhaps the notion of conspiracy was simplistic. "I told him that from what I had read, I did not believe LBJ did not know what was going on. Crile said to me: 'You're probably right, but it's not important to the essence of the show.' I told Sam Adams the same thing, but everyone seemed wishy-washy on this issue."

It was McDaniel who tried to phone General Davidson, then supposedly on his deathbed. She said she tried many times during the normal work day but could not reach him. She never tried him at night.

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She told Crile and wondered why Davidson was not at home. She said Crile's answer was that Davidson was in a hospital dying, but he did not tell her what hospital.

McDaniel said she was shaken by the Westmoreland news conference. She told Sam Adams she did not believe LBJ did not know what was going on in Vietnam, and he tended to agree with her. Adams told McDaniel he had spoken to Crile about this but they did not have the evidence to prove the point. He said he had no doubt Westmoreland was the ringleader. McDaniel then went to Ira Klein and told him about her conversation with Adams.

"Telling Ira was probably wrong. All it did was fuel the fires. At that point everyone was angry with Crile, and no one knew how to vent his or her anger."

A couple of days later, she said Klein came her desk to say that Sam Adams had come to him and told him that he now believed the premise was wrong. "LBJ had to know. We've got to come clean on this."

McDaniel said she didn't believe Klein; he was simply repeating what she had told him. "Sam is very low-key. I don't believe he would come to a person on that level to complain."

Some final emotional and confusing observations from McDaniel:

"I won't cover up for anybody. . . ."

"People were cowards. They were afraid to complain. . . ."

"There was confusion and fear after the Westmoreland news conference. I was afraid of what the *TV Guide* story would do to CBS now. . . ."

"Westmoreland was a lousy general. I would have liked to see more time for the other side."

In all of my years at CBS, I could not remember seeing a production unit in the kind of disarray that had afflicted this one. I knew that the production of a ninety-minute documentary, to be run in prime time, was no easy assignment. There are abrasions, petty irritations, and personality clashes in every unit. The producer is especially vulnerable. In one ephemeral evening, a year's work and a quarter of a million dollars are squarely on the line. His reputation, indeed his job, may be riding on a single program.

I had seen my share of tensions at CBS News. I remembered one producer who never could sit through the final screening with the news

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division president. He would invariably have to rush to the men's room and throw up.

But when I thought of this unit, it had no parallel: A producer, George Crile, who conceded he was often disorganized, engaged in his first major effort alone; another producer, Grace Diekhaus, secretly working with him; a close friend of the producer, Susan Lyne, not on the staff of CBS News, involved in the production; an experienced associate producer, Joe Zigman, not allowed to participate fully; a film editor, Ira Klein, so antipathetic toward his boss he could not stand to be in the same room with him; a consultant, Sam Adams, immersed in a fifteen-year crusade, wandering in and out of cutting rooms and going on location; a researcher, Alex Alben, not familiar with documentary production; and a star correspondent, Mike Wallace, with little time to devote to the project at hand.

The documentary is a quintessential form of group journalism. I had seen other units beset, but they had managed to coalesce, rise above the irritations—petty and severe—and develop the necessary intellectual give-and-take and essential esprit to get the job done.

Our research and our first interviews had produced a catalogue of allegations about the broadcast and about its producer. We would now give George Crile an opportunity to reply to those charges.

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# 10

## FORGET PROCESS

Over the years, George Crile III has been called a zealot, a martyr, and a patrician. He has been described as brilliant, tenacious, ambitious, brave, arrogant, wrongheaded, combative, uncompromising, trusting, naive, and stubborn. He came to my office on June 15 for an interview that would last for six hours. A week later at his request there was a second, two-hour interview.

A self-assured man from the right side of the tracks, Crile had joined the network in 1976 and was thirty-five years old when CBS News assigned him to "The Uncounted Enemy." He was attractive to women and two had been co-producers in his previous productions. Judy Crichton worked with him on two: "The CIA's Secret Army" in 1977, which won an American Film Festival Blue Ribbon, and "The Battle for South Africa" in 1978, which won the George Foster Peabody Award and an Emmy. Bill Moyers was the correspondent for both, and the two programs ranked among the better documentaries produced by the news department over the years. Crile was known to tackle very difficult subjects, dig at them with unrelenting persistence, and come up with material that was often startling and news-breaking.

Grace Diekhaus was his co-producer in 1980 on a show called "Gay Power, Gay Politics," which was something less than a triumph and drew intense criticism from homosexual groups in San Francisco.

The program had accused the gay community of exerting pressure on politicians for its "special interest"; it suggested that San Francisco



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politics was controlled by the city's large homosexual population. A critical editing transgression was uncovered in a sequence showing Mayor Dianne Feinstein apologizing to a large group from the gay community for critical remarks she had made about them in a magazine interview. In the film, her apology was followed by cheering and clapping by the audience. Actually, the applause did not come until later in Mrs. Feinstein's speech. Moving it up made it appear as if she had been forgiven by the homosexual group.

Mayor Feinstein demanded an apology. She got one from CBS News after the now-defunct National News Council, responding to a complaint by three San Francisco groups, voted eleven to two that the documentary "exaggerated the political concessions to homosexuals and made those concessions appear as threats to public morals and safety." The network also confirmed that the applause in the Feinstein speech had been tampered with.

In writing about Crile in *The Washington Post*, Eleanor Randolph quoted a friend as saying he had been born into an extraordinary family, full of money, power, and immense amounts of energy. His grandfather and his father were prominent doctors in Cleveland. His grandfather, George Washington Crile, was a surgeon who established the Cleveland Clinic, today a massive medical complex which draws patients from all over the world. His father, Dr. George (Barney) Crile, Jr., also a distinguished surgeon and ahead of his time, was once censured by the Cleveland Medical Association for opposing radical mastectomy as the only choice for women suffering from breast cancer. When his first wife died, Barney Crile married Helga Sandburg, daughter of the poet and biographer, Carl Sandburg.

After graduating from Trinity College and a stint in the Marine Corps, George Crile III turned not to medicine but to journalism. He began his career as a reporter for the syndicated columnist, Drew Pearson. In 1970, according to Eleanor Randolph, he met Walter Ridder, the publishing executive, at the Washington home of his aunt, Kay Halle, and asked him for a job. Ridder hired him as a reporter on his Gary *Post-Tribune*. It proved to be a stormy and inauspicious relationship.

In Gary, Crile had access to the publisher and could circumvent the working editors. This did not contribute to his popularity. He wrote a long piece about the city's tax assessor, accusing him of taking bribes. He turned it in to Ridder, and it was ignored.

In 1972, Crile was promoted to the Washington bureau but he

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would not let go of the Gary tax assessor investigation. He had shown his story to a Ralph Nader staff member, who began to leak it to a small weekly paper that had started up in Gary. When Walter Ridder found out, he promptly fired Crile. Another reporter for the *Post-Tribune* continued to pursue the investigation and found that Crile was on the right track. With new sources this reporter broke the story and the tax assessor went to jail. Crile, who had joined *Harper's*, also wrote an account of Gary and the tax assessor for the magazine and had some unkind things to say about the Ridders.

According to Eleanor Randolph, Ridder is still bitter. "I wouldn't publish a thing he produced without triple-checking it," the publisher told her. "He drove me crazy because he would come up with stories that were so fantastic, and he was so stubborn. If you didn't believe him or agree with him, he got angry."

Ridder's wife, Marie, called Crile's failure "in some ways sad. . . . If George had been more accurate or careful with his figures, he would have done so much better. He was not too far off the track."

In Washington in 1968, Crile had married 18-year-old Anne Patten, a descendant of John Jay, daughter of Susan Mary Alsop and stepdaughter of the columnist, Joseph Alsop. It was one of the fancier weddings of the season in that socially-inclined city. Among the guests were Robert S. McNamara, president of the World Bank; Paul H. Nitze, deputy secretary of defense; and Walt W. Rostow, national security adviser for President Lyndon B. Johnson. Ironically, sixteen years later in a courthouse in New York, all three were to testify against Crile in "the libel trial of the century"—General William C. Westmoreland, plaintiff, against CBS Inc., et al., defendants.

It was during that trial that the columnist, the late Joseph Kraft, an old friend of Crile's, would write of him: "Crile is a brilliant journalist of extraordinary tenacity who emerged from school in the late 1960s. Like many of his generation, he abhorred the war and was prone to look for conspiracy in its genesis and unfolding."

Later in his column, Kraft would ask this question about the documentary Crile had produced: ". . . how did CBS, with one of the best professional news organizations in the world, become so imprudent in editing a program that tilted so sharply on such a complex question?"

Crile seemed tense when he came to my office on that June day in 1982. He had phoned me when he first heard of my assignment, saying he

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CBS Reports reveals the shocking decisions made at the highest level of military intelligence to suppress and alter critical information on the number and placement of enemy troops in Vietnam. A deliberate plot to fool the American public, the Congress, and perhaps even the White House into believing we were winning a war that in fact we were losing.

Who lied to us? Why did they do it? What did they hope to gain? How did they succeed so long? And what were the tragic consequences of their deception?

Tomorrow night the incredible answer to these questions.

At last.

**CBS REPORTS**

**THE UNCOUNTED ENEMY: A VIETNAM DECEPTION**

**REPORTED BY MIKE WALLACE AND GEORGE CRILE**

**9:30 PM SATURDAY**

**CBS NEWS 2**

1. The CBS advertisement preceding the broadcast.

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2. The author and Walter Cronkite on the aircraft carrier *Coral Sea* off Vietnam, shooting for the *Twentieth Century* broadcast "Air Rescue," 1965.

3. Cam Ranh Bay, October 26, 1966. Johnson awarding a medal to Westmoreland during visit to troops.

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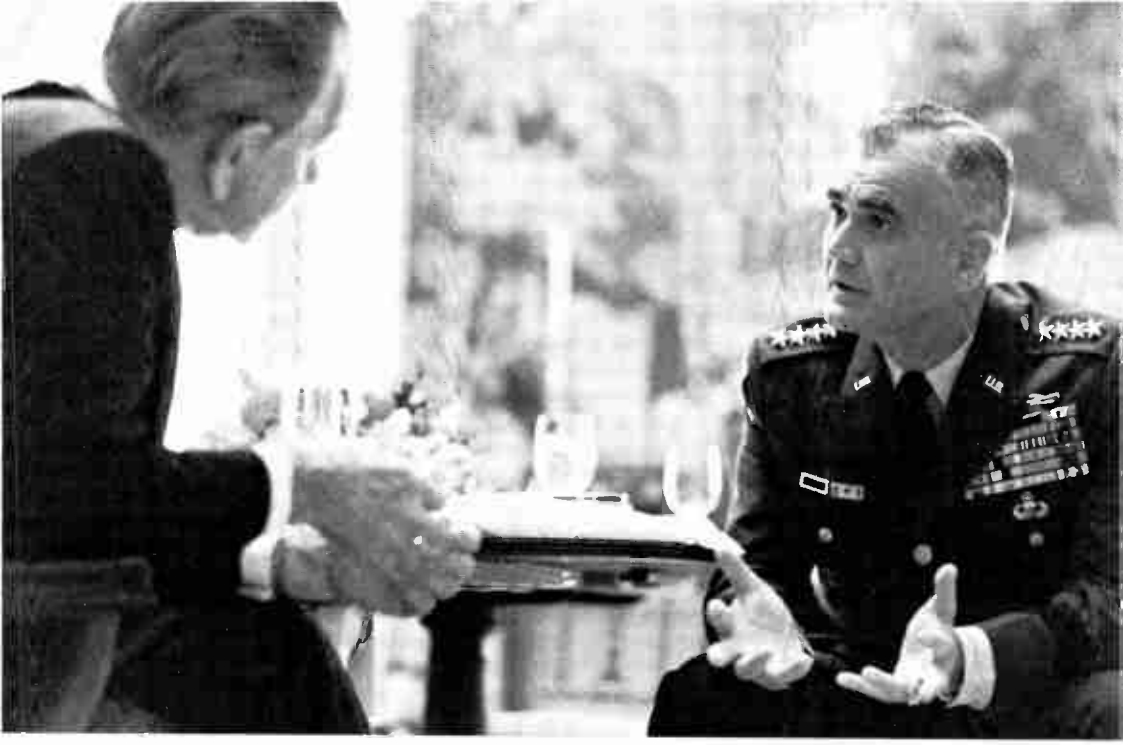
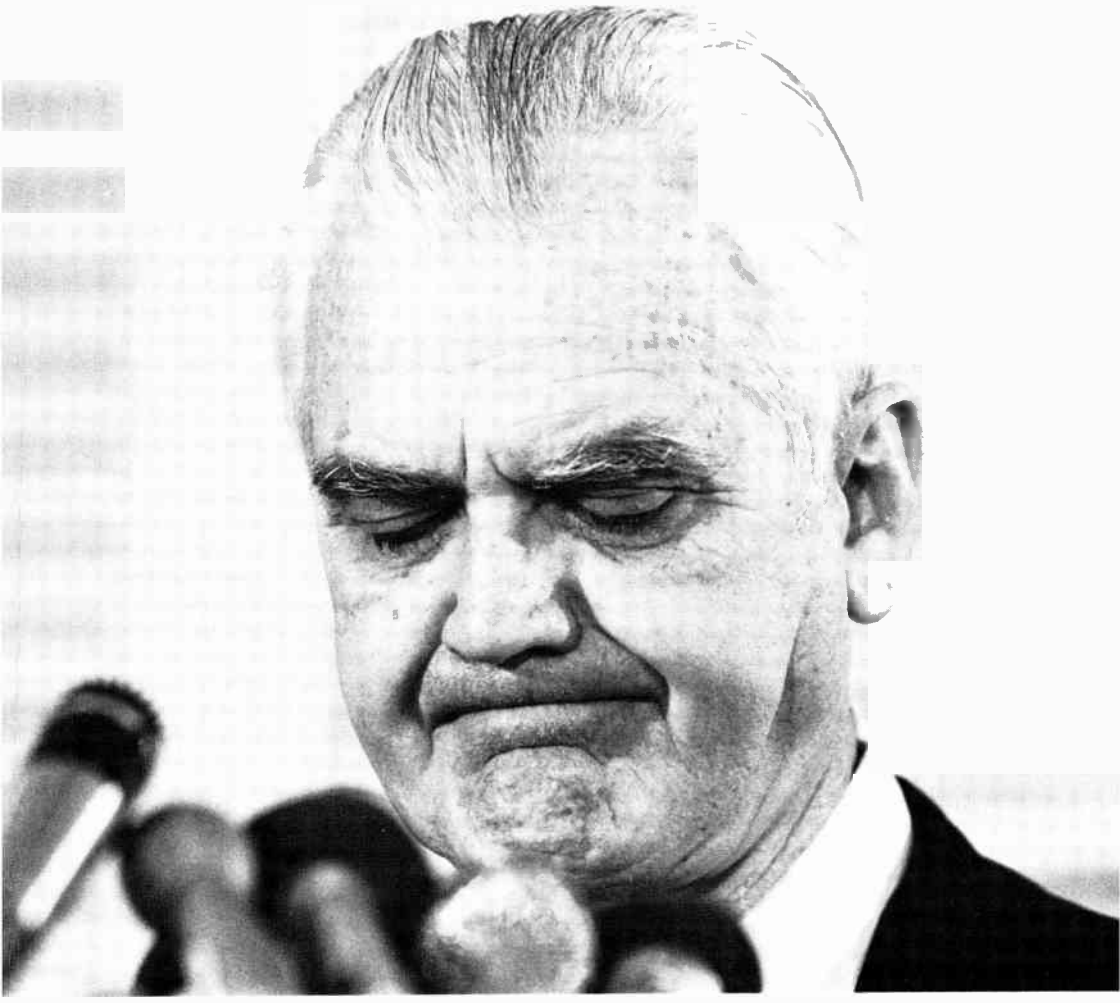


4. Westmoreland and the President reviewing strategy at the White House.

5. General Westmoreland, President Johnson, General Nguyen Cao Ky (Prime Minister of South Vietnam), and U.S. Ambassador Ellsworth Bunker, December 23, 1967.



6. Westmoreland meeting with reporters, January 26, 1982, demanding an apology from Mike Wallace. "It was all there, the arrogance, the color, the drama, the contrived plot, the close shots, everything but the truth."

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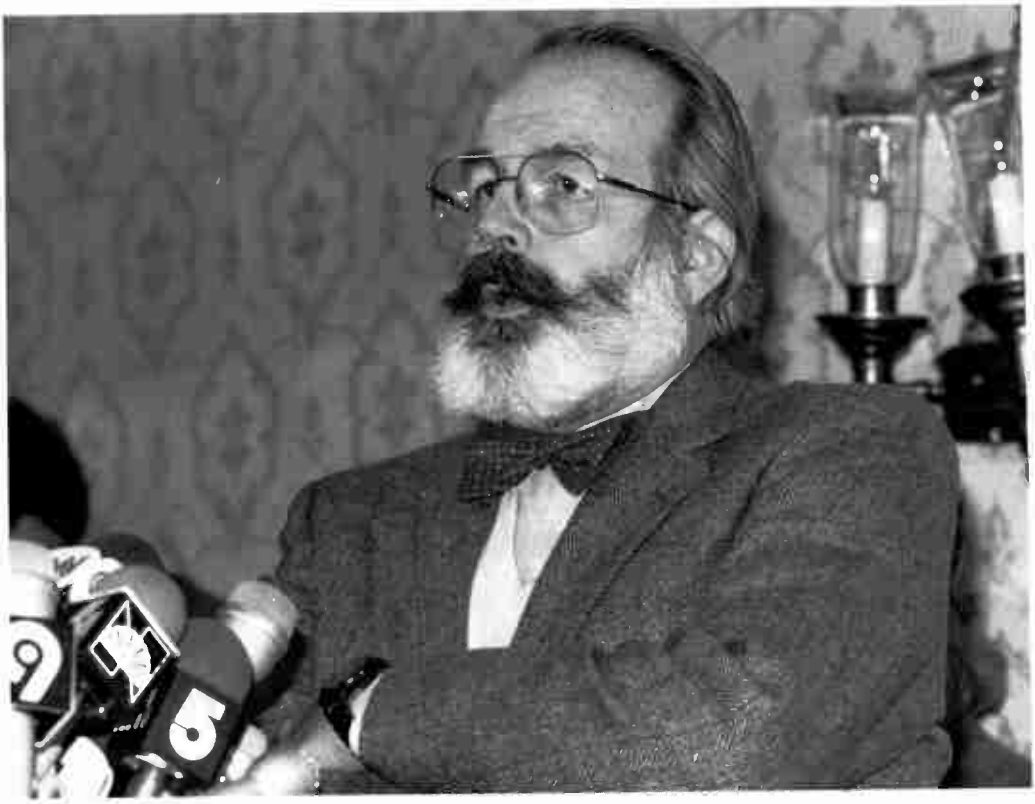
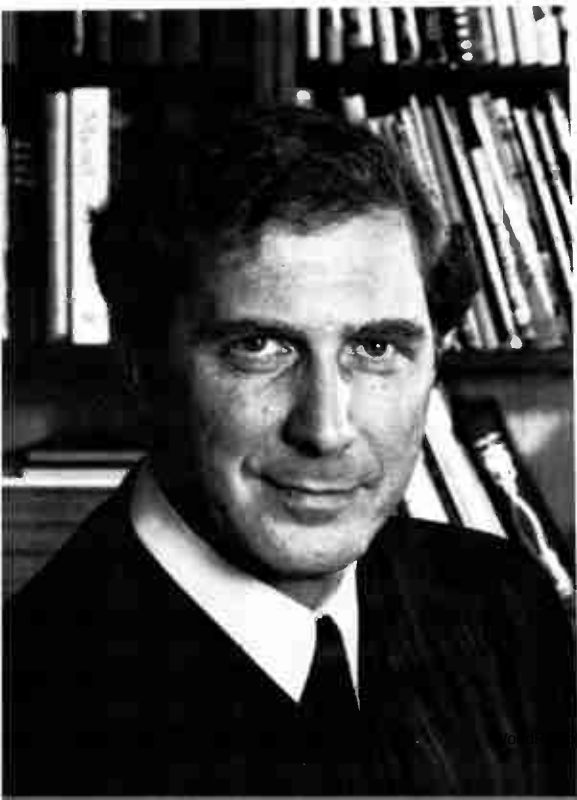
7. Howard Stringer.

8. Edward M. Joyce.



9. Van Gordon Sauter.



10. Federal Judge Pierre Leval, who heard the case.

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11. Westmoreland, with his lawyer Dan Burt, arriving at U.S. District Court, October 8, 1984.

12. George Crile, with CBS attorney David Boies on the right, outside the courthouse.

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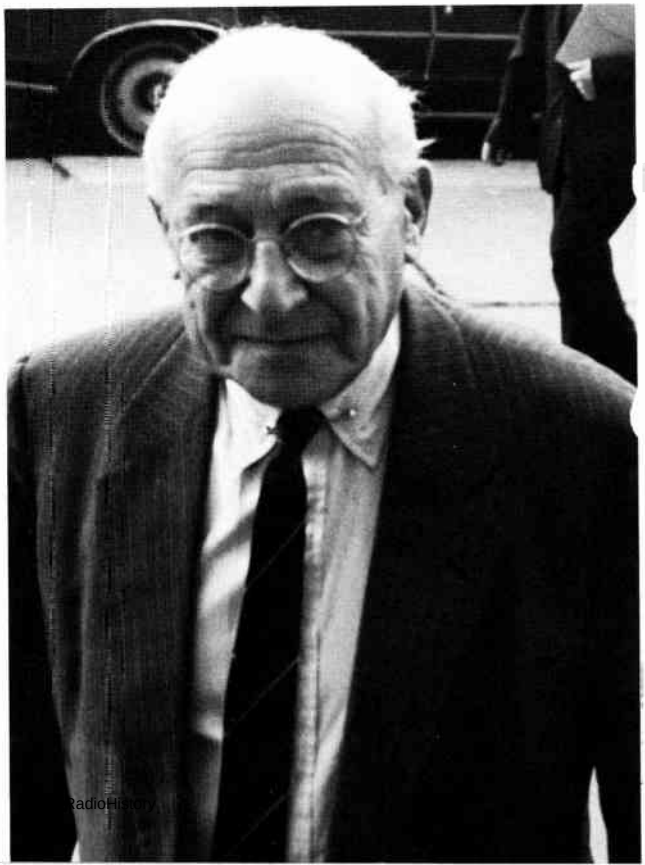
13. Retired Army Lt. General Daniel Graham, who now heads an organization supporting President Reagan's "Star Wars" program.



14. Walt W. Rostow arriving at Federal Court, October 14, 1984, ready to testify for Westmoreland. Rostow was National Security Adviser under Lyndon Johnson.

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15. Mike Wallace at the federal courthouse.

16. CBS attorney David Boies outside the courthouse.


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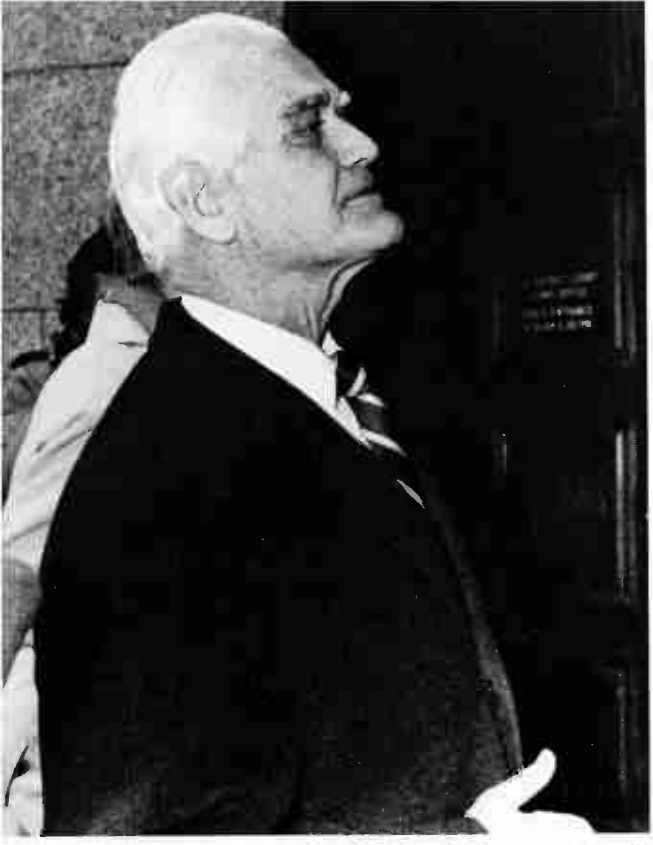

17. Westmoreland arriving to testify at the trial, November 15, 1984.


18. Sam Adams leaving the courthouse, January 9, 1985.

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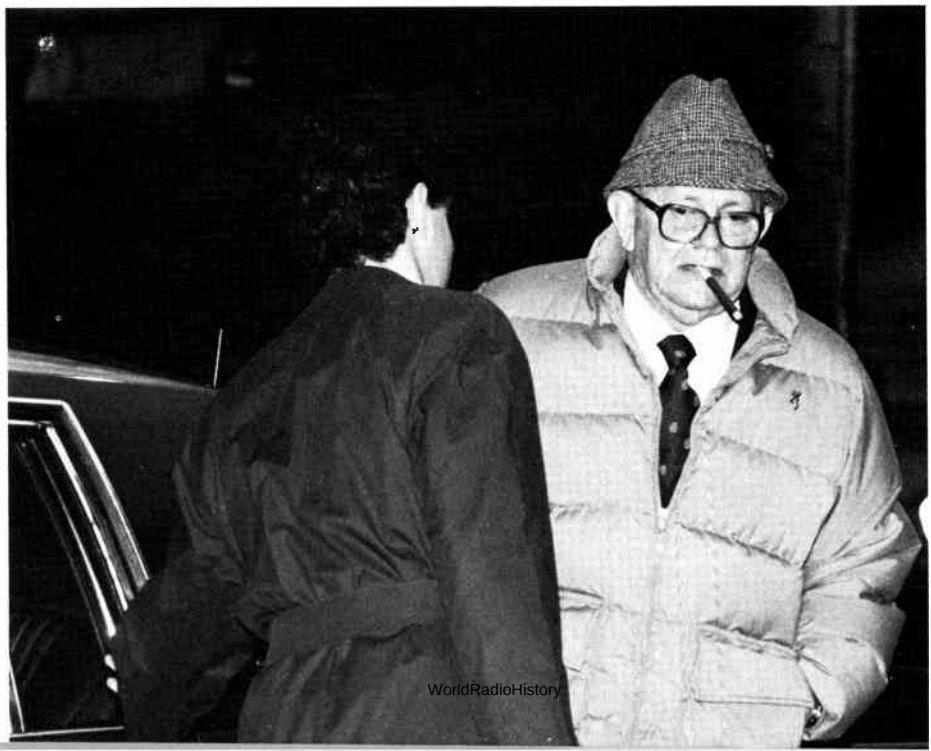
19. Dan Burt talking to reporters in New York.

20. Major General Joseph A. McChristian leaving the courthouse, February 5, 1985.

21. George Crile leaving the courthouse after testifying, February 6, 1985. Crile accused Westmoreland of "not being candid" when he was interviewed for the broadcast.

22. Colonel Gains Hawkins arriving at court. Hawkins was chief of the Order of Battle branch. He testified he had arbitrarily reduced enemy strength figures and said: "I consider this to have been a coverup."



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23.-24. The news conference following settlement of the suit, February 18, 1985. Above: Westmoreland with his wife, Katherine. Below: Westmoreland and his attorney Dan Burt.

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25. Van Gordon Sauter at the news conference.

26. Mike Wallace answering questions during a CNN interview after the out-of-court settlement.

27. Pham Van Dong, Walter Cronkite, and the author at the old French Governor's Palace in Hanoi, February 26, 1985, shooting for *CBS Reports*: "Honor, Duty, and a War Called Vietnam," which aired April 22.

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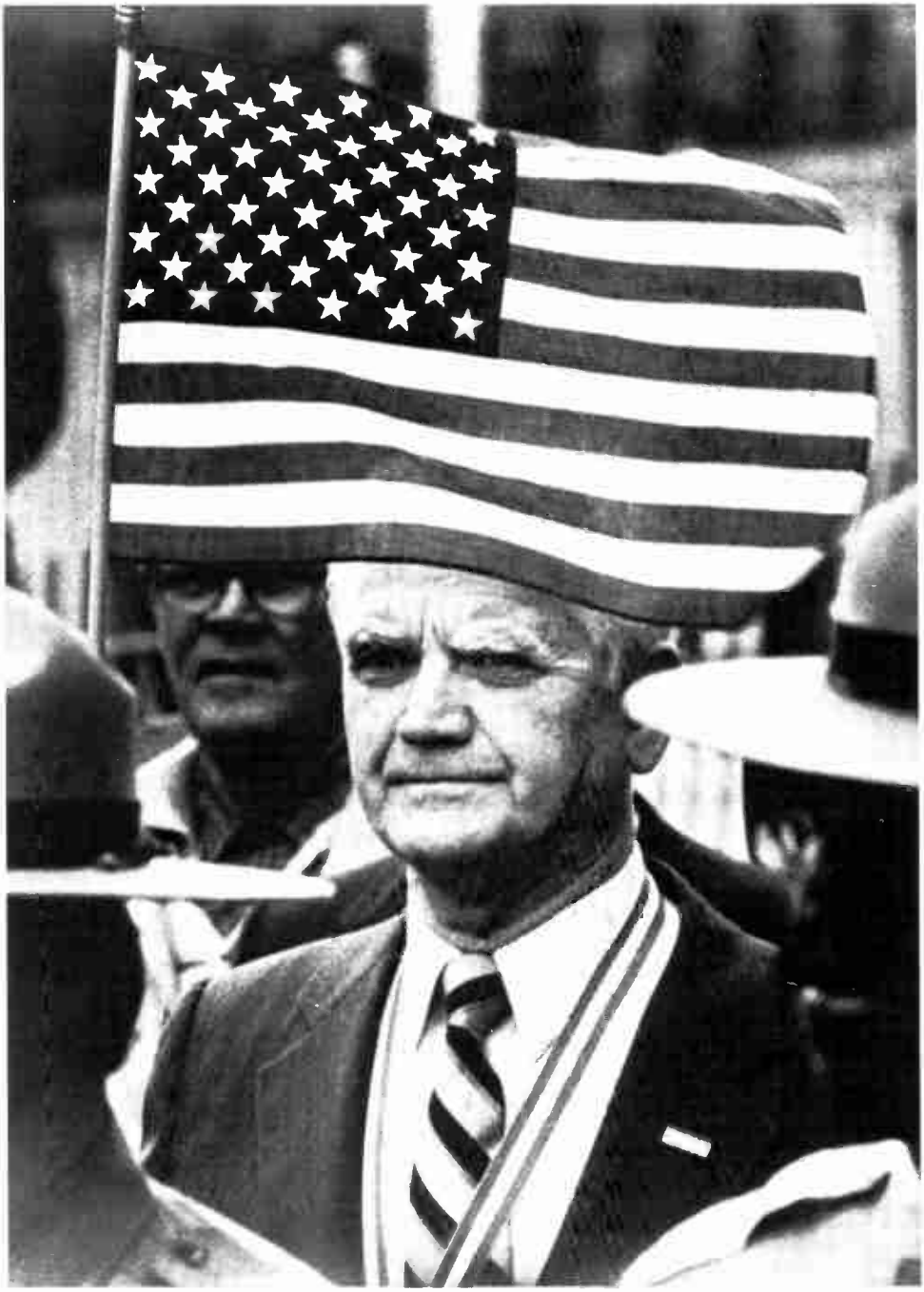

28. Westmoreland walking across the Brooklyn Bridge at the start of a parade honoring Vietnam war veterans, May 7, 1985, the largest tickertape parade in the city's history in terms of the number of marchers.

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was pleased I had been selected; he was certain I would be fair. I wondered now whether he had spoken with Alben and McDaniel and had been warned that the questioning might be sharp and uncomfortable. He had a knapsack, filled with documents, which he put on the floor, then he took off his jacket. I introduced him to Wertheim and Pierce, and the six-hour session began. There would be a brief interruption for lunch—the two researchers and I going to the CBS cafeteria, Crile leaving rather hurriedly to go off on his own.

At lunch, I told Wertheim that I thought he had been forthcoming and direct in his answers. I had expected him to turn stubborn or combative, but so far he had been low-keyed and was answering questions without any apparent evasion. I asked her what she thought. She said she agreed and the only thing she had noticed was that when he left our small, hot office, he was wringing wet. I didn't read too much into that; so was I.

The interview broke down into these areas:

### *Theme*

How would Crile define the premise, the thesis, the theme of the program? I asked him. *TV Guide* had stated it this way:

> The evidence amassed by CBS seemed to prove the U.S. military's intelligence operation in Vietnam, led by General Westmoreland, conspired to deceive President Lyndon Johnson, the Congress and the American public. Beginning in 1967, the documentary charges, Westmoreland had systematically underreported to his superiors the size and strength of the enemy, in order to make it appear he was indeed winning the "war of attrition."

Crile maintained the way the magazine had set up the premise was misleading.

"What happened in 1967 was that evidence became available to indicate the enemy size was much bigger than was previously reported or understood. The CIA was at a disadvantage. They didn't have the vast number of analysts that the military command had. The CIA had Sam Adams poring over captured enemy documents. . . .

"Either the military was looking through rose-colored glasses or cooking the books. Our evidence showed that on higher numbers the military came to the same conclusion as the CIA, but instead of passing

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this on, the military commenced to suppress that information. *TV Guide* reduced this to an argument over whether this shadowy group—the Secret Defense militia—should be included in the order of battle. That misrepresents what the show was about."

I told Crile there was another definition of the show's thesis in his White Paper and perhaps he liked it better:

> That in 1967, American military and civilian intelligence discovered evidence indicating the existence of a dramatically larger enemy than previously reported . . . that instead of alerting the country, U.S. military intelligence under General Westmoreland commenced to suppress and alter its intelligence reports, *in order to conceal this discovery from the American public, the Congress, and perhaps even the President.*

Crile: "Now that I look at it, I would put a period after the word "reports" and eliminate the rest of the sentence (his suggested deletion is in italics).

### *Conspiracy*

What about "conspiracy," used only once in the script, but the word that had become the most critical allegation in the program?

"Oh absolutely, the word is properly used," said Crile. "Yes, it was used in the Blue Sheet, but I never dreamed I would use the word 'conspiracy' in the script until I had talked to everyone. It was the only word that worked for me to explain the pattern of events. I saw this as official misconduct by a variety of people. It was a violation of the code of military justice."

"I understand the dynamics of the Blue Sheet," I said to him, "but the word 'conspiracy' appears twenty-four times and the word 'conspirator' is used five times in that document. One would have the impression your mind was made up."

"The program was not sold on the basis of a conspiracy but on the basis of Sam Adams," he replied.

"How about the print ads for the show—CONSPIRACY in big type right across the middle?" (The ad had been prepared at Black Rock by the advertising department and had been approved by Van Gordon Sauter and Ed Joyce. Crile had had no input in this.)

"The ad bothered me. I never saw the ad before the program. It gave me the heebie-jeebies. The ad was not to my liking."

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### *The 9–2 Equation*

Was the program out of balance? On one side, there was Sam Adams and eight former military and CIA officers supporting his thesis. On the other side there was Westmoreland and General Graham, who got twenty-one seconds on camera.

"It wasn't a question of for or against," Crile explained. "I don't consider McChristian, Hawkins, Cooley, Hamscher, and Meacham as partisans. They weren't expressing opinions. They were stating what happened as analysts."

Still with ninety minutes of air time, was there no room to include some of the people who disagreed with Adams—George Carver and General Davidson, for example?

"In Act I, the show covers the discovery of a much larger enemy. The source was Westmoreland. There was really no one else to talk to."

Graham could have gone on the air to argue that the enemy-strength figures were not undercounted.

"The show in my mind was a presenting of evidence. It starts with McChristian and Hawkins on Westmoreland's decision not to pass on higher enemy-strength figures. I interviewed the entire MACV delegation. There was no controversy."

"Are you saying that the broadcast was not controversial? That Sam Adams makes no charges?"

"I don't see Adams delivering charges. It's not Adams's thesis. This is important. Sam developed it, but I don't think it needs to be his thesis any more. The people we had on camera were bureaucrats with no interest in going on the air. They simply said what happened. In general, these were admissions by people of things they personally did. It wasn't whistle blowing."

"I understand these people on camera said they did certain things," I said. "But weren't there people who said it wasn't true? How could it not be controversial, given history and the impact of television? The ratio was in effect nine to two. You think this was fair and balanced?"

"What I'm really saying is we were dealing with people, working people, who had hands-on evidence . . . I rightly or wrongly was laboring under the impression that we were presenting unchallengeable facts—what people say happened."

"Five times Westmoreland says it makes no sense for a commander

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to downgrade the size of the enemy in time of war. Did you ever consider letting him say that?"

"Sure, you could have done a lot of things in fairness to Westmoreland. I never expected Westmoreland to say on air that he blocked numbers. What he said was that he was not accepting numbers and that meant blocked or suppressed to me."

### *Coddling Friendly Witnesses*

Crile strongly disagreed with the charge that friendly witnesses had been coddled while those opposing the program's thesis had been treated harshly. I read for him excerpts from the Sam Adams transcript—"Sam Adams is there. He's Paul Revere" . . . "You were perfect . . ."

"I ask you, George, is that normal? Words have been used for this—coached, leading questions, soft questions. Here you have a man who literally, it appears, was taken by the hand."

"Oh, Bud. If you look at transcripts of other shows—*60 Minutes, CBS Reports*—you'll find the same thing."

"I don't see any of that in Westmoreland, Graham, or Rostow."

"On Adams, I could not dictate to Mike. He ran off with his own speculative questions with Sam. It was not to my liking."

"Did you give Mike the questions in advance?"

"Oh yes."

"Well, that's not a first."

"Not a first! It's always done that way. In Bill Moyers's "The CIA's Secret Army," I did all of the questions for him. In the South Africa piece with Moyers, I did all of the questions. For Ed Bradley, he always gets the questions. . . . If I didn't hand the correspondent the questions, we wouldn't have a show. Especially when it's as wildly complicated as this one was. . . . Overall, Moyers and Wallace are most actively involved with producers."

"Do they do their homework?"

"Most of the time."

Crile said Wallace had never heard of Sam Adams before they did the interview. They made an odd couple: Adams, who did not watch television, had never seen Mike Wallace on the air. Crile said he had spent a great deal of time with Wallace trying to brief him and bring him up to snuff.

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"What Mike does is totally unprecedented. What he does with a producer—he rattles them, he shakes them."

I had heard that Wallace could be demanding and dictatorial with his producers on *60 Minutes*. As he often said: "It's my face hanging out there." I had worked with him only once—not on location but as the executive producer in New York. In 1967, I assigned him to go to Israel to report "How Israel Won the War." It was an account of the smashing Israeli victory in the Six Day War. Wallace was still relatively new at CBS News; it was a year before the launching of *60 Minutes*, and he could not have been easier to work with or more cooperative.

What about Adams being present at some of the interviews and actually participating by throwing questions and coaching?

"Coaching?" Crile replied. "As far as I understood it, we were dealing with interviews, trying to get on the record something that's not controversial."

"Not controversial?"

"These were building blocks, not areas of speculation."

"What adversarial interviews were there? Westmoreland, Graham, Rostow. Three. Correct me if I'm wrong."

"There is a place for an adversarial interview, but why do you want to go adversarial if a person is confessing?"

### *The Two Allen Interviews*

I asked Crile why George Allen had been interviewed twice, once on May 26 and then again on June 29, 1981, both times in New York.

"There was nothing basically wrong with the first interview," he said. "This was a personal thing with me. Allen was particularly concerned about ratting on the CIA. He looked like hell, looked guilty, on those questions about the CIA. He was concerned about looking like a whistle blower. When it came to questions as to why the CIA caved in [to MACV], he looked very bad although it was good theater."

Did he tell his superiors about the double interview?

"No, I didn't tell Andy Lack or Howard Stringer that I did the interview twice. I don't know if they knew. No, I didn't know this was a violation of CBS News guidelines. Why was it?"

"How could it be spontaneous and unrehearsed if you interviewed him twice?"

"I honestly was not aware of it being a violation of the guidelines."

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Why did he bring Allen to Ira Klein's editing room and show him interviews of others filmed for the program?

"For the same reason as the second interview. I know it's against the sensibilities of everyone here . . . I don't think what I did there was right. Allen was caught in stage paralysis. He felt badly about doing the interview . . . I said to him: 'Look, George, you shouldn't feel alone. Come on, I'll show some others to you.' "

Two years later, at the Westmoreland-CBS trial, Crile was asked whether Westmoreland had been given an opportunity for a second interview. "No," Crile replied, "he didn't request one."

### *Westmoreland*

Crile said it was not difficult to get Westmoreland to agree to appear on the program, but that it was hard to get through to him what they were talking about—intelligence under his command.

"He has always had a good cover story. . . . We told him we were doing the documentary on the role of intelligence using Tet as a jumping-off point, and were we alert to enemy strength?"

In one telephone conversation, after reading Westmoreland the five areas he wanted to discuss, Crile said they spoke about the CIA and the general brought up Sam Adams and his story but never asked him: "Is this the Adams theory?"

Why did Crile find it necessary, after reading the letter with its five points on the phone, to hand-deliver it to Westmoreland at the Plaza Hotel the night before the interview?

"I wrote the letter to get on the record and spell it out to Westmoreland. . . . Short of spelling out the accusations, I did everything I could."

"He seemed ill-prepared."

"There's something more fundamental here. This was the commander of U.S. forces talking on a critical issue of the war. We were dealing with a very disturbing report which he blocked. . . ."

"I had the sense that he didn't understand why he was here, that he was not well informed."

"I have to get back to this. He was wearing the mantle of MacArthur and Eisenhower. These are serious charges."

"Do you think Westmoreland was somewhat inept?"

"Yes. He seems stupid."

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"Well, if he doesn't come off well, maybe you should have got someone else to defend him."

"Westmoreland was not the show."

"He came out as the heavy, George."

Just before the interview, Crile had written a note to Mike Wallace: "Now all you have to do is break General Westmoreland and we have the whole thing aced." Later in trial testimony, Crile would explain that the term "break" was "obviously a hyperbole." He was referring to the large challenge that Wallace faced in view of "General Westmoreland's continued practice of stonewalling and denying that there had been this fundamental contradiction within his own command. . . ."

I asked him whether Westmoreland had said after the interview that he had been "rattlesnaked"?

"Something like that," Crile replied.

What about the *Meet the Press* excerpt involving enemy infiltration just before Tet and Crile's deletion of the line "But they do have the capability of stepping this up"? Why was he so incensed that the line had been left in?

"I didn't want the line in there. It was contradicted a page before in the *Meet the Press* transcript."

He looked in his knapsack for the page but did not have it.

He did not respond when I asked him: "If it was contradicted on the page before, how did you know which statement was correct?"

What about the big hand signal to Klein to lower the sound so that the line could not be heard during the Sauter screening? He said that Joe Fackovec, the second film editor, had cut the line from the piece and Ira Klein had put it back in. "That's what made me mad."

What about the letter from General Westmoreland of June 9, 1981, in which he told Crile and Wallace that the infiltration figure of 20,000 which he had given in his interview was in error and the figure of 5,500 to 6,000 stated in 1967 on *Meet the Press* was "generally correct"?

"I didn't see it as a correction letter," Crile told me. "He never phoned to say I erred on the 20,000 figure. The cover letter never mentioned a correction or asked for one. What I believe is that Westmoreland remembered the facts and forgot the cover story."

After receiving the Westmoreland letter, Crile wrote to Wallace: "Westmoreland doesn't bring anything to our attention that is particularly relevant. Certainly nothing that causes concern and requires a new look at anything we have been asserting."

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*Rostow*

The former special assistant to President Johnson was interviewed by Mike Wallace for three hours; none of what he said was used.

Rostow knew before the broadcast that he would not be included. Crile informed him of this by letter on January 15, 1982. He explained why: The broadcast was essentially evidence that General Westmoreland's command had suppressed and altered critical intelligence on the enemy during the year preceding Tet, and Rostow had told them he knew nothing about it. Therefore, he was not in a position to comment authoritatively about the premise of the broadcast.

On January 27, 1982, four days after the broadcast, Rostow wrote an angry letter to Crile which began:

> As the enclosed indicates, I accepted the high cost of losing a cheerful Saturday night to see what you and Mr. Wallace made of the VC order of battle struggle. Evidently, I was disappointed. And my final question is honest. I can't for the life of me, figure out why you would use expensive, prime time at this point in the nation's history to produce something as grotesquely distorted and misleading as that. . . . On the other hand, I am too old and have been around too long to try to assess other people's motives.

Rostow went on to say that no apology was necessary for dropping him from the program.

> I accepted your invitation to participate because I felt it to be a duty as a former public servant. I was also impressed by the seriousness of the research you and your staff conducted. On the other hand, I was, frankly, appalled by the ignorance and crudity of some of the propositions put to me in New York and realized that I was under some risk of having extracts from what I said used in contexts which I might not approve—in the best of faith from your perspective.

Rostow denied he had ever pressured the CIA. ". . . as an old intelligence officer, I would never do it. I would hope and expect Helms [Richard Helms, CIA director] would raise hell with me and the President if I did."

Rostow followed up with a letter on February 7 to the *New York Times* stating that the program's conclusion that "Lyndon Johnson himself was victimized by mendacious intelligence [before the Tet Offensive] is false and those who produced the documentary know it is false."

Crile replied to the *Times* a week later that in his letter Rostow had

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not challenged "the testimony of the former intelligence officers who appeared in the documentary." Crile then went on to emphasize another point. *TV Guide* had quoted him as saying that if Rostow had said in his interview what he said in his *Times* letter, he would have used him in the program. Crile declared that the magazine had misquoted him. They had confused Rostow's letter to the *Times* with a Rostow "Memorandum for the Record," which Crile said he had written to the LBJ Library on January 25.

Comparing the two, I found that all of the points in the *Times* letter had been made by Rostow in his interview with Wallace. One key point in his "Memorandum" had not been made in the interview: that the enemy-infiltration rate may have been higher than 25,000 a month. Rostow wrote: "This background is required to understand the grotesque Crile-Wallace misrepresentation of the pre-Tet North Vietnamese infiltration rate. What was happening in the autumn of 1967 was not an 'increase in infiltration'; it was a quite massive invasion by fresh, regular North Vietnamese units. . . . The 'infiltration rate' may well have been *higher for a few months than 25,000* [emphasis added]. Everyone concerned, including President Johnson, knew this."

This was in direct conflict with Rostow's interview statements:

WALLACE: . . . The MACV analysts were reporting upwards of 25,000 North Vietnamese coming down the Ho Chi Minh Trail each month and all of their reports were blocked.

ROSTOW: This is something I don't know but what I can tell you is that's not what President Johnson was looking at.

Later in the interview, Rostow added: "I'd like to see the evidence. I don't know what the evidence is because they didn't mount that kind of order-of-magnitude attack."

In the interview with Wallace, Rostow did make these points which the producer considered and then elected not to use:

—Rostow had informed LBJ that there was a debate going on between MACV and CIA about enemy-strength figures.

—Helms would tell LBJ at the Tuesday luncheons that there were various estimates of enemy strength—"on the one hand there are these views, there are those views, this is my personal view."

—CIA gave one figure, MACV another. CIA's was higher. The President was fully informed about this.

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—He had not heard of Westmoreland "blocking" higher enemy-strength estimates.

"I agonized over whether to use Rostow," Crile told me. "I finally had to drop him for time. . . . The problem was Rostow was contradictory and in some places unresponsive. . . . No one has ever accused Rostow of being a liar but people do say he filtered information to LBJ. . . . He was considered intellectually dishonest in the academic community, which is why he wasn't able to get any positions with Northeast universities. The Rostow interview was a colossal problem for us to cope with."

### *Carver*

Crile interviewed George A. Carver, Jr., on January 11, 1982, at Georgetown University's Center for Strategic and International Studies in Washington, where Carver was a senior fellow. No cameras were present; it was twelve days before air and the Vietnam program was locked up. Carver remarked to Crile that "the program must be in the can," and in his words, Crile "did not disagree."

Carver was the CIA's deputy director of Vietnamese affairs from 1966 to 1973 and was George Allen's boss. It was Carver who went to Saigon in early September 1967 to carry on the difficult negotiations with General Westmoreland over the enemy order-of-battle figures. It was Carver who had sent CIA director Richard Helms a famous cable on September 13, 1967, when he and Westmoreland came to an agreement: "Circle now squared . . . we have now agreed on a set of figures Westmoreland endorses." According to Sam Adams, the phrase "we have squared the circle" came from an essay by the English philosopher Thomas Hobbes about whom Carver had written his Oxford dissertation. "I took it to mean we had done the seemingly impossible," said Adams.

The deal that was hammered out provided an estimate of enemy strength of 224,000–249,000 plus 75,000–85,000 in the political cadre, for a total of 299,000–334,000. The controversial Self-Defense forces, those black-pajamaed irregulars, would not be counted in the order of battle but would be described verbally in the estimates sent to President Johnson. It was noted they had run as high as 150,000.

Crile made notes of his meeting with Carver, some of which the former CIA officer would claim were inaccurate. I asked Crile why he

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had not put Carver on camera. "Would you say that Carver was articulate?"

"He's brilliant. It was going to be Carver or Allen all along."

"Allen is so tight on camera, you say, so inhibited. And his boss is so articulate."

"Allen was the most honorable, spoke with force and integrity. Carver was identified by Joe Kraft and others as Rostow's man at the CIA. He had a willingness to think intelligence was the piece of paper that can get through the bureaucracy. I felt that the ability to get Allen to come on camera was a major coup. If Allen had not come on, I would have felt compelled to have Carver on. But Carver was in a terrible position having caved in."

"Wasn't that good to have on the show?"

"The CIA story wasn't the story in the show. It was a judgment call. Carver's position was firmly etched in documents in my file. He caved in; his position flip-flopped. I could have turned the tables and tried to roast Carver."

"Couldn't you have let Carver tell his story and let the audience decide, which we often do around here, George?"

### *Morris*

Another officer who was interviewed late and off camera by Crile was Col. Charles A. Morris, who was in charge of intelligence estimates and evaluations for MACV in 1967 and 1968. A memo to me from Crile said the interview took place by phone in December 1981, "about a week or ten days before we locked up the show." *TV Guide* had charged: "Crile says that Morris confirmed the documentary's story, although Crile cannot explain why he left this important information until it was too late to include it." (Morris denied to us that he supported CBS's allegations.)

In the notes of his conversation with Morris, Crile wrote: "I tell Morris that Westmoreland had told us the infiltration figure was about 20,000 a month in the fall of 1967, and Morris replies: 'That's on the conservative side' but agrees that that was roughly the size."

As to the statement by General Westmoreland on *Meet the Press* that enemy infiltration in late 1967 ranged between 5,500 and 6,000 a month, Crile quoted Morris as saying: "Westmoreland knew better at the time, and you've got to remember one little thing. Westmoreland

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was a pawn of LBJ." Crile also quoted Morris as saying that there was terrific pressure from the White House concerning the so-called cross-over point. This was an analysis championed by then Lt. Col. Daniel Graham, which claimed that a point had been reached where U.S. Troops were knocking out more of the Vietnamese than they could replace.

Crile pressed Morris on what he regarded as an inconsistency. How could the enemy be suffering a net loss and at the same time be beefing up its forces?

"Why have you just said he's no longer able to sustain this rate of infiltration," he asked the colonel, "and then say they're building up?"

According to Crile's notes, Morris replied: "The only way of answering this is to say we screwed up and we didn't want to say it."

Crile's notes then concluded: "He agrees with the premise that the American public was misled."

At the Westmoreland news conference directly after the program was broadcast, Morris had taken a different position: "Had General Westmoreland told me to lie about figures, I would have resigned my commission, taken the consequences and left. I swear to you that no such thing was ever done. Nor did General Westmoreland ever approach me or anyone else and say we cannot exceed a certain figure in the order of battle."

Crile phoned Morris again on January 30, a week after the broadcast. At first, he had told us he had no telephone tapes. Then he acknowledged that he had taped this conversation with Morris and gave us a copy. I did not ask whether he had told Morris he was taping him.

Crile asked Morris about his statement in their first conversation that "we screwed up." Morris replied: "We did screw up. There's enough bad we did over there to where if we just tell exactly what happened as best we can reconstruct it, we'd still be entitled to a knock on the wrist. But it was honest. There was nothing surreptitious about it. And that's what I really resent about the whole thrust of the program is that you said that Westmoreland and Phil Davidson, whom you people didn't even bother to contact, and Charlie Morris, Danny Graham were involved in a conspiracy. That's your word, I believe. Your program's word. A conspiracy to deceive, and that couldn't have been further from the truth."

"And God knows," Morris told Crile later, "if you had just done to us what we're entitled to, why, we wouldn't have had a leg to stand on.

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But I just really am not at all interested in getting more information in your hand than I have time to sit down and give measured replies to."

Morris concluded: "I'll tell you for sure I wouldn't go on your program under any condition unless I had a legally binding contract and the right to edit it in the future."

Toby Wertheim phoned Colonel Morris on June 21, 1982. He told her: "I don't think I'd like to confirm anything. I was taken out of context by Crile. I might not want to say anything because I'm afraid this might wind up in court. The only thing I am willing to say on the phone is that Crile didn't use the general tenor or specifics of our conversation. The major thrust of our conversation [of December 1981] was misrepresented by him. Even the way the *TV Guide* story is written can be taken two ways. I deny that the original Crile story was correct."

Morris was right, of course, in predicting that the matter would wind up in court. As a witness for Westmoreland, he was asked whether he believed his superiors were under political pressure. After a long pause, the colonel replied: "I'm going to say yes, there was a certain amount of pressure. I just sensed it was an unpopular war and we had to get on with it. Like General Westmoreland said, no one likes bad news."

### *Graham*

Lt. Gen. Daniel Graham, who as a lieutenant colonel was Westmoreland's chief of current intelligence and estimates, was interviewed by Mike Wallace for more than an hour, and two sound bites totaling twenty-one seconds were used. This was a judgment call on the part of Crile; in any documentary there are hundreds of such calls.

Among the statements General Graham made in unused portions of his interview were:

—He thought the MACV enemy-strength estimates were not too low but too high, 30 to 40 percent too high. They were getting all this pressure from the CIA to raise the figures.

—Adams extrapolated, and he was wrong.

—Despite the "crossover memo," he nevertheless agreed with General McChristian that "the enemy could still continue for an indefinite period of time."

—He denied that MACV had put a 300,000 cap on enemy-strength

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figures in its negotiations with CIA. "Where would the order have come from except from me, and I gave no such order. . . . Nobody told me there was some figure I couldn't go over or under."

—Westmoreland was wrong in his interview when he gave Wallace the figure of 20,000 for enemy infiltration. "You managed to confuse him, Mr. Wallace."

The matter of General Graham and his very brief appearance on the program was a question for Crile:

"Should you have used more of Graham?"

"Graham was not being candid. He was being demonstrably untruthful."

"Then maybe Graham was the wrong man to interview on camera. Why not Godding? [Gen. George Godding was head of the MACV delegation to the National Intelligence Estimate meeting at CIA Headquarters in Langley, Va., in 1967.] There was your horse's mouth."

"You can't underestimate the power of the Hawkins interview. He did state he received instructions [to maintain a ceiling] on paper during the meeting."

"The 300,000 ceiling was really pivotal?"

"I think so."

"We'll call Godding on the ceiling figure and see if he was refused permission from General Davidson to increase the figure."

We spoke with Godding on June 20, 1982. He told us he spoke with Crile four or five times but never quoted any number to him, and he said he would not quote any numbers to us. He said before leaving Saigon for the meeting at the CIA, he explained his numbers to Westmoreland and General Davidson, who felt "they were the best we had." Godding said the biggest problem with the CBS program was that people don't know the difference between information and intelligence. "Intelligence is taking information and evaluating and synthesizing it," he said.

At the Westmoreland trial two years later, General Godding ran into trouble. First, he contradicted his own sworn deposition concerning the composition of enemy forces. In his deposition, he had said the Secret Defense irregulars were included in the enemy count. At the trial he said—no, they were excluded and put in a special category. Second, under vigorous cross-examination, he conceded that the enemy-strength figure he was carrying to the CIA meeting at Langley could not be exceeded without permission from Saigon. In spite of all the semantics,

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it certainly appeared that there was a ceiling or cap dictated by MACV, as the Vietnam program had asserted.

### *Tet*

The program had made much of the size, scope, and ferocity of the Tet Offensive in 1968. It had made the point that General Westmoreland had called Tet a major defeat for the Viet Cong. I asked Crile whether he reflected adequately the view held by a good many Vietnam experts that Tet was a military victory for the United States.

"If you're talking about a war of attrition, it was a terrific victory for our side . . ."

"The implication was that it was a goddamned disaster."

"It was a political disaster."

"Is it fair to indicate it was a total disaster?"

"It's such a controversial point, whether Tet was a victory . . ."

"That's exactly my point. It is a controversy."

"I have to acknowledge something. Given the comments following the broadcast, I wish I had a line in that in a war of attrition this was a terrific military victory."

### *Editing*

Throughout the interviews conducted for the Vietnam program, there were violations of the CBS News guidelines which prohibit combining answers to several questions into single, uninterrupted answers. A question would be asked, an answer given, but that answer was actually a reply to two or three questions. "My understanding," Crile said to me, "is that as long as you begin the answer you can jump if it's the same subject."

Told that the guidelines specifically forbid this, Crile replied: "Number one, I was not aware of it. Two, I believe other people would be surprised. And three, I don't think it should be part of the guidelines."

I asked him whether he thought the guidelines should be revised for documentaries: "I think the guidelines have to be rethought if they make it so goddamn difficult to get the essence of a person on air."

Apart from the guidelines, there was a careless edit in the program that was more embarrassing than substantive. It dealt with the CIA

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meeting at Langley and Col. George Hamscher, an officer who attended but by his own admission had a clearly subordinate role. Mike Wallace began the sequence with narration:

WALLACE (NARRATION): *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?

HAMSCHER: "We can't live with a figure higher than so and so"—

CRILE: Three hundred thousand.

HAMSCHER: —Is the message we got.

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

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.

The juxtaposition of Mike Wallace's lead and then Hamscher coming up on screen gave the impression that the colonel was the head of the MACV delegation. When I questioned Crile about it, he replied that it was made clear by Wallace's narrative bridge eight seconds into the sequence—"Colonel George Hamscher was one of several members of the military delegation . . ." It did not seem clear to me. Would not the head of the delegation also be one of its members?

Crile was not reluctant to speak about the personal tensions that existed during the program's production and in its aftermath. On Ira Klein, his film editor: "The situation with Ira was so extreme. It was Ira's first hour show. . . . When he took it on, he was properly ambitious; he felt it would be a good show. It was difficult for him because so much was determined by my presence. This was hard for him. There was a lot of starting and stopping. I'm apparently a very difficult person to work with—in some respects disorganized.

"When I went to Florida to work on another show, I didn't make

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it clear to Ira. He was angry. He realized he couldn't do it all by himself, and we needed another editor due to the time pressure. I felt Ira went on a sit-down strike. There was a crunch when I came back. I tried a *mea culpa*. I may even have told Howard Stringer about it. Ira never got over it."

On Howard Stringer, the executive producer for the program: "He totally confused me. He didn't call me after the program went on the air. I sent him a letter after the show. No answer. I told him that *TV Guide* was making accusations . . . and I'd like to know your position. No call. The article came out. No call. When I put my White Paper out, I wanted Stringer to read it. I called him at home and told him I really wanted him to read it. He said he would. I complained to Roger Colloff that Stringer had not read it. I began to hear that Howard said that if he had been on the show and not at the *Evening News*, the show wouldn't have gone on the air.

"Last night," Crile said, "Howard called me. He was angry. He had heard something. He said he had been defending the show. He didn't need to read the White Paper. He knew me. He trusted me. He had a keen sense of what I did. . . . He said had he been there he could have defused it—the whole business of leaks."

In 1984, Crile's account of the Stringer conversation would become a matter of bitter irony and intense controversy. Don Kowet, one of the reporters for *TV Guide*, was expanding his article into a book to be called *A Matter of Honor*. It was a decision that had got him fired by the magazine in 1983; his editors said they wanted to "adopt a neutral stance" in the CBS-Vietnam matter.

Kowet had interviewed Stringer and secretly taped their conversation, much of which the CBS News executive had designated as off the record. The tape surfaced in 1984 when Kowet, his book completed, released the tape to General Westmoreland's lawyers. Kowet said that because Stringer and other CBS officials were attacking his book, "that gentleman's agreement with me is void." It was an unconscionable act and the quotes, five months before the Westmoreland trial began, were devastating.

"As you may have gathered," Stringer told Kowet, "we have our own suspicions about George Crile anyway. . . . He's been my nemesis for some time. . . . It [responsibility] does devolve on me, because I should never have hired him to do it in the first place. I should have known I wouldn't get fair journalism off him."

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The incident was especially embarrassing to CBS News. About the time that Kowet was clandestinely taping Stringer, it was revealed that during the production of the Vietnam program, Crile had also secretly recorded telephone conversations, some of them off the record, with former Secretary of Defense Robert McNamara, former Under Secretary of State George Ball, former Army Chief of Staff Gen. Matthew B. Ridgway, and former Supreme Court Justice Arthur Goldberg. Westmoreland's lawyers had heard about the McNamara tapes from Ira Klein and had subpoenaed them. Crile said they had been lost or erased but eventually he found and produced them.

Although Crile had not used or broadcast any of the material, the recording of telephone conversations without the prior approval of the president of CBS News was a direct violation of network guidelines. When Westmoreland's lawyers released the tapes to the press on June 15, 1983, Crile was suspended with pay by CBS.

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# 11

# MIKE WALLACE TAKES QUESTIONS

On June 17, 1982, Mike Wallace, the Grand Inquisitor of *60 Minutes*, came to my office in an unaccustomed role. He would be taking, not asking, the questions. The interview would last for six hours.

Toby Wertheim and Barbara Pierce, my researchers, asked to be excused from the session, a decision I thought strange but did not press them on. Their only explanation was that they might be working with Wallace in the future and so found it awkward to be a part of the interview. It gave me no real problem except that I would have to take all of the notes.

I certainly had no inhibitions about confronting Wallace alone. We had been classmates at the University of Michigan more than forty years before. He was then Myron L. Wallace from Brookline, Massachusetts—I never heard anyone call him Mike. The college yearbook shows him looking much the same as he does now: a thin-faced young man with black hair and dark, probing eyes, staring with faint suspicion at the camera.

The yearbook listed his activities over four years: He had tried out for the track team as a sophomore and as a junior with unnoticed results; had been chairman of the student finance committee; had been involved with play production for three years and with the Men's Union for two.

His greatest achievement went unrecorded; he was the runaway star of the tiny student radio station. His supervisor, Professor Waldo



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Abbot of the speech department, thought Wallace had the greatest natural voice he had ever heard. It was an opinion shared by many of us, including the station's student engineer, Jerome Wiesner, who became better known as president of M.I.T. and President Kennedy's science adviser.

Wallace's penetrating and resonant voice, so familiar today, needed little tutelage. He changed his major from English to speech, and we all felt that he was every bit as good as the voices we heard on network radio from New York.

When we both graduated in the depression year of 1939 and went our separate ways, Wallace immediately landed a radio job in Grand Rapids and it took me more than a year to find a newspaper job in Cleveland. At radio station WOOD in Grand Rapids, Wallace handled all of the chores expected of a young announcer in those austere days. He did the news—"rip-and-read" copy off the station's wire-service machine—and read commercials. After ten months, the move up the ladder began when he was hired by WXYZ in Detroit, a quantum and impressive jump. Here, along with news and commercials, he narrated two network favorites, "The Lone Ranger" and "The Green Hornet." In 1941, it was onward and upward to Chicago where, except for two years as a naval officer in the Pacific, he would spend the next decade.

In Chicago, Wallace launched a talk show with Buff Cobb, granddaughter of the humorist Irvin S. Cobb, that quickly caught on. His first marriage to Norma Kaphan, a class behind him at Michigan, had ended in divorce. (Ironically, she would in 1957 marry Bill Leonard, who later became president of CBS News and Wallace's boss.)

In 1949, Mike Wallace and Buff Cobb were married. In 1951, their show, "Mike and Buff," moved to New York and to television. It languished, as did their marriage, and in 1955 he would be married for the third time to Lorraine Perigord, an artist he met in Puerto Rico.

In New York, Wallace did the rounds, including a stint on Broadway in the comedy *Reclining Figure*, in which he played an art dealer. In 1956, he and Ted Yates, a gifted young producer from NBC News, launched "Night Beat" on Channel 5, the Dumont station. It was an interview show that proved to be a groundbreaker. It gave Mike Wallace considerable recognition and provided the public image for the rest of his career—the bulldog interrogator asking the most probing and outrageous questions.

The show was so simple and yet so ingenious that it became an

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immediate hit. The set was a black velour drop; a hot white light shone on the guest; the camera angle was an extremely tight close-up, unusual in those early television days. And Mike Wallace, cigarette in hand *à la* Ed Murrow, just sat there and asked questions that were tough, unadorned, and often embarrassing. One interview still remembered was a dismemberment of the cartoonist Al Capp which seized upon his habit of giggling after each answer and left him limp and destroyed.

ABC, a bad third among the networks, persuaded Wallace and Yates to join them in 1957, but it was never the same. The network was hardly prepared to take the heat generated by Wallace's tougher interviews. Two particularly nasty sessions helped end the association. In one face-to-face session with Wallace, the gangster Mickey Cohen attacked the police chief of Los Angeles and his deputy in such strenuous terms that the president of ABC had to go on the air and apologize. The network still had to pay minor damages. In another, the columnist Drew Pearson told Wallace that John F. Kennedy had not written *Profiles in Courage;* one of his staffers had ghosted it. That was about all ABC could tolerate.

Wallace tried a variation of the show on another independent station in New York, but it never worked as well as the original "Night Beat." He did some documentary work for David Wolper and for Westinghouse, but what was paying much of the overhead were his commercials for Parliament cigarettes. What he longed for—and was prepared to suffer financially to get—was a network news job. In 1963, as he was about to accept an anchor post at an independent station in Los Angeles, he got the call he wanted. It came from Richard Salant, then president of CBS News, and it resulted in Wallace's being hired as a correspondent at a very spare $40,000 a year. Two decades later it would be a million dollars a year.

As a CBS News correspondent, Wallace could not go on the air while his Parliament cigarette commercials were running all over the country. Joseph Cullman, president of Phillip Morris, agreed to pull them off the air. Wallace's reception at CBS was rather cool; some of his colleagues still regarded him as a shill for cigarettes, not as a journalist. It took him only a couple of years of good, solid work to change his image, although even when he became a superstar, some traditionalists never really accepted him.

The decisive and providential moment in Mike Wallace's career came in 1968 when producer Don Hewitt persuaded CBS News to put on the air his new idea for a television news magazine program, which

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he called *60 Minutes*. There would be two reporter-hosts on the series, Harry Reasoner and Mike Wallace. When his assignment was announced, Wallace sent me a piece of sculpture, an Eskimo whalebone snow goose, to thank me for supporting his bid for the show. It was generous, as I told him, but he had misunderstood the power structure at CBS News. I had indeed backed him for the job, but I was down in the echelon. Three men had made the choice: Richard Salant, Bill Leonard, and Don Hewitt.

When Mike Wallace walked into my office that June day in 1982, he was one month past his sixty-fourth birthday. His third marriage to Lorraine Perigord was about to break up. In 1986 he would take as his fourth wife Mary Yates, widow of Ted Yates, his collaborator on the old "Night Beat" series, who was killed covering the Six Day War in Israel. She had once reported to me when she produced the Sunday interview program, "Face the Nation," for CBS News. I knew her as a good journalist and a woman of style and generous spirit.

I did not know quite what to expect from Wallace, whether he would be confrontational, which was his forte, or withdrawn and uncommunicative. He was neither.

If anything, he was disarming. One of the first things he said was: "I am not entirely blameless in this whole affair. Things went on I didn't know anything about."

Wallace said that George Crile and Grace Diekhaus had approached him about doing the program several months before the Blue Sheet pitching the idea to management was written.

"I had heard of the story vaguely. One of my *60 Minutes* producers, Barry Lando, had some interest in it. Lando had met Sam Adams but the show decided to pass on it.

"I was impressed with Crile. I had seen 'The CIA's Secret Army,' which impressed me. I thought George had taken a bad rap on the 'Gay Power, Gay Politics' show. Crile wanted to become a correspondent. I like him. I thought, if I can help this young man get ahead, I'll do it."

Wallace went to see Robert Chandler, then a CBS News vice president, who confirmed that they would like him to do Crile's show. Wallace said: "I told him: 'I don't know when I'll be able to do all this work.' I had an appetite to do it but shouldn't have had. I was doing *60 Minutes* and two other series, *Mike Wallace Profiles* and *Up to the Minute*, at the same time."

Wallace said he continued to have misgivings about his involve-

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ment. He was no innocent. He knew that management wanted him not only for his talent, especially in conducting the major interviews, but as a showcase. Shortly before his scheduled interview with Sam Adams, Wallace went to Roger Colloff, then the news vice president responsible for documentaries, and asked to be taken off the show.

"I told Colloff, 'I'm busy. I have a full plate. It's George's story. You've seen what he can do. I like his pieces. I like the story. It's just the pressure of work.' But Colloff persuaded me to stay. He said they wanted me especially for the Westmoreland interview."

Wallace said he could sense that Crile did not want him to do any of the subsidiary interviews. He preferred to do those himself. "These people would be leery of sitting down with me," Wallace said. "They would be afraid to talk, afraid that the interview would become adversarial." The first interview that Wallace conducted was regarded as sort of a warmup for him. It was with Marshall Lynn, a young military intelligence analyst, and it was scrubbed.

Wallace met Sam Adams before their interview in Virginia. "I read his *Harper's* piece. I did not read the Pike Committee Hearings nor did I know about his testimony at the Ellsberg trial. There was no question in my mind that the subject we were doing would be highly controversial. I made some handwritten notes before the interview, but I told Crile: 'I'm up to my ass. You have to fill me in' "

Wallace did not agree that the nine-to-two equation on the program, Adams plus eight supporters on one side, Westmoreland and Graham on the other, was wrong. "Adams is a whistle blower, not an adversary," he said.

He agreed that there should have been other points of view expressed. He mentioned LBJ's special ambassador in Vietnam, Robert Komer; the CIA's George Carver, Jr.; and William Colby, who succeeded Richard Helms as CIA director, as three who should have been interviewed. Another was Arthur Goldberg, former Supreme Court Justice and U.N. representative. "I wanted Goldberg on the show. I mentioned him as somebody they ought to get."

Wallace emphasized that he was never in the mainstream of the production. He never saw the Blue Sheet, never went into the editing rooms unless called down by Howard Stringer or Andrew Lack, never got a research report or a finished script. He did not know that Sam Adams was a regular visitor to the editing rooms and was on location for some interviews. No one told him that General Davidson was not ter-

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minally ill, nor did he know that General Godding was the head of the MACV delegation to the CIA Langley meeting. He knew nothing of the Westmoreland phrase that had been dropped in the *Meet the Press* interview, nor of Crile's anger when the line could be heard in one of the screenings.

He agreed that the introduction he had narrated to Col. George Hamscher, which made him sound like the head of the MACV delegation to Langley, was "imprecise." He did not know that in the final broadcast, separate meetings in Saigon and at the Pentagon had been combined so that they appeared to be a single meeting. He winced when I told him about it.

Wallace said the way he worked on the Vietnam program was in sharp contrast with his method of operation on *60 Minutes*. "On *60 Minutes*, I ask my producers: 'Is it true? Can we prove it?' On this broadcast I thought these questions would be asked by Colloff, Stringer, and Lack."

He conceded that the tone in his interview with Sam Adams was much softer than the tone in his interview with General Westmoreland. "Adams was our employee, our consultant. My job was to be a funnel for him."

As to the controversial Westmoreland statement about enemy infiltration being 20,000 a month before Tet, Wallace said he went back to the question again and again to give the general an opportunity to correct himself. He was right; our research showed that Wallace brought up the matter no fewer than fifteen times in the interview.

Wallace rejected the idea that Westmoreland was not prepared. "This man was a four-star general, a West Point graduate." Nevertheless, Wallace revealed that after the interview, when an angry Westmoreland had departed, he had an argument about the major premise of the program with George Crile and Grace Diekhaus.

"I told them it didn't make any sense to say that Westmoreland had intentionally undercounted enemy troop strength. Why would he do it? Why would he degrade his enemy? No general does that. I expressed skepticism about the whole story."

In the weeks ahead, Wallace's doubts were somehow assuaged, and he went ahead with the two remaining interviews that Crile had scheduled for him—Lt. Gen. Daniel Graham and Walt W. Rostow. Wallace dismissed General Graham's statement at the Westmoreland news conference that he had agreed to be interviewed only because Crile and

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Wallace had guaranteed they would ask him a question about Tet and use his answer.

"An untruth," Wallace said. "We did say we would ask a question as to whether Tet was a military victory or defeat for the United States, and I kept my promise. I started the interview with it. But we never agreed to use his answer."

On the Walt Rostow interview, three hours filmed and none used, Wallace said he was not consulted. After completing the session in New York, he went back to his vacation house in Martha's Vineyard and then went to China for *60 Minutes*. "I kept asking: Let me see the assembly on Rostow, but I never saw it. I was under the impression that Stringer and Lack had screened it."

Wallace made it clear, however, that he supported Crile's decision not to use Rostow. "Rostow and LBJ were not our story. Our story was that the books were cooked. . . . The broadcast was basically accurate."

I quoted two excerpts from Rostow:

> —. . . this tortured debate about the order of battle and whether it was manipulated and so on should not be confused with the range of information on which President Johnson made his assessment—before Tet, during Tet, after Tet.
>
> —All I can tell you is the story of the order-of-battle debate and whatever was done with these categories, did not distort President Johnson's assessment of the war.

I asked Wallace whether he did not believe that either of those quotations was worthy of inclusion in the broadcast. He did not. "Rostow would say that," he said.

I read Wallace the definitions of the word "conspiracy" that I had found in two dictionaries. He conceded it was a tough word, but he did not agree that it should not have been used. Later, in his pre-trial deposition, he would call my interpretation "a very narrow and, in my mind, a wrong definition." Wallace said the definition of "conspiracy" he preferred was: "Two or more individuals acting together to achieve a wrongful end."

Wallace had no input into the print advertisement or the on-air promotions for the program. In his deposition, he would say that headlining the word "conspiracy" in the advertisement gave him problems ". . . playing the word 'conspiracy' as broadly as it does, is not consistent with the way the word 'conspiracy' was played in the broadcast itself."

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As the session was about to end, I asked Wallace whether he thought my interview had been fair. He replied: "A hundred percent."

As I thought about it that night, I was persuaded that Wallace had leveled with me. There was no doubt in my mind that the interview had troubled him. He had learned first hand just how many things had gone on that he had not known about. Yet, in spite of his stated misgivings, his frank admission that his role had been peripheral, he continued to hold doggedly to the premise of the broadcast—that "the books were cooked." He kept returning to the phrase again and again. I was convinced that he would never retreat from that position.

The next morning, Wallace phoned me. He told me that he had had "problems sleeping last night." He also said that George Crile was distressed because he had shown me a letter the producer had sent to him a few days before.

During the interview, Wallace had first mentioned and then let me have an emotional letter to him from George Crile. It was a direct attack on the examination I was conducting. In it were lines like these: "Bud [Benjamin] has a conceptual misunderstanding of the show. It is not that old Sam Adams story as Rostow, Westy and Graham say. . . . Bud has an unshakable idea: it is Westy vs. Adams . . . I am not impugning Bud's fairness or integrity but remind him of the realities of the business. . . ."

Crile's letter began:

> Mike:
>
> I meant what I said the other day—that I can't apologize to you for getting into this mess. I can't do it because I believed in the show then and still do believe in it. It doesn't mean that I don't feel badly seeing you dragged unfairly through all of this. You sounded so depressed on the phone.
>
> For what it is worth, I want you to know how much I have valued and depended on you these last few weeks. I have never known anyone to act with the strength and character and fairness that you have in your dealing with me.
>
> I really would do anything for you, win, lose or draw in this contest. You have a dedicated friend for life.
>
> But that is the future and there is the spectre of a hangman's knot to deal with first . . . I just don't think we can sit back and expect divine justice from the CBS internal review. . . .
>
> I am convinced that CBS is not acting in its own self-interest, that it is making an enormous mistake by not addressing itself now to the specific

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questions of whether or not it stands by the broadcast. It is a simple question. Forget process. Does CBS believe in the substantive points and accusations made in the show or not?

It seems to me that management has fallen into a trap by accepting *TV Guide*'s ground rules. Bud and Sauter have gone underground to consider the eighteen accusations about process. Meanwhile, the real battle in everyone else's mind is over substance, over the *TV Guide* cover that says we smeared Westmoreland. Our silence is viewed as an admission of guilt. There are charges of cover-up. And the impression that we are worried about the thrust of the show is indeed untrue. . . .

I think we should move heaven and earth to get the powers-that-be to make up their minds about this as soon as possible. . . . I really think it's worth talking to Dan [Rather] about this. It seems to me that it is a clear cut question of what's in CBS's best self-interest and he could be of help. . . .

So what am I saying? I'm saying I don't want to be the bureaucracy's fall guy here. And I know full well that your reputation has also become tied up in the outcome of this investigation in a very fundamental way. And I don't want you to indirectly become a fall guy either. This is a show that the news division commissioned with its eyes wide open. It was given exactly what it was promised. . . .

If anyone was clearly at fault in the way the show came out, Crile had a prime candidate: Howard Stringer.

As far as I'm concerned, everyone did their job on the show, except Howard. And I think you ought to tell Bud that if he has criticisms about the documentary that the person who was primarily responsible for overseeing the show and making sure it was both fair and accurate was Stringer. I say that, Mike, simply because it is (1) true and (2) because Howard is apparently making mischief. And I believe with all my heart that Bud and everyone else ought to know very clearly that there are a lot of people involved in this. If there were failings here—in this explosive documentary which we all understood was going to be controversial—the man who was supposed to protect all of us and watch out for the reputation of the news division was Howard Stringer. And he is bad-mouthing the show and apparently even refuses to read my White Paper.

When Mike Wallace called to tell me that Crile was dismayed that he had shown me the letter, I suggested he tell Crile that it certainly would not influence my findings. Yet I must confess I found the episode fascinating. It took the letter to remind me that this was a high-stakes

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game and some of the players had their careers on the line and might play very rough.

I had expected that I might have to ward off a lot of high-level pressure as I pursued the investigation. I would not have been surprised by a summons from Black Rock for that corporate euphemism—an interim progress report: How does it look? Are we in trouble? Who did what to whom? None of this ever happened. On two occasions, Sauter did phone to ask how I was doing. When I said just fine, he seemed more than satisfied, asked no details, and let it go at that.

In this rather civilized atmosphere, it was a shock to realize that I had not yet written a word of my report, and it was already under attack.

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# 12

# SAM ADAMS AND THE CIA

"I was an actor in the controversy. I was probably one of the prime actors." That was Sam Adams's answer in my office on June 21, 1982, when I asked him the first question: "How did you understand your role?"

Samuel Alexander Adams, one week to the day past his forty-ninth birthday, blue-eyed, his brown hair showing the first flecks of gray, was described by a woman friend as looking like "a rustic Paul Newman." He was wearing a rumpled tweed sport coat, worn slacks, and boots that had seen the mud of his Virginia farm. He was carrying an old shoulder knapsack bulging with the handwritten notes, the precious "chronologies" he had accumulated during his CIA studies of the Vietnam War.

Adams had been collecting notes and documents since 1966 when he was an analyst for the CIA. By 1969 he had gathered a number of CIA documents dealing with Vietnam order-of-battle matters. He put them in plastic leaf-bags, stowed the bags inside an old wooden box, and buried them in a field near his farm in Virginia. He had put red thumbtacks on three trees so that he could triangulate the location of the box.

In 1973, he dug up the leaf-bags and found they had sprung a leak, water had seeped in, and worms had eaten away some of the documents. Most were still legible, and he had turned over some of them to Representative Paul N. McCloskey, Jr., a Democrat from California, with whom he had been in contact and who shared his views on Vietnam. He said the CIA had not authorized him to pass on the documents, but



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since McCloskey "had the highest level of clearances" and he wanted to make certain the material was preserved, he saw nothing wrong with doing it.

To his critics, the documents were one more example of Adams's obsession about Vietnam. (During the trial, Westmoreland's lawyers were quick to label them "purloined documents.") Mike Wallace had asked him during their interview whether he was obsessed, and I asked him again.

"What is obsessed?" he replied. "I'm very interested in the subject. I explain how we lost the war. If this is obsessed, so be it."

I must say that Sam Adams, who came to my office for a four-hour interview, did not behave like a man obsessed. He lacked the intensity of one driven by a cause. He was relaxed and detached, rarely raising his voice. But when you got into the Vietnam story and the strength of the enemy, he left no doubt that he was absolutely convinced he was right. He could be patronizing if challenged. He could also be stubborn and inflexible. After all, this was a man who had tried to get Gen. William C. Westmoreland court-martialed, who had tried to get CIA director Richard Helms fired, and who had no compunction about going out of channels to the White House and Capitol Hill to wage his lonely campaign. Obsessed or not, he was not one you would choose lightly as an adversary.

George C. Carver, Jr., the agency's special assistant for Vietnam affairs and Adams's boss, praised Adams's "energy, enthusiasm and imagination. . . . He did the donkey-work chores others might shy away from." But Carver also said Adams was "prone to jump to conclusions and was very intolerant of people who did not share the conclusions to which he jumped." Carver said he had rebuked Adams in 1967 for "going off half-cocked" when the young analyst sent a memo over Carver's name criticizing U.S. Army enemy-strength estimates in Southeast Asia.

R. Jack Smith, a deputy director of the CIA while Adams was there, saw two sides to Adams—the cultivated man in a social situation and the driven analyst at work: "Sam is a very charming man, extremely persuasive, and it never fails to surprise me how people who only know him socially get their impression of him. Our impression in the agency was rather different."

Clinton B. Conger, retired from the CIA, told me that when Adams wanted something, he would plunge after it, blinders on, red flags flying. "I wrote a memorandum for the director once that Sam was unhappy

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about. He not only followed me into the men's room complaining about it, I practically had to push him out of a stall."

When Adams resigned from the CIA in 1973, he impugned the agency's honesty in dealing with intelligence in Vietnam and Cambodia. "Since 1967," he wrote in his resignation statement, "I have submitted complaints about the integrity and completeness of research to the Inspector Generals of the CIA and the U.S. Army, to the National Security Council and to the President's Foreign Intelligence Advisory Board. My criticisms were met with evasion, delay and sometimes threats. As far as I can determine, they were largely fruitless."

In spite of his vendetta with the agency, Adams declared he was still a strong supporter of the CIA. He said he thoroughly enjoyed working there and that if asked he would very much like to go back.

Adams had met George Crile through a mutual acquaintance. He told us he had written some pieces for the *New York Times* and *The Wall Street Journal* and said he had spoken with Patrick Sloyan of *Newsday*, who had written stories based on information he had given him.

"After the Pike Hearings, which were Mickey Mouse, I called lots of people—about three hundred. I was an actor and researcher. As a researcher, I helped convince these poor fellows [former CIA and MACV intelligence officers] to tell their stories on camera."

For the Vietnam program, he boiled down his list of names to sixty prospects. "How about those who didn't appear?" I asked him. "The Carvers, Komers, and Rostows."

"In the selection of people we asked, we had so many to support me that we had to slice the list of supporters. For the infiltration story, we used [Lt. Col. Russell] Cooley, but we could have had several other sources."

In his chronologies, Adams had compiled a list of all those who played a part in the order-of-battle drama in Vietnam. After each name he had analyzed how they might be used in the program. This was what he had to say in those chronologies about the men who failed to make the final broadcast.

**Lt. Gen. Phillip Davidson,** *MACV intelligence chief, 1967–69*

*"He is said to have cancer. A deathbed confession? Doubt it but may be worth a call. I plan to check with him prior to final draft."*

I asked Adams how he knew Davidson was ill. "I thought the bastard was on his last leg."

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Should we have talked to him? "No. We had so damn many people, he was just another."

Adams said he thought Col. John Lanterman had informed him that Davidson was terminally ill, but now he was not sure who told him. (Lanterman denied to us that he had ever mentioned Davidson to Adams, or even knew about the state of the general's health.)

When did he find out Davidson was not on his deathbed? "Well before the broadcast, around December."

"You told Crile?"

"I told George, 'Holy Cow!' I don't know if he tried to get hold of Davidson."

**Gen. Maxwell Taylor,** *Army chief of staff, 1955–59; chairman of Joint Chiefs of Staff, 1962–64; and U.S. Ambassador to Vietnam, 1964–65*

*"I prepared for my interview with Taylor [previous interview not connected with broadcast] for upwards of a month and in our hour-and-a-half talk got nothing, save one. . . . Referring to the press, Taylor exclaimed angrily: 'Well, you had to do something to beat down those 'lying sons of bitches.' Would he repeat that for the tube? Who knows? My predilection is that if Taylor repeats quote [about the press], CBS ought not to get self-righteous about it. Many people share Taylor's distrust for the press, including me."*

**Ellsworth Bunker,** *U.S. Ambassador, Vietnam 1967–73*

*"Bunker was in on all this although it's problematical how much he knew of the fakery. . . . But he's awfully old now, and CBS might look like it's hounding an old man to his grave."*

**Robert W. Komer,** *Special Assistant to President, Vietnam, 1966–67; Deputy to Commander, MACV, 1967–68*

*"God knows what Komer knew about the lowering of infiltration statistics at this point. . . ."*

*"Read Komer the Meacham letter to his wife. ("Never in my life have I assembled such a pack of truly gargantuan falsehoods.") CLOSE-UP of his face. Maybe Komer'll pull it off. He's an impressive man."*

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"[*Or*] *start with Komer. Get him to denounce McChristian. . . . This would get McC to reply.*"

I asked Adams whether he felt now that Komer might have been useful to have on camera. "He would have been a damned interesting interview," Adams told me. "This is what Komer would have said: 'Of course, we did that stuff. The goddamn lying press. Of course, we did that. We had to.' "

"Might have fortified your case," I said to him.

"Yes," he replied.

**Walt W. Rostow,** *Special assistant to President Johnson, 1966–69*

"*Would he finger LBJ?*"

Rostow was interviewed, and he certainly did not finger the President he had served so dutifully. I asked Adams whether he thought any of the Rostow interview should have been used:

"I had the least to do with this one. I wasn't persuaded there was anything in the Rostow transcript but it wasn't my decision."

**Gen. George W. Godding,** *MACV Director of Intelligence Production, 1967. Head of Army delegation to MACV-CIA intelligence meeting at Langley, Virginia, in 1967*

"*He got instructions from Westy to stay under 300,000 [for enemy strength]. . . . Basically an honest guy but a strong Army type. Doubt he'd talk but might be worth a try. . . . Problem: He might not realize what putting the ceiling on meant.*"

**Arthur Goldberg,** *Secretary of Labor, 1961–62; Supreme Court Justice, 1962–65; and Ambassador to the United Nations, 1965–68.*

"*He'll doubtless talk, perhaps endlessly.*"

I asked Adams whether he had thought further about Goldberg, who was a member of the group known as the Wise Men, prominent Americans summoned by LBJ in 1968 to advise him on the war that was going so badly.

"The Wise Men were interesting, but they wouldn't have told you a hell of a lot. The best one was Goldberg. He is the only one who took

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notes. Crile said, and I agreed, that we had so many people we didn't need one more."

**Clark Clifford,** *Secretary of Defense, 1968–69*

*"Danger with Clifford would be his tendency to pontificate and retell the story of how he stopped the war. . . ."*

In the *TV Guide* article, the magazine had charged that "CBS paid $25,000 to a consultant on the program without adequately investigating his 14-year quest to prove the program's conspiracy theory."

George Crile in his White Paper had denied that the program had simply taken Adams's research at full faith and made a film out of it. "CBS did not . . . rely on Mr. Adams's personal testimony to document the central thesis of its report. Any review of the documentary clearly shows that the critical charges were all made and supported by key military officers from MACV intelligence. . . . It was their testimony and not that of Mr. Adams that documented the accusations made in the documentary."

The statement understated Adams's role. He was the paid consultant who had immersed himself in the story; he was the in-house encyclopedia for the broadcast. It was Adams who persuaded the disaffected and often reluctant MACV and CIA officers to bare their souls on camera. It was Adams who held their hands at some of the key interviews, who cheered them on and helped sustain them when they faltered. If the broadcast had a father, it was Crile; if it had a godfather, it was Adams.

*TV Guide* had also charged that "CBS violated its own official guidelines by rehearsing its paid consultant before he was interviewed on camera." Crile vigorously denied this: "Anyone who has talked to Mr. Adams will confirm that there is no way to dictate or manipulate his statements or opinions about this subject."

The all-day Crile-Adams session before his interview, which Ira Klein, the film editor, claimed was definitely a rehearsal, was nothing of the sort according to Crile. ". . . I decided to try to confine the questions Mike would ask and answers Adams would give to those areas where he had been a direct participant in the story we were reporting. I felt it was unwise to have Adams making accusations in the documentary based on information he had learned as a reporter after the fact."

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"Did you consider your interview with Mike Wallace to be a probing interview?" I asked Adams. "The kind of interview Mike Wallace is famous for."

"I'm so familiar with it, it's hard to probe. I didn't feel he was an adversary. He asked a couple of embarrassing questions like 'Why are you so obsessed?' I had to come up with some lame answer. When I ran off on a subject he waved his hand to stop me."

I read him a couple of puffball statements from the interview. ("Sam Adams is there. He's Paul Revere. . . . You were perfect. Don't say that. You're doing it just right.")

"I guess that's an example of coaching—okay, cheerleading. There was one answer I gave four or five times. But there was no session with George when he ran the questions by me."

The most serious allegation by *TV Guide* was this one: "CBS's own paid consultant now doubts the documentary's premise of a Westmoreland-led conspiracy." This would seem to have come from Ira Klein, who had told us, and apparently others, about Adams coming into his editing room after the broadcast and saying: "We have to come clean. The premise is not accurate."

Adams had issued a denial right after the magazine hit the newsstands:

> The *TV Guide* statement indicates that I am uncomfortable with the premise of the documentary. This is simply untrue. First of all, I am convinced that there was a falsification of estimates of enemy strength; second, that there was a conspiracy; third, that General Westmoreland was responsible for directing these actions. My sole reservation concerns my suspicion—based on circumstantial evidence but no smoking guns—that the White House either ordered or condoned the faking of official estimates. This suspicion was reinforced by Walt Rostow's memo to the LBJ Library after the broadcast aired in which he said the President was aware of the massive increase in enemy infiltration in the months prior to Tet. To suggest, however, that this sole reservation in any way reflects a lack of belief in the reporting and thrust of the documentary completely misrepresents my basic convictions.

Using his statement as a framework, I asked Adams a set of questions about the program and his involvement.

What about the premise of the show?

"I didn't say the premise was wrong . . . I went in and said something to the effect that if I had a problem with the show it was that it

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hung the rap too much on Westmoreland and not enough on White House involvement . . . I wouldn't say the premise of the show is that Westmoreland is the perpetrator. . . . There were a lot of premises—conspiracy, Westmoreland up to his ears but not acting on his own hook."

What about his statement to Ira Klein—"We have to come clean. The premise is not accurate"?

"Ira was in a state of agitation, God knows over what. He was sort of leading me into it. I said this a million times, we should have shifted the emphasis higher. I don't recall this as a big event in my life. This was something I felt from the beginning. Crile was never adverse to it. We never had the goods on who gave the orders to Westmoreland. From the Rostow memo, we now know that LBJ knew. Klein went to Andy Lack and said the premise of the broadcast was wrong and that's when Lack called me. . . . When I got the final script, I found some factual errors which Crile corrected. . . . I didn't point out LBJ again. I felt I had lost that battle already."

What about the use of the word "conspiracy"?

"There is no doubt in my mind that there was a legal conspiracy. I don't intend to use the word in my book. What happened was so complex. I look at the damn thing as more of a tragedy myself. It was unlawful. No one was being a traitor. I thought early on that 'conspiracy' was too strong a word. It didn't imply evil or treachery. These people weren't traitors to their country or evil. They did falsify statistics without evil intent. The ad for the show was overblown. I didn't have anything to do with the ad. It implied plotters whispering together. 'Conspiracy' is not a word I normally use. It's a much more tragic story."

What about the Blue Sheet? Had he seen it?

"I must have."

"The word 'conspiracy' was used twenty-four times."

"At one point I said, 'Oh, for Christ's sake, George, come off it.' "

Adams was obviously not present when General Westmoreland was interviewed. That would have blown the whole game plan and it was doubtful that the general would have sat still for the first question had he seen the man he regarded as his nemesis on the set. I asked Adams if he had seen the confusing Westmoreland letter, buried in a mass of documents, in which he told Crile that he had misspoken about enemy infiltration before Tet—that it was not 20,000 a month as he had said in

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his interview with Wallace but 5,500–6,000 a month as he had said on *Meet the Press*.

"Yes, I saw the letter. . . . My problem with that is that he is lying and I had others to disprove what he was saying."

"If he says that he wants to pull back from his statement, is that ethical?" I asked him. "He said, in a sense, 'I misspoke.' We didn't give him a chance to go on the record with what is or is not the truth."

"There you go. To me the man is so clearly lying."

"Did you see the Westmoreland transcript?"

"Yes."

"Was he ill-prepared?"

"I don't think he was expecting what he got."

"There were five categories of questions listed and the essence was number four."

"That doesn't bother me a bit. The key one is number four, but the others are related. The fact that we ambushed him a little doesn't bother me. The nature of the ambush—I agree there was one—is we had talked to all of his subordinates. My own feeling is why should we tip our hand to someone who gave the order?"

Sam Adams's research documented some of the love-hate relationships that swirled through the corridors of MACV and the CIA during the Vietnam War. One involved two colonels at MACV—Charles Morris, the chief of intelligence production, and a subordinate, Everette S. Parkins, chief of order-of-battle studies.

The Vietnam broadcast said that Parkins, a 1951 West Point graduate, had been "fired" by Morris when he became "so incensed at MACV's refusal to send on the reports of enemy infiltration at 25,000 a month that he lost his temper and shouted at his superior." Lt. Col. Russell Cooley, who was not in the room at the time but says he heard it from Parkins, then described the incident on camera for George Crile.

At the Westmoreland news conference, Morris denied the story. He said the argument, which took place on November 15, 1967, was over an order he gave Parkins to try to get "a better handle on relating reported killed in action to actual killed in action, or wounded in action. . . ." Morris said they had a wealth of captured documents, and he asked Parkins "to see if he could detect a pattern between what our people had reported on those operations" and what the enemy docu-

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ments said. Morris said Parkins told him it couldn't be done and he wouldn't try. "Now, no officer in combat tells me he won't try," said Morris, "and for that he was fired."

Cdr. James Meacham told Crile and Adams when they interviewed him in London that Parkins was fired because "you don't yell at the old man."

"I am terribly familiar with the Parkins story," Adams told me. "It was well known at the time at MACV headquarters. I got it directly from Parkins around 1980 over a three- or four-hour interview. . . . The talk was in high decibels. . . . Morris says you've been a troublemaker all along." Adams said he had several sources for his account, although none of the people had been in the room when the incident took place.

In his interview with Westmoreland, Wallace recounted the story for the general, who said he knew nothing about it.

We had spoken by telephone to Parkins a week before our interview with Adams. He told us he and Morris had had a personality conflict for a long time, but he would not confirm or deny any version of the story. He said he was acting on the advice of counsel.

Parkins was to testify for Westmoreland at the trial in New York, and he would not be a very persuasive witness. He confirmed that he was relieved of his duties after a final run-in with Morris, whom he "disliked intensely," and who "more than reciprocated" the feeling. Then he told a rather incongruous story of how the confrontation was touched off. He wanted to use the unit's only Jeep to go to the PX, which would have been a problem, so he first dropped off his enemy-strength figures to justify the use of the vehicle. It was an ill-fated diversion, for when he arrived at intelligence headquarters with his figures there was Colonel Morris to receive them, and the confrontation followed.

At first, Parkins said he did not think he was fired for delivering higher enemy-strength figures. Then he said he was only a messenger, and when hammered on that, said, "It was not a hundred percent clear that we were arguing about numbers . . . I do not know exactly what inflamed Colonel Morris." His testimony was less than helpful to General Westmoreland.

As for Sam Adams and love and hate during the intelligence battles of the Vietnam War, he had a candidate in each category—Col. Gains Hawkins and Lt. Col. Daniel Graham.

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Hawkins was a man whom Adams vastly admired. He considered him to be the finest order-of-battle officer of the war. His esteem and affection were reciprocated.

"I had met Sam Adams in February, 1966," Hawkins wrote shortly after the broadcast. ". . . His brilliance and intensity of purpose were recognizable. In subsequent months, I learned to respect and admire him and sometimes to wish that he would go away."

Three days before the broadcast, Adams wrote to Hawkins: "I'd appreciate any comments you have on the documentary. Overall, I think it's reasonably good, but, as I mentioned before, there's a major problem. The documentary seems to pin the rap on General Westmoreland when it probably belongs higher than that."

The major problem that Adams referred to certainly sounded as if he had some doubts about the premise of the broadcast.

Adams's feelings toward Colonel Hawkins, who was to become a key CBS witness at the trial, were in sharp contrast to the visceral antipathy he felt for then Lt. Col. Daniel Graham.

"How did Graham, only a lieutenant colonel then, get so much influence with Westmoreland?" I asked Adams.

"He picked up the ball and ran with it. You have to understand the MACV organization. Graham's office was in headquarters near Westmoreland. Westmoreland would come to see Graham almost every day. When Hawkins left, Graham assumed more responsibility."

Had he read the Graham interview—more than an hour filmed, twenty-one seconds used?

"Yes. I read the entire interview. Tough one to use because the guy lies constantly. When you use something, you have to explain why he's lying. He's done this for years."

At the Westmoreland news conference, Graham had said of Adams: "He has made wild claims that are readily proved to be lies."

I said to Adams: "Graham says you have it all wrong. That instead of underestimating enemy strength in Vietnam, they were actually overestimating it."

"He is lying."

Near the end of the interview I asked Sam Adams about Tet. Was it a victory or defeat?

"This is too complex a question to answer. The broadcast did well by it. My view is that it was clearly a political defeat in the sense that

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the American people no longer believed what the administration and MACV were saying. A military defeat? Well, what the hell is a military defeat?"

I said I had heard that after Tet you could drive around Saigon like a beltway. The enemy was gone.

"That's horse shit," said Sam Adams. "Two months after Tet we had our highest casualty rate."

With that, he began stuffing his chronologies into his knapsack and said if we had any more questions to be sure and call him at his farm in Virginia. As he walked out of the office, there was no doubt in my mind that Sam Adams felt he had the answers to any questions I, or anyone else, might ask.

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# 13

# LAST OF THE INTERVIEWS

There were four more interviews to be conducted, each of them with men well up in the hierarchy of CBS News, all of whom had played various roles in the drama of "The Uncounted Enemy." When the corporate shakeups had erupted in 1981—Van Gordon Sauter in as news president, Bill Leonard out—each of the four men had been affected. Three had moved sharply up, and one had moved sideways and out of the main stream.

The three movers, who in varying degrees also proved to be shakers, were Roger Colloff, Howard Stringer, and Andrew Lack. The shunted-aside executive was Robert Chandler, who was replaced in February by Colloff as vice president in charge of public-affairs programs. It was a significant executive switch. Chandler, who had given George Crile his first conditional approval, was a veteran known as a fine editor who asked probing questions of producers when he screened their programs. He was moved into administration, out of the creative mix, and he would have no input into the Vietnam program. He was never invited to a screening nor were his opinions ever solicited.

Colloff, a fast-track executive, a lawyer by education, had virtually no production experience. Very bright and quick, with no lack of ambition, he rode herd on Crile and devoted more time to the program than was normal for a vice president. Into his lap fell all the woes of "The Uncounted Enemy."

The rising star, Howard Stringer, was the executive producer of the



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program, reassigned two months before it went on the air to the Dan Rather News and quickly consumed by its problems and faltering ratings. During the most acute decision-making time, Stringer was a lost asset.

Lack, younger than Stringer and equally aspiring, did not get involved with "The Uncounted Enemy" until November, much too late to comprehend either its complexities or its burgeoning problems. He was an outsider who had no time to get inside.

By now, the vulnerabilities in the Vietnam program had become apparent to me and to my staff. In my separate interviews with these four men, I would ask them virtually the same questions. Their answers, in juxtaposition, provide insight into the problems which beset the program and their perceptions of them:

*How do you assess the performance of George Crile and what was your role in the production of the program?*

CHANDLER: George came in to see me with his proposal in the fall of 1980. The basic thrust was that these very respectable and senior people from the military and the CIA believed that such a conspiracy existed and for the first time they would be willing to talk about it publicly.

My position was that if these people truly would go public and would say on camera what they had told George in person, it would be a hell of a broadcast. I was skeptical that they would, but it certainly was worth a preliminary investment. I said, Okay, we limit this as preliminary based on your success on getting these people to talk on camera. You won't be the correspondent. You'll do some interviews but Mike Wallace will be the correspondent.

I told him after he collected the interviews, we would decide whether to go ahead or not. Late in the year, I reviewed with Mike the ground rules and his participation. Then I got out. I never screened anything.

STRINGER: Like many investigative reporters, George Crile is excessive and slightly flaky. He is one of those investigative reporters, not unlike others, like Sy Hersh for example, who always get obsessive. George had to convince me over and over. I did ask

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him whether there weren't others who challenged the broadcast. In fairness, I think George got an almost unfair level of skepticism on this show.

I think I made an error in thinking he had made the transition to producer. I knew his strength was in digging out information. Fifty percent of the *CBS Reports* producers can do it all. The rest, including Crile, need help. That's why I put Joe Zigman into the project as associate producer. Joe is so honest, but George wears you out a little bit and he may have worn Joe down. But George will tackle subjects that others won't. Investigative reporting is a dwindling form. . . . I thought I could catch George if he did anything wrong.

Before I left the show to go to the *Evening News*, I told Colloff I'd go over the transcripts. But I never did. That's the point. It wasn't Roger's fault. I was lying awake nights worrying about the *Evening News*.

COLLOFF: There was no doubt my involvement was going to be heavier due to the nature of the broadcast. There was no doubt it was going to be a controversial broadcast, and George had had a run-in the previous year with the News Council on the gay show. I knew about it. It was a combination that meant I'd be heavily involved. I probably spent more time on this broadcast than on three other documentaries.

Let me say one thing. It sounds like self-justification but it's true. I had in many conversations spoken in general terms with George and with Howard Stringer and George about editing precisely because George had been in trouble with the News Council. I couldn't have been more clear to Crile. We would be going over this broadcast with a fine-tooth comb, and he damn well better be in the clear.

LACK: You need someone who knows how a documentary was shot. People who come through the discipline and know how stories are put together. That is not a judgment on Roger Colloff professionally or personally. If you're not a writer or producer, you don't bring to it the same eyes and understanding. That's not to say you can't know where there's something gone awry. But it's more difficult.

Crile? I'd be pretty involved. He's a fairly familiar quantity

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as a producer. I'd be asking who are you interviewing and why? What are you getting? I wouldn't be in the editing room. But I'd be getting an understanding of how it's taking shape.

*What about Crile's sixteen-page Blue Sheet with its twenty-four mentions of conspiracy?*

STRINGER: That was George trying to sell an extremely reluctant executive producer. The length of the Blue Sheet reflected a massive amount of skepticism on my part.

*What about the use of the word "conspiracy"?*

CHANDLER: I wasn't particularly upset about the word. If these people would say on camera what George said they would say that fits the definition of conspiracy pretty easily. Obviously, the other part is conspiracy against whom? Crile said they would develop that later.

STRINGER: I didn't want to use the word. I saw an alternative lead for the show that Mike Wallace wrote. It did not use conspiracy but read something like this: "This is a mystery story . . . about Duty, Honor, and Country." It was later dropped. In George's defense, I've always been skeptical of investigative pieces. They always give me trouble. I usually end up by saying, "So what?"

COLLOFF: We talked about it at Leonard's and my screening. Is the use of the word justified? We concluded that it was. Had Crile made up his mind? That's a valid question. Was it more than a working hypothesis? I don't know. George clearly had strong feelings about it.

If I had to do it again, of course, I wouldn't use it. The reason is, frankly, it wasn't worth the hassle.

LACK: I never studied the broadcast or picked it apart. Three weeks after it had been on the air, I said to Mike Wallace that the word "conspiracy" feels wrong, particularly after all the criticism.

*Do you think fairness and balance apply in a broadcast like this?*

CHANDLER: Yes, fairness and balance apply, but this was a peculiar kind of show because it dealt with a set of accusations. You lay out the accusations and you lay out the responses. It's not your average story.

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STRINGER: Crile was told about the guidelines umpteen bloody times on this show.

LACK: When I first saw the show, I did not think it was fair and balanced. My immediate concern was whether Westmoreland was edited fairly and given the full opportunity to express himself. I raised it publicly with Stringer and Crile, and then Mike Wallace was called in. There were two examples where I said it sounds like an upcut, and we went to the transcript and added material to those two places.

*What about Sam Adams and his role in the broadcast?*

CHANDLER: Adams was going to deliver these people. I was told we couldn't get these people on camera without Adams's help. I felt it was only fair to reimburse him for his time since he was working for us on this program and it was time away from his book.

Should the script have described Adams as a paid consultant?

Yeah.

Would you agree that Adams was not only a consultant but a principal adversary?

Absolutely.

Do you have problems with having Adams on location and the coaching of friendly interviewees?

I have problems with that.

STRINGER: We had a number of meetings with Sam Adams before the show was even approved. He was in and out of the office. His consulting fee went up in stages. Originally, it was $10,000. The reason was that Sam, who often looked disheveled, apparently didn't have a lot of money. It became absurd for this man, who was obviously obsessed with this issue, not to have his expenses covered.

Initially, George indicated there wouldn't be such an extended period with Adams. We were dealing with a fait accompli in effect. George didn't know we would need Sam Adams so much. But there was so much paranoia among those to be interviewed that we needed Sam along. . . . In essence, everybody was a reluctant witness. I don't think there was a vast body of knowledge that was expanded by Adams after a few months.

I knew Sam was in the cutting room from time to time. I

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knew he went to London for the Meacham interview. The reason, as I was told, was that George had tried to get people to speak, and they wouldn't without Sam.

COLLOFF: I didn't have all that much contact with Adams. I talked to him a number of times. I thought the *TV Guide* story was off the mark here, as in a lot of other areas. Adams did not carry the show. . . . The only reason we went forward with the broadcast was that there were a large number of people adding to or confirming the story.

LACK: I never met Adams. I didn't know who he was before air. I wasn't familiar with the *Harper's* article or his testimony before the Pike Committee. I have problems with his being a consultant, reporter, and adversary. Too many hats.

*What about Mike Wallace and his role in the broadcast?*

CHANDLER: I did have trouble getting Wallace to do the documentary. He was busy with *60 Minutes* and a new show called "Mike Wallace Profiles." He said: "Jesus, I don't have to tell you what *60 Minutes* takes out of me." At the same time he said he found the thesis of the broadcast very compelling.

Are big-name correspondents over-used—cut too thin—given more assignments than they can handle?

Sure.

Are their names used to increase audience size?

Absolutely.

STRINGER: I agree correspondents are cut too thin and used to showcase a piece. But part of the attraction of having Mike Wallace is he's tough, not just in interviews but on producers.

COLLOFF: Mike's role was minimal but that's not unprecedented. With Westmoreland, he did his homework. When you read through the interviews, Mike was not a puppet on a string. He got into some back and forth and held his own.

Are top correspondents given too many assignments?

A close call on this one. There is no problem, say, in taking advantage of Charles Kuralt's name by having him narrate a noncontroversial subject. On a broadcast of this sort, it's a lot more troublesome.

LACK: My impression is that Mike Wallace was terribly involved. He knew why he was interviewing, and he was heavily involved in

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the writing of the script. He's not the kind of guy to walk in and read the script.

Wallace had told me he didn't see the transcripts.

I think that is a bit disingenuous on Mike's part. He should have had ample opportunity to read the transcripts and know what the broadcast stands for.

*Was General Westmoreland fairly treated in the broadcast?*

STRINGER: I didn't know that it came down to the wire in getting the interview areas to him in writing. I don't know what they might have been afraid of by letting him see this in writing earlier. It's not clear to me how much you're obligated to tell a person about a pending interview.

I saw the Westmoreland news conference. It made me nervous. It wasn't Westmoreland but the presence of all those other people that made me nervous.

COLLOFF: I think Westmoreland should have been prepared for his interview. If George was any more clear, it would have been a violation of standards. If Westmoreland wasn't more aware, I don't know what you can do. He could have canceled.

I never saw his "correction" letter until he held his news conference after the broadcast. A good case could have been made that we put in a line: "Subsequent to our interview, Westmoreland reversed his position." Frankly, I wish I'd have known about the letter. I didn't.

LACK: I told Crile and Wallace I would have handled Westmoreland's letter differently. I would have included a line about the letter in the broadcast: "Westmoreland wrote us again after the interview . . ." I think Mike agreed with me. He had some doubts about the way it was handled.

*What about the two interviews with George Allen?*

STRINGER: I did not know that Allen was interviewed twice.

Did he know that he was coaxed and coddled so much he finally asked Crile: "Is this kosher?"

(Shakes head.)

That he was asked the same question eleven times with Crile telling him: "You can do this better"?

Oh, shit.

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COLLOFF: When Sally Bedell was writing her article for *TV Guide*, Crile called me and said: "Roger, I've got some bad news for you." He told me about Allen. He was very agitated. I was upset. No, I didn't know at the time that Allen screened other interviews.

LACK: I did not know Allen was interviewed twice.

A violation?

First, I would ask why it was done a second time.

What about spontaneity?

If you go back a second time to ask additional questions, that is okay."

What if you don't like the way it looks?

I don't buy that.

What if I say I'll screen some of the material for you?

(Shakes head).

*What about turmoil in the production unit?*

STRINGER: One of the problems was the location of the editing room. It was away from the rest of the operation so it was hard to detect bad vibes. And in December and January, when I was not there, there were apparently vibes all over that place.

COLLOFF: As for Ira Klein, I was at screenings that he was at but I'm not sure I'd know him.

LACK: Klein came to me several weeks after the broadcast. His first concern was that we were not fair to Westmoreland in a particular cut. I asked if he had discussed it with Crile. He said no. I thought he had an obligation to talk to Crile first. Klein said he was upset by the Westmoreland news conference. I made sure all of them got together.

How about Adams disagreeing with the premise of the show?

I called Adams. He said he didn't know what Klein was talking about.

STRINGER: What makes me particularly angry is that Grace Diekhaus was on location. It was those kinds of things that really pissed me off. I said to George: "I gave you a fair amount of trust, and you didn't share these things with me."

LACK: I would have asked why she was on location. I'd probably ask what it is she's contributing. Is it personal or professional? If

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just personal, I'd have no objection. If professional, I'd like to know about it.

*How about the print advertisement for the show?*

CHANDLER: I was bothered by the way the word "conspiracy" was used in the ad, splashed all over that piece of art. The ad people prepared one version. Van Sauter didn't approve it. Conspiracy was in the body of the text, but there wasn't a bold conspiracy headline. Sauter sent it back. He felt it wasn't a good strong ad. The second time it came back with the conspiracy thing. Van and Ed Joyce approved it.

They played all kinds of game with the art. In the first version, Johnson and Westmoreland were standing together, but it was thought that was taking it a little too far. The second version was the generals seated around a table. They considered shooting a still of their own people dressed up in uniform.

I said: "Wait a minute. I have serious problems with that—staging something we don't know took place." Van agreed that we shouldn't stage a photo.

I was still disturbed. I thought the drawing of the generals sitting around a table was too realistic, too much like a real picture.

I didn't have very many troubles about the copy. But there was a question in my mind whether the word "conspiracy" in the headline was too strong.

COLLOFF: The ad gave me a problem and I said so.

*Looking back at the show, how do you feel about it now?*

CHANDLER: When you commission a documentary, you never know what you're going to get.

Dealing with producers as an executive is an act of faith. Ninety-eight percent of it is faith. Do you trust them? The documentary area will not be a driving, forceful operation unless you let them do their thing. It is a matter of integrity, ethics, and professionalism. If you as an executive get too much involved, you destroy what you're trying to create.

STRINGER: If all the standards for fairness had been followed, it would not have changed the outcome of the broadcast.

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COLLOFF: I'm prepared to answer for my involvement. But it is hard to answer for others. . . . It is not fair to the broadcast or to me to say it was leaderless.

I felt I walked right up to the line of what I could do in a management job. I read the Graham, Westmoreland, and Rostow transcripts to be sure we were representing that point of view accurately. I went back over them after the screenings with George, stopping and starting and asking for sources to satisfy myself. . . . He answered everything to my satisfaction.

LACK: The last month of a documentary is for the management screening and a period of checks and balance when you take the hardest look at what's being done. I think, though there's no joy in saying this, that most executive producers take the last three weeks as a time where you can stop a runaway locomotive. You turn the editing room upside down. Clearly, this didn't occur. I don't know why. Whether everyone thought Roger was doing what Howard was and vice versa. Maybe there wasn't enough communication between them.

George Crile phoned and asked if I would speak with David Halberstam, who had won a Pulitzer Prize in 1964 for his reporting from Vietnam for the *New York Times*. I know Halberstam reasonably well and said I would be glad to talk to him. During my investigation, I had tried to be responsive to Crile or to anyone involved in the broadcast if they asked me to see or speak with someone they considered to be important.

I reached Halberstam in Nantucket. He told me he had not seen "The Uncounted Enemy" but had read the *TV Guide* article. Later, after he had screened the program and in an affidavit for the Westmoreland trial, he would strongly support the broadcast.

"It was crucial then to rig information," Halberstam told me. "It was probably done unconsciously, and therefore the word 'conspiracy' is too strong." (Halberstam would later change his mind about this and call the usage "reasonable and appropriate.") "We created a vast lying machine starting in Washington with parallel parts in Saigon.

"The standards and tone were set in Washington. They let Saigon know what they wanted to hear. Saigon would report to Washington, and Washington, pleased with what it got, would say: 'Isn't that wonderful!'

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"George Romney's brainwashing statement was really brilliant. Everyone had been had. Everyone was victim of the lying machine.

"Walt Rostow manipulated information. Information became highly politicized. LBJ said it was a small war and then we had four to five hundred thousand men there. The stakes were much higher than we admitted. This was not like World War II or Korea where you held land, attacked, and held land. It was completely a matter of judgment here. Here you can jiggle information. If the information is accurately reported, based on the numbers, the war cannot be won.

"I believe Westy is a sort of decent man, not smart, and he is politicized. He didn't understand the war. He thought you had to hold territory. He and LBJ had a skillful relationship. Westmoreland got almost all he wanted. The understanding was he wouldn't blow the whistle on LBJ. Therefore, he consciously or unconsciously rigged information. Westy was a Boy Scout. He knew he had to play with LBJ.

"The enemy could absorb enormous losses. We were fighting the birth rate of a nation. Westmoreland didn't understand the war. He was caught up in the technological success.

"Tet a victory? Bullshit. There is no such thing as a military victory and a political defeat. You can't separate the two. If they were ever straight with the American people, then Tet wouldn't have been a surprise. If they didn't disingenuously believe and give the public the wrong picture, the people wouldn't have been so surprised. Until Tet, no one believed people like me, Morley Safer, and Ward Just.

"It was a vast lying machine. Everyone was a victim. Rostow manipulated information. Carver was making a career. He was pleasing people in Washington. George Allen is very shrewd, terrific. He understood Indochina. He knew the institutional bias.

"The essential core of the broadcast, as I understand it, was that crucial information was withheld, they underestimated the North Vietnamese, and there was false optimism. I believe it began with LBJ. They misled themselves, and they misled the country."

With Halberstam, my interviews for the investigation had reached an end. There were two aspects to "The Uncounted Enemy" that would now have to be addressed.

First, the program itself: I was persuaded that the basic story, the premise, that George Crile and Mike Wallace had presented to the

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American public could not be dismissed or, as *TV Guide* had done, ignored.

Second, the way the program had been produced: My inescapable conclusion after an examination that I had tried to make as thorough and fair as possible was that, in its execution, "The Uncounted Enemy: A Vietnam Deception" was seriously flawed.

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## THE MESSAGE IS DELIVERED

For eleven days after completing the last interview, I worked on writing my report. It was to go only to Sauter and Joyce, and while it had all been very low-key—neither applying any inordinate pressure—both had told me that they were anxious to get it as soon as possible.

My staff and I worked through the Fourth of July holiday and followed a simple, cross-checking procedure. I would write a page on yellow copy paper and give it to Toby Wertheim and Barbara Pierce. "I don't want this checked only line by line," I told them. "I want it checked word by word. One trivial mistake—a wrong date or even time of day—will be seized upon."

Later, there would be plenty of people picking away at the report but no one ever caught us with those kind of corrections. There would be the usual complaints about interpretation and some bitter attacks on me personally, but that was to be expected.

A spate of letters to Sauter supporting the broadcast began to descend upon us. They came from former CIA officers Sam Adams and George Allen; former military officers Gains Hawkins, Richard McArthur, William Corson, and George Hamscher; Representative Paul N. McCloskey, Jr; Richard M. Moose, a former special assistant to Walt W. Rostow; Greg Rushford, an investigator for the Pike Committee; and Thomas Powers, author of the Richard Helms biography. I had a hunch the campaign had been orchestrated by George Crile, and I decided to



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put all of these letters in the appendix to my report. Some of the excerpts:

From Col. Gains Hawkins: " . . . none of the information stated by me during my two or two-and-one-half hour interview with George Crile was taken out of context. Indeed, I was amazed at the skill of the documentary editors in preserving the text and flavor of my remarks."

From Sam Adams: "I do not have, nor have I ever had, serious reservations about the CBS documentary. . . . On the contrary, I think it was a service both to United States Intelligence and to the American public."

From George Allen: "That the show itself became controversial should surprise no one; no treatment of the Vietnam war is likely to escape that fate. . . . I believe 'The Uncounted Enemy' was a reasonably fair and accurate depiction of the 1967 controversy over the enemy 'order of battle' . . . despite my early misgivings about participating in a public airing of some rather 'dirty linen,' I'm glad that I did."

From Lt. Richard McArthur: " . . . all statements made by me in the telecast were absolutely accurate. . . ."

From Col. George Hamscher: " . . . as far as I'm concerned the documentary was produced as well as the events and people under examination would or will allow. I have no complaint about George Crile's conduct or his product, which is more than I can say for Don Cowet [sic]. . . ."

From Thomas Powers: "I think CBS's documentary made an important contribution to the integrity of the intelligence process, and I hope you will express the unreserved pride in your reporters which their work deserves."

In addition to the supportive letters—there were ten in all—I added two that were critical. Ironically, that was almost the same pro-and-con ratio as that in the broadcast. Gen. Phillip Davidson, at Westmoreland's request, sent Sauter a letter he had written to the *New York Times* on March 8 which the paper had elected not to publish.

In it, Davidson claimed that the military men who supported Sam Adams's numbers thesis were "relatively junior officers, preselected by Mr. Crile to support his charge of a massive conspiracy to lower enemy strength figures. While the junior officers themselves did not use the terms 'manipulated, suppressed and altered'—those are Mr. Crile's words—they did say they could not get their figures accepted by the

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senior officers for whom they worked. This statement is far different, however, from alleging a conscious and organized conspiracy. . . ."

Rostow's letter, which I extracted from the Crile White Paper, was written on January 27, four days after the broadcast, and included his memorandum for the record to the LBJ Library. He called the broadcast "grotesquely distorted and misleading."

Whether orchestrated or not, the ringing support of the "friendly" witnesses who appeared on the broadcast—Hawkins, Allen, Hamscher, and McArthur—would be important to Crile. Television news producers grow accustomed to complaints from those who appear on their programs: They were edited unfairly; their most important statements were left on the cutting-room floor; or they were used out of context. None of these men had these complaints. All of them were generous in their praise for the program, for its producers, and for CBS News.

On Thursday, July 8, I delivered my report to Sauter and Joyce. It ran fifty-nine pages, and I thought they were a bit stunned by its length. Perhaps they had been expecting a memo! I was still worried about a leak and made only one extra copy which I locked in my desk. I assumed that the copying machines in Sauter's office were working overtime and that he would be distributing the report. There might well be a leak but it wouldn't be coming from me.

The report I turned in was as factual and unadorned by adjectives as I could make it. The three principal findings, the ones that would lead all of the press accounts, were stated without equivocation:

- While the premise—that we had undercounted the enemy in Vietnam—was persuasively supported by former military and CIA analysts, the program was out of balance. There were others, equally impressive and knowledgeable, who disagreed with this premise, and they had not been fairly represented.
- A "conspiracy," given the accepted definition of the word, had not been proved.
- The friendly witnesses had been coddled in their interviews, while those opposing the thesis—Westmoreland and Graham—had been treated harshly.

All of the other findings that I had found fault with were listed: the double interview and screenings given to George Allen; the flaws in the

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editing; the failure to identify Sam Adams as a paid consultant; and the lack of journalistic enterprise in trying to locate General Davidson.

The severity of the report gave me no joy. When I had taken on the assignment, I had secretly hoped that whatever shortcomings were uncovered would be minor and that I would be able to endorse the broadcast with only minor reservations. "Forget process," George Crile had urged me. But more than process was involved here. What was involved was the essence of good journalistic practice—fairness, accuracy, balance.

I was critical of *TV Guide* for its cavalier decision not to deal with the premise of the broadcast. It seemed indefensible for the magazine in the longest article in its history, splashed all over its cover, to say of its investigation: "Its purpose was not to confirm or deny the existence of the conspiracy that CBS's journalists say existed." That seemed at best like a cop-out. It was certainly possible that the premise was true, and a group of prototypical Americans, hardly fringe people, had gone on camera to support it.

I wondered whether the report would inhibit the news division in the days ahead. There were those who would say: Don't hold your breath until CBS does another controversial documentary; the heat from this one will last for a long time. If that were true, if caution and fear were to be the enduring legacy of my investigation, then it would have been a thoroughly depressing exercise for me. I wasn't asking for caution; I was asking for care.

I also had to wonder about the reaction of my superiors in the news division and at Black Rock. The hands-off policy they had followed while I was conducting the examination was admirable and welcome. But now the deed was done and their impassive civility could easily be replaced by an eruptive, critical reappraisal. How did we get into this? We asked you to look into the *TV Guide* allegations and tell us where, if at all, we went wrong. And now you have delivered to us this damning, fifty-nine-page document that the press will be clamoring for.

The next day Sauter phoned. He called the report "a remarkable piece of work." Joyce called a few minutes later and said much the same thing. Gene Jankowski, president of the Broadcast Group and Sauter's boss, called with congratulations; Tony Malara, president of the television network, wrote a thoughtful note of approval. The most extravagant praise came in a phone call from Thomas Wyman, president and chief

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executive officer of CBS: "Everyone has a hero at one time or another. You are my hero. It was a difficult and thankless job, and you did it brilliantly." It was kind of him, although I found the words a bit purple for my taste.

I was certain there were a few folks ranging through the corridors who were not about to describe my report in quite the same terms. Among them would be George Crile, Mike Wallace, Roger Colloff, and Howard Stringer, and I gathered that both Sauter and Joyce were waiting for them to come thundering into the executive suite. I was certain they would try to pick the report apart and to soften it. I figured that would be Sauter's problem. My job was done. I had seen my role as reporter, and I had filed my story.

I discovered rather quickly that I was being naive. Sauter phoned in the afternoon to tell me that there would be an all-day meeting on Sunday at Gene Jankowski's house, and that I was expected to be there. I was to drive to Sauter's house in Redding, Connecticut, join him and Joyce, and then drive to nearby Weston where Jankowski lived.

When I arrived at Sauter's modern, glassed-in house, he and Joyce were in the living room watching the CBS program *Sunday Morning*. The *New York Times* was spread between them on the floor and as if on cue, whenever a commercial came up or a story on screen began to bore them, they would begin thumbing through the papers. I found it fascinating—they seemed to watch and read in synch. They said little to me; there was no talk of an approach or game plan for the impending meeting.

When we left to go to Jankowski's, Sauter and Joyce drove together and I followed them in my car. Jankowski lives in a handsome white clapboard house in Weston, and the meeting was held on his back terrace overlooking the pool and the tennis court. There were six of us—Jankowski, Sauter, Joyce, and myself, and two CBS Broadcast Group vice presidents, Gene Mater and David Fuchs, both upper-echelon executives knowledgeable in matters of public information and policy. Fuchs had moved between the news division and Black Rock. He had not shown much as a producer but became a highly regarded executive. He knew the business and the dynamics of television, and Jankowski valued his opinion. Mater, tough-minded and often dour, specialized in the Washington scene and the intricacies of the Federal Communications Commission and had good media contacts.

The hot, sun-drenched July day, the inviting pool and tennis court,

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struck me as an oddly inappropriate setting for the painful meeting that was about to begin. No voices were raised; there was no acrimony. That was not the CBS style. It was unpleasant, serious business, and even the normally buoyant Jankowski seemed subdued as he listed the areas that had to be addressed.

—*News standards:* What violations were there and what can be done to see that this sort of thing doesn't happen again?

—*Disciplinary action:* What should be done? "Roger Colloff ought to be fired," Mater said.

I told Mater I thought he was wrong. "Colloff," I said, "had been thrust into an impossible situation." It was one of the few times during the day when I spoke out. With its managerial overtones, the meeting was making me increasingly uncomfortable.

—*Public statements:* What should be said to the press and to the public?

—*What should be done on the air?* Should we do a broadcast on this whole affair?

—*Internal.* What should be said to the staff of CBS News?

—*Legal.* What legal problems are there? What lawsuits are possible? Our lawyers will be reading my full report.

Van Gordon Sauter spoke next, and he made these comments:

—We stand by the premise of the broadcast. It was legitimate in its basic facts, that these former MACV and CIA people did confess to "cooking the books."

—The CBS News Standards were violated. There should be regular meetings at our bureaus in New York, Chicago, Los Angeles, and London. Every employee should get a copy of the Standards. Every new employee should sign for one.

—In its execution, the broadcast was out of balance. It barely stands up.

Gene Mater said that the thrust was all right but the use of the word "conspiracy" was wrong. Any errors by *TV Guide* should be pointed out. We should put a program on the air with Westmoreland and his friends getting twenty minutes and Sauter replying for ten minutes. Mater thought the idea of appointing an ombudsman for the news division was a good one.

The meeting went on until mid-afternoon with a short break for a

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buffet lunch near the swimming pool. Jankowski wound it up by telling us that they would write a statement giving the gist of my report on Monday. The lawyers would go over it on Tuesday. The Board of Directors of CBS would read it on Wednesday, when it would also be shown to Crile and Wallace. On Thursday, July 15, the expurgated report would be made public.

At last, I thought, I was finally out of the mix. Again, I was wrong.

Monday was a waiting-for-the-storm day. Sauter was in his office with Joyce preparing the statement he would release on Thursday, and from time to time I was called down to read some of the copy he had written. What I feared, and what I was prepared to take a strong stand on, including going public, was an attempt to soften or whitewash what I had written. Sauter was writing his drafts on a vintage typewriter he kept in his office, and nothing that he showed me indicated any inclination to undercut my report.

On Tuesday, I spent all day in Gene Jankowski's conference room at CBS headquarters as a group of executives tried to thrash out the statement that Sauter would issue. Present were James Parker, senior vice president and general counsel for the corporation; Ralph Goldberg of the legal staff; and from the Sunday meeting at Jankowski's, Mater, Fuchs, Sauter, and Joyce. Jankowski moved in and out of the meeting during the day. The unstated question, one that concerned me deeply, was how forthright they were going to be about my findings.

To my mind, there were three essential elements that could not be finessed. The use of the word "conspiracy" was unwarranted; the broadcast was out of balance in reflecting the opposing sides; and the CBS News Standards had been violated repeatedly.

As for the substance of the broadcast, that enemy strength in the Vietnam War had been intentionally undercounted, nine former military and intelligence officers, on their own volition, had made that allegation, and none had recanted. I was convinced that if opposing views had been given more time, which they were entitled to, the thrust of the program would have remained the same, and it would have been a stronger broadcast.

Sauter was doing most of the writing, and he was having more trouble than he had anticipated. There were endless debates over phrases and words, not to mention lofty digressions into the philosophy and mission of CBS News. It was a prototypical example of group think,

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so familiar in large corporations, during which very little gets accomplished. I had the feeling that if they had put Sauter in a room alone, he could have knocked out the statement in an hour.

The meeting spilled over into a second day with Sauter grinding out versions for the others to criticize. In one he wrote: "CBS News regrets that this broadcast aired with violations of its news standards." He changed "regrets" to "apologizes." Neither would make the final cut. The flat statement that would be released was the standard news organization declaration: "CBS News stands by this broadcast."

In one version, Sauter wrote: "There was a good story here, but CBS News did not cover it with a broadcast by which we wish to be judged." This was changed to: "There was a good story here and we should have done better by it." Which became: "There was a good story here, and it deserved from us a less vulnerable production."

On the use of the word "conspiracy," there were several permutations. " . . . the credibility of the broadcast has been marred, in our opinion, by the use of the word conspiracy" was changed in the next version to " . . . it would have been more effective without the word conspiracy," and finally came out as "would have been a better broadcast if it had not used the word 'conspiracy' . . . a judgment of conspiracy was inappropriate."

Lines like this were dropped: " . . . when one begins a story with the assumption that the 'Truth' is known and obvious, there is a compelling moral obligation to seek out those who differ and to fully consider their position." The final statement would say that it would have been a better broadcast "if it had sought out and interviewed more people who disagreed with the broadcast premise. . . ."

In one version, Sauter said: "Tomorrow night, I will give a brief summary of this study in a special report on our television network." This was abandoned for reasons that were never made clear to me.

A rough draft of Sauter's report was sent one flight up, to the thirty-fifth floor, to be read by Bill Paley and Tom Wyman. That afternoon, Jankowski, Sauter, Joyce, and I went to Wyman's conference room to discuss it. It started flatteringly enough with both Paley and Wyman commending me.

After those amenities, the meeting became tense. Wyman left no doubt as to what he wanted: a very tough statement. Paley to my surprise did not seem to be as overwhelmed by the situation, and he began to reminisce about other trying experiences that had beset CBS in the more

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than fifty years since he founded the company. I was sitting next to Wyman, who could scarcely restrain himself. He began to mutter, so softly I could barely hear him, but words like "nonsense" and "ridiculous" came through. His body language—head down, hands clenched, face reddening, a continual twisting in his seat—was even more eloquent. He never raised his voice but his final orders were categorical: Sauter's statement must reflect the toughness of my report.

We went back to Sauter's office, where he began to pound out more drafts on his old typewriter. At nine that night, he had an eight-page statement that I felt satisfied Wyman's directive and accurately reflected my report. It dealt with the conspiracy and imbalance questions, although not as strongly as I had. I had said that a conspiracy had not been proved. Sauter said it would have been better broadcast without the word. I was not inclined to argue over that. His draft dealt straightforwardly with the George Allen double interview, with Sam Adams not being labeled as a "paid consultant," and with the editing transgressions.

On the Westmoreland "correction" letter, Sauter pointed out that the letter requested no correction and it was "a judgmental decision whether a Westmoreland memorandum included within these documents would have served to clarify the General's position." He said that "greater diligence" would have revealed that Gen. Phillip Davidson was not terminally ill. He took the position that the decision not to use any of Walt W. Rostow was a "judgment call."

Sauter called unwarranted *TV Guide*'s accusations that Sam Adams was rehearsed or had backed away from the premise of the broadcast. He denied that any deal had been made with Lt. Gen. Daniel Graham to use his answer about Tet. He said there was an "honest disagreement among the three of us" whether "sympathetic witnesses had been given more gentle treatment in their interviews." I was the one who disagreed. I did not see how you could read the transcripts, which to my knowledge neither Sauter nor Joyce had, and not come away with the conclusion that Crile had played soft ball with those who supported him.

Sauter announced that an ombudsman would be created with the title Vice President, News Practices, to field and evaluate future complaints, both internal and external. He also revealed plans for a future broadcast on the issues treated in the Vietnam program.

He concluded by writing:

> As we emerge from this episode, there will be no diminishing of our appetite for the controversial story or documentary.

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> The greatest asset of CBS News is its credibility. Protecting that credibility is the most important thing we at CBS News do as individuals and as an organization, and it is the most important aspect of our service to the public.

On the night of July 14, Sauter held a closed-door meeting with Mike Wallace, George Crile, Roger Colloff, and Howard Stringer. I was not invited. From accounts that I have heard, it was an often stormy and bitter affair which carried over into the next day.

I have been told that the four men, especially Crile and Wallace, were intensely critical of my report, but the only substantive change in Sauter's statement was one of positioning. The sentence "CBS News stands by this broadcast" had been on the second-to-last page of his statement. It was moved up to the second page. It became the first conclusion, following a page and a half of introduction.

At 4:00 p.m. on July 15, Sauter's statement was released to the press. Sauter was closeted in his office taking press calls. I took none.

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# 15

## THE HUE AND THE CRY

If I had had any doubts that the press and the country had a consuming interest in how CBS would reply to the complaints about its Vietnam documentary, they were dispelled on the morning of July 16 with the release of Sauter's eight-page statement.

It made a front-page story in the *New York Times* under the headline: "CBS CRITICIZES DOCUMENTARY BUT STANDS BY IT." Reporter Jonathan Friendly called the Sauter account an "unusually frank and critical memorandum."

Friendly quoted Mike Wallace as saying he had spent three weeks on the show while Crile spent fifteen months. Wallace said he was busy with *60 Minutes* and other specials and acknowledged a need for procedural reform that would require correspondents to take a more active role.

George Crile told Friendly that the double interview with George Allen was "not something I would do again." He also said that the Westmoreland "correction" letter "went right by me and Mike."

The *Times* also reached General Westmoreland in South Carolina. He called the Sauter statement "an incredible piece of whitewash," which had concentrated on procedural matters. The general said that he had expected me to contact him during my investigation "as a matter of courtesy," but that he never got a call.

Jonathan Friendly would call me about this the next day. It was the first time I had spoken with a reporter since beginning the investigation.



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I told him that I had repeatedly screened and studied the text of Westmoreland's one hour, fifty-four minute press conference cataloguing his complaints about the broadcast, and that I felt this had presented his arguments pretty thoroughly.

Not all of the reactions to my investigation were favorable. Tom Shales, the influential and caustic critic of *The Washington Post*, wrote: "CBS has done more apologizing for an outstanding documentary on Vietnam than Richard Nixon ever did after Watergate."

George Crile, who had been under orders to remain silent during the investigation, was now free to speak and told Shales: "Mainly, I'm happy that CBS stands by the broadcast, and I am now free to defend it as fully as it deserves to be defended. I have been frustrated by not being able to use my own voice." In the weeks ahead, his voice would be raised against both me and my report, but I would elect not to make any public response.

Three days later, Shales in fifty column inches unloaded more heavy ammunition. The headline—"CBS' LAVISH APOLOGIA"—accurately reflected where he was coming from. The text began:

> Killing, or at least impugning, the messenger who arrives with bad news is an old tradition, but you don't often find the messenger bopping himself over the head. Instead of dispelling the cloud that had formed over the program, CBS News all but seeded it for rain. . . .
>
> If they're going to be sheepish and equivocating about investigative reporting, maybe CBS News should also start apologizing for "Harvest of Shame," "The Selling of the Pentagon," "The CIA's Secret Army" [produced by Crile] and "The Defense of the United States."

The most astonishing, and to me revealing, phrase in the Shales story was this one:

[The CBS statement] "stood by the story but found it guilty of five violations of CBS News 'standards' and had other *quibbles* over such details as use of the word 'conspiracy' in describing the scandal being exposed" (Emphasis added).

In my six-week investigation, I had heard the word "conspiracy" interpreted and dissected. This was the first time anyone had dismissed my doubts about the use of the word as a "quibble."

In the days ahead, Shales's own paper would disagree with him on its editorial page. On July 24, *The Washington Post* wrote of the investigation and of Sauter's statement: "We think it's journalism that is self-confident enough to be self-critical. That is the only credible kind."

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A *Wall Street Journal* editorial of July 20 praised CBS: "It is the first time we can recall that a major network has openly and seriously responded to charges against such a program." It then went on to deride the program. "The mistake of Crile and Wallace," the paper wrote, "was covering the story as a two-bit cover-up when it was a Greek tragedy. Most participants in this episode, one of them told us, were struck most of all by the sheer laughability of the thesis that 'Lyndon Johnson was Westmoreland's dupe.' "

In its issue of August 7, *TV Guide* tried hard and barely succeeded in suppressing its glee at the way things had turned out. Calling the CBS response "a touch of class," the magazine whose article two and a half months before had launched my investigation wrote on August 7:

"It's never easy for a respected news organization to admit errors. . . . *TV Guide* took no joy in criticizing CBS News. . . . We are pleased, however, that our article may have contributed, in some measure, to the network's moves to insure its credibility."

My own feelings were summarized best in the *Columbia Journalism Review* of September 10:

> Being journalists, the makers of "The Uncounted Enemy" conceived the program almost exclusively in journalistic terms—specifically, in the exposé style popularized by *60 Minutes:* The credible and intelligent prosecution witnesses, the sweating and less-credible villain (Westmoreland), and the conclusion of "conspiracy," a term that the network later disavowed. The conventions of neo-muckraking, moreover, forbade acknowledgement that the information was anything but new and exclusive. . . .
>
> Viewing history in terms of conspiracy and betrayal invites the presumption that journalism is seeking its own kind of retribution and is encouraging the public to seek revenge as well. Good journalism should place itself above and beyond such presumptions.

The extensive coverage given the abbreviated version of my report surprised me, although I should have expected it. The print press has a persistent fascination with television, and the revelation that CBS was finding fault with itself was obviously going to receive considerable attention. I could not help but be pleased with the job I had done, although I took no personal satisfaction out of it. I told my wife I would much rather have produced a blockbuster documentary than a critique of CBS News. I spent the next few days warding off requests from friends and bare acquaintances for a copy of the full report. To my astonishment, it still had not leaked.

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Within two weeks, the inevitable lull set in as the press turned elsewhere in its computerized, satellite-driven quest for instant news. Westmoreland and CBS moved off the front pages, out of the television columns, and, as many had predicted, began its inexorable journey into the data banks. But the lull was deceptive; a firestorm was building. Its center was in Charleston, South Carolina, home of Gen. William C. Westmoreland, and it would soon burst onto the front pages of America in what would be called "the libel suit of the century."

In August of 1982, I was given a new assignment. It was as far away from investigating someone else's work as I could get and that delighted me. I rejoined Walter Cronkite as executive producer of his documentary unit. Our first project, one that interested me considerably, was a one-hour *CBS Reports* titled "1984 Revisited," marking the fortieth anniversary of George Orwell's epic, predictive novel. It would be an Orwell biography, but more than that it would pose the question: How close are we to the apocalyptic world of Big Brother, Newspeak, and Double Think that Orwell foresaw?

The documentary took ten months to produce, and along with extensive shooting in the United States, we went to Britain, Denmark, Spain, and Switzerland. When it was broadcast on June 7, 1983, to praising reviews, I would be reminded again that the Westmoreland affair was unshakable.

Tom Shales, a hard critic to please, would write in *The Washington Post* that the hour was "engrossing, instructive and inventive," and then went on to say: "there's the nagging impression that the show was produced according to the directive, 'Give us something that couldn't in a million years cause us any trouble.' It happens that the executive producer is Burton Benjamin, previously a CBS News administrator and the author of the in-house report on the hot-potato 'CBS Reports,' 'The Uncounted Enemy: A Vietnam Deception.' "

I told Andy Rooney how I felt about my new eminence. After nearly thirty years at the network, after producing more than four hundred documentaries and eight hundred editions of the *CBS Evening News*, if I got hit by a truck, the modest obituary would probably carry the headline: "REPORT AUTHOR SUCCUMBS."

As we were gearing up for the production of "1984 Revisited" in September of 1982, the decision that some said would never be made and

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others said was inevitable was finally taken: General Westmoreland sued CBS. His lawsuit, calling for $120 million in compensatory and punitive damages, was filed in U.S. District Court in Greenville, South Carolina. The general said that if he won, as he expected to, he would donate the money to charity.

Named in the suit were Van Gordon Sauter, who was subsequently dropped; Mike Wallace; George Crile; and Sam Adams. Westmoreland had rejected a CBS offer of fifteen minutes of unedited air time at the beginning of a proposed program to reexamine the issues of enemy troop strength raised in the documentary. Instead, the general had asked for forty-five minutes in a presentation to be approved by him.

My reaction to the lawsuit was dismay and bewilderment. Dismay because it reopened the Westmoreland episode, which I had hoped was closed, and I knew I would now once more be involved. Bewilderment because I honestly had never believed that Westmoreland would sue. It was not the amount of damages sought, which seemed astronomical, but the legal burden he faced. As a public figure, he would have to prove that the statements CBS made about him not only were false and harmful to his reputation but were also made with "actual malice"—that is, with knowledge that they were false or with reckless disregard for their truth.

The general reportedly had been advised not to sue by two prominent Washington lawyers, Edward Bennett Williams and Clark Clifford, and by Senator Barry Goldwater, but he had gone ahead anyway.

On September 13, at the Army-Navy Club in Washington, the same place where he had held his new conference after the Vietnam program, an angry Westmoreland made his announcement:

"I am an old soldier who loves his country and have had enough of war . . . I have been reviled, burned in effigy, spat upon. Neither I nor my wife nor my family want me to go to battle once again.

"But all my life I have valued 'duty, honor, country' above all else. Even as my friends and family urged me to ignore CBS and leave the field, I reflected on those Americans who had died in service in Vietnam. Even as I considered the enormous wealth and power that make CBS so formidable an adversary, I thought, too, of the troops I had commanded and sent to battle, and those who never returned."

Standing next to Westmoreland was his lawyer, Dan M. Burt of the Capitol Legal Foundation, a public-interest law firm in Washington. Burt, forty two, a short, scowling, hyperactive man, called the CBS offer

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of fifteen minutes of air time for his client "dignifying a lie." He pointed out that the conspiracy charge in the broadcast was a crime punishable by imprisonment and fine.

The lawyer for CBS would be David Boies, forty-three, of the prestigious New York law firm, Cravath, Swaine & Moore. Boies had been a key lawyer in Cravath's successful defense of IBM in a thirteen-year Justice Department anti-trust suit. Neither Boies nor Burt had ever been involved in a libel action.

Both men had received their law degrees from Yale but they had little in common. Burt, perpetually combative, called himself "a short, foul-mouthed Jew from the streets." Boies, relaxed and laid back, liked to tell people that he bought his suits at Sears. His somewhat casual demeanor was misleading; he had shown himself to be a tough and adroit advocate.

Burt was taking the case on a *pro bono* basis, but he would receive financial backing from four conservative foundations—Richard Mellon Scaife, Olin, Fluor and Smith Richardson.

On November 18, the lawsuit was moved from South Carolina to New York City. A U.S. district judge ruled that the general's home state was not the proper venue since all of the defendants lived in New York. A CBS spokesman said: "They were looking for a friendly jury."

I was traveling at the time for the "1984" documentary and did not learn of the switch until a week later.

George Crile was finally, in his words, free to speak, and he mounted a spirited attack against my report. He wrote a thirteen-page memorandum which he wanted CBS News to issue defending virtually every phase of his production. News executives and lawyers were given copies to analyze, and I was handed one for my comments.

He emphasized how many people he had interviewed for the program—139 in all. He listed people like Paul Warnke, former Vietnamese Premier Nguyen Cao Ky, Arthur Goldberg, George Ball, and Gen. Matthew Ridgeway—none of whom had appeared in the broadcast and to my way of thinking had little to do with the issue at hand.

When he decided to use the word "conspiracy," he said he had in mind "conspiracy to deceive not to violate the law." This is not quite how the dictionaries define the word.

He made much of my failure to take cognizance of the Pike Report, just as I was critical of him for not alluding to it in the broadcast. It

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might fairly be asked why he never chose to interview former Representative Otis Pike, who was alive and well and living in Long Island. Perhaps he was prescient. Some months later, Pike wrote a column in *Newsday*, and his reaction to the documentary would have given Crile a lot of trouble had he put the former congressman on camera:

> Our committee report said, ten years ago, that the estimates of enemy strength had been massaged, worked over and reduced for the purpose of encouraging the American people to believe that the war in Vietnam was going triumphantly, and that these optimistic reports certainly contributed to the shock felt in America when the enemy was able to launch its huge Tet offensive.
>
> Well, the CBS broadcast said all these things, too, and I watched it with great interest, seeing familiar faces saying familiar things. In my opinion, it was unfair. Not inaccurate or libelous, merely unfair.
>
> Our committee and the committee staff had argued over the word "conspiracy." The liberals, who had hated the war in Vietnam, thought there had been a conspiracy to deceive the American people. The conservatives said that Westmoreland was trying to win a war, and morale on the home front is always a vital factor. In the end, we finessed the word, saying whether there was a conspiracy or not was irrelevant.
>
> CBS said there was a conspiracy.
>
> Conspiracy is a bad word, connoting criminal activity in the minds of most of us. CBS made Gen. Westmoreland appear evil, and he was not evil. He may not have been either the best or the brightest, but he was doing the best he could for his country and he deserved better than CBS gave him.

Only in his "Conclusion—A Personal Statement" did Crile offer any sort of *mea culpa*. He wrote: "I have never questioned CBS's right or need to conduct such an investigation. And I do not want to leave the impression that I dispute the fact that certain, internal CBS guidelines were violated. Mistakes were made, lessons learned. . . ."

On this, Crile and I were finally in agreement.

I was tempted to reply to Crile point by point, but I knew I would just be getting into a paper chase, and I was about to go to Europe for the "1984" documentary. Before leaving I sent Bob Chandler this memo:

> George Crile's "Statement on the Benjamin Report" is quite vulnerable and obviously if I have to testify, which seems likely, I will be obliged to point out the vulnerabilities.

Madrid is a city where you go to dinner at eleven o'clock. On Thursday

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evening, January 27, Walter Cronkite and I with our wives had taken a chance and tried a restaurant at nine-thirty. Not to our surprise, we found that it would not be ready to serve us for half an hour. As a matter of fact, they were still vacuuming the floors.

We had hoped for better. We had spent a long and thoroughly unpleasant day shooting at the laboratory where a scientist was carrying on behavior-modification experiments with cats and monkeys, foreshadowing what George Orwell had said would happen to humans in 1984. The scientist had implanted electrodes in the animals' brains and was stimulating them with radio waves. I could not shake the sight of those cages with the palsied cats and the terrified, red-eyed monkeys. I don't know how he managed it, but when we finally got to eat, Cronkite ordered wild boar. After the day we had spent, I selected the most bland entrée on the menu.

We returned to our hotel, the Ritz, at twelve-thirty. I had just fallen asleep when the phone rang. It was 1:00 a.m. Of course, it was only 7:00 p.m. in New York, an ideal time to phone if the world had one time zone. We used to call it the flat-earth syndrome. It was Bob Chandler on the phone, and he told me that George Crile's statement had been cut to four pages; could he read it to me for my approval? I told Chandler that, no, he could not, and if he gave me some time to compose myself I might have some interesting suggestions about what Crile could do with the statement. I certainly was not going to listen to four pages of criticism at one in the morning after which I was expected to put my imprimatur on it. I told him to call my lawyer, Raphael Scobey, and read it to him. I heard no more about it.

We returned to New York and our documentary began to take shape. For the next two months, I immersed myself in it and was told virtually nothing about William Westmoreland, George Crile, or Vietnam.

On one night, Thursday, April 21, two events brought me abruptly from a novelist's 1984 to the actuality of 1983. The first took place in the Federal Court House in New York City; the second took place on nationwide television over the Public Broadcasting Service.

Responding to intense pleas from both sides, the judge in the Westmoreland case, Pierre N. Leval, ordered CBS News to give the general the full copy of my report. The decision, which the *New York Times* carried on its front page, was said to pose an issue novel in journalism law.

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As Jonathan Friendly reported: "News organizations frequently investigate their own stories if questions are raised about them, but they have not been required to tell a libel plaintiff everything that such an investigation finds."

Judge Leval, a Harvard Law School graduate, appointed to the bench by President Jimmy Carter, said that CBS had waived any privilege of protecting my report when it released the Sauter memorandum.

"The Sauter memorandum," the judge wrote, "implies that the Benjamin Report supports its conclusions." He went on to say that if it did not, it could be "important evidence of the necessary element of malice."

Judge Leval also said that because my report studied the making of the documentary, it "may well lead to evidence of degree of care for accuracy, concern for truthfulness, and possible bias, prejudgment or malice."

"[CBS] has not treated the Benjamin Report as a confidential internal matter," said Leval. "It has relied in public statements on the fact of the Benjamin investigation and on the conclusions expressed in the report for public justification of its broadcast. . . .

"CBS cannot at once hold out the Benjamin Report to the public as substantiating its accusations and when challenged, decline to reveal the report, contending that it is a confidential internal study utilized solely for self-evaluation and self-improvement. . . ."

Dan M. Burt, Westmoreland's lawyer, greeted the release with a statement that CBS had been trying to cover up the *TV Guide* allegations but "Bud Benjamin told the truth and then they had a problem." My reaction at the time was that this was a compliment I could have done without.

The second event of the day might have been called the conversion of Hodding Carter III. On his PBS series analyzing the press, Carter moved 180 degrees in his appraisal of the Vietnam program. After it had been broadcast, Carter wrote in *The Wall Street Journal* that it had "rendered an important public service." On PBS, Carter offered a radically different conclusion:

> History may yet decide there was indeed a conspiracy in Saigon to fake the numbers. But at this point the evidence is less compelling, the witnesses more contradictory and the possible conclusions less obvious than the documentary suggests.

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> If you're going to make a case that there was a conspiracy at the highest levels of American intelligence, then you have to go to the highest levels and allow the chief conspirators to talk.
>
> CBS is entitled to its opinion. But we're entitled to a more balanced presentation. Even if you're sure of guilt, there's a vast difference between a fair trial and a lynching. It's a distinction that was badly blurred when CBS made "The Uncounted Enemy: A Vietnam Deception."

George Crile appeared on the broadcast and later complained about its editing. He said the show had done to CBS what it claimed CBS had done to Westmoreland. Carter had announced that Mike Wallace was "not available to our cameras," and that created another brouhaha. Wallace vehemently denied that he had refused to appear. "Carter never tried to get in touch with me," he said.

Hodding Carter also noted in the broadcast that *TV Guide*'s "Anatomy of a Smear: How CBS News Broke the Rules and 'Got' Gen. Westmoreland" had recently been honored by the Society of Professional Journalists, Sigma Delta Chi. It granted its Quill Award to Don Kowet and Sally Bedell, which so infuriated CBS News that Sauter wrote a letter of protest to the Society.

There was another fallout that was fascinating to media watchers. It involved a 700-word story about Hodding Carter's broadcast in the *New York Times* and an Editor's Note that was printed the next day. Frank J. Prial had written the story, which was not a review but simply an account of what was in the show. The next-day's Editor's Note said that the Prial story had been "too long and too prominenty displayed," since Hodding Carter had turned up nothing "fresh, substantive or otherwise newsworthy."

All sorts of ominous theories were voiced about the note and its repudiation of its own report, including the allegation that Mike Wallace had complained about the Prial story to his friend, Abe Rosenthal, executive editor of the *Times*. Rosenthal scoffed at this and said it was nothing more than a part of the new self-policing policy of the *Times*. It was one more footnote to a story that was continuing to build rapidly.

As the CBS duplicating machines churned out copies of my investigation that night, I sat in my office, concerned not so much with how the report would be received as with what its release would do to me. It was obvious that try as I might to work in the Orwellian world of 1984, I was going to be thrust into the reality of a lawsuit in 1983.

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# 16

## FROM FOLEY SQUARE TO HANOI

"We are about to see the dismantling of a major news network." The words were those of Dan M. Burt, lawyer for General Westmoreland, when he was delivered, by court order, a copy of the Benjamin Report on April 26, 1983. His statement was exaggerated and intemperate, reflecting an impetuosity that would be manifest in the courthouse in Foley Square in the months ahead.

Burt told Tom Shales of *The Washington Post* that he found the report "devastating" and "very harmful" to CBS news. "Obviously," he said, "I don't think it's a document CBS is happy to have other people have." He thought the report would make his case "substantially easier."

"If they had published the results of the Benjamin Report and come clean," Burt said later, "we wouldn't be in court today."

The release of the report received considerable press coverage, but oddly was not carried on the *CBS Evening News with Dan Rather* in its Tuesday, April 26, broadcast. "It was a news judgment, right or wrong," Rather told *The Washington Post*'s John Carmody. He said a senior producer had informed him that the report was consistent with Sauter's earlier memorandum and therefore did not make a story. It did seem curious to media watchers for CBS to ignore a story involving its own network. NBC covered the release of the report the first night and ABC, claiming a producer misread the embargo date, carried it the following night.

The report was generally well received, although it was not without



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its detractors. The Associated Press called it "thorough and thoughtful"; *Newsweek* called it "a stunning critique." Joshua Muravchik in the *New Republic* would write that I was "the one person who emerges a genuine hero" and "gave evidence of no interest other than getting at the truth," and might be seen "to represent all those journalists who welcome being held to, and having their news organizations held to, the highest standards of their profession." The conservative columnist James J. Kilpatrick said my report was "a model of fair and balanced coverage."

I was pleased to have the sensible Jack Kilpatrick, who had worked with CBS News as a commentator during political conventions, endorsing the report, but in the months ahead I found myself gaining some right-wing supporters who made me uncomfortable. Reed Irvine, head of Accuracy in Media, had been clamoring for my report to be released, and he was one ally I could have done without. Irvine had been unrelentingly critical of CBS News over the years and had recently suggested that Walter Cronkite might be soft on communism.

If there was any danger of an inflated ego during the post-report period, critics wasted no time in rectifying that. Ben Brown of *USA Today* wrote:

> While it ends up wringing its hands over the future of investigative journalism, the Benjamin Report's nit-picking specifics will scare most reporters. Few stories calling for interpretation of complex evidence could stand up to this kind of probing of methods and motivations. There is always someone else to talk to, another point to admit.
>
> . . . We should all be grateful that, while we take our turns judging both Westmoreland and CBS, Burton Benjamin isn't peeking over our shoulder taking notes.

Reuven Frank, the president of NBC News, had this to say:

"I'm afraid [the release of the report] will have an inhibiting effect. It means that people in charge of large news organizations can't look into what's being done in their own house without fear that their internal procedures and findings will become a matter of court record to be used against them."

Jonathan Z. Larsen in *New York* Magazine called my report "almost prosecutorial in its harshness." He said Westmoreland's supporters were "bedeviling the world's largest network. . . . The Pentagon Papers have become the Benjamin Report."

In their book, *Vietnam on Trial*, Bob Brewin and Sydney Shaw

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would write: "Benjamin's single-minded devotion to CBS and its traditions could be likened to religious fundamentalism."

An unceasing critic of me and of my report was Connie Bruck of the magazine *The American Lawyer*. She lost no opportunity to praise George Crile and his program and to disparage me.

In the September 1983 issue of the magazine, she wrote:

> Benjamin, who came to CBS in 1957 and is best known as the executive producer of Walter Cronkite's "Twentieth Century" series and of the "Evening News" during the seventies, has never produced the kind of controversial, ambitious piece that "The Uncounted Enemy" was; his forte is historical documentaries. Even his friends describe him as "purist," "literal-minded" and "fundamentalist." Benjamin is also more fervent than most; for him, friends say, CBS is almost a religion.

Bruck said David Boies, the Cravath lead lawyer, had told her he thought "a lawyer would have done a 'more sensible' report."

On August 23, Boies wrote her a letter about the statement:

> This is the only quotation you attribute to me that I think is completely inaccurate. As you know, I disagree with a number of the conclusions of the Benjamin Report. However, as I also told you, there are a number of its statements with which I agree, and I believe Mr. Benjamin did a credible job at a very difficult, and not particularly pleasant task—a task which, I also pointed out to you, he did not seek. I have no reason to believe, nor did I say, that Mr. Benjamin was not "sensible" or that a lawyer would have been "more sensible."

Bruck did not let up. In another piece, a year later, she referred to me as an "old-time newsman" who had elevated the CBS guidelines to "a canonical level; indicted Crile for misdemeanors in a tone that suggested that these acts were capital crimes; and, though Benjamin had undertaken no real study of the show's substance, nonetheless cast doubt on its soundness."

I decided not to respond to any of her pieces. Her personal criticisms annoyed me, but she had the typewriter and the magazine and that's what the press is all about. I was tempted to send her a list of so-called controversial documentaries I had produced, including a couple dealing with Vietnam, and jotted down ten that qualified. I thought about it and threw the list away. I considered telling her that if you cherish controversy, try producing the *Evening News* for three years. In that job, you are apt to deal with a controversy a night.

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With the full report released, George Crile continued to defend his program. He told the Associated Press: "There's no way I can justify sitting back silently. A reporter has to defend his work. But I was so convinced that CBS was going to attack *TV Guide* and blow them out of the water that I agreed not to talk. . . . A narrow attack on the process alone got misconstrued as an attack on the substance of the broadcast."

Crile began to work the talk shows in face-to-face shouting matches with Don Kowet, who had expanded his *TV Guide* article into a book. They were on Cable News Network twice, the first time with Sandi Freeman, the second on "Crossfire" with Tom Braden and Pat Buchanan.

On the Freeman program, Crile was joined by David Boies and Kowet by David Dorsen, one of the Westmoreland lawyers. In the supercharged, watch-the-clock atmosphere of the talk show, Crile was a strong advocate who defended his case very well. He understood the logic of these appearances—that the tyranny of time often dictates who will prevail, that the more you talk, the less you will be asked. He had his facts and his arcane order-of-battle statistics firmly in hand, and while he occasionally patronized Kowet in flashes of arrogance that were familiar to those who knew him, he was a persuasive witness.

The months ahead were among my most productive at CBS News. The Cronkite documentary unit was increased in size after we broadcast "1984 Revisited," and over the next two years I would be the executive producer of six *CBS Reports*, virtually all that the news division produced.

They included a report on the impact of high technology on the nation's changing economy; an analysis of the rising threat of terrorism; a retrospective on the legacy of Harry Truman; Hiroshima plus forty years—the Bomb then and now; and a return to Vietnam ten years after the war. I would also produce a live ninety-minute program called "The Great Nuclear Arms Debate" with Cronkite which was ambitious and worthy but misfired. We had a reasonably good mix: Henry Kissinger in New York, Paul Warnke in Florence, and government officials in London and Bonn. It was a technical tour de force that unfortunately went nowhere.

With Cronkite, I went to Normandy for the fortieth anniversary of D-Day and to London for V-E Day plus forty years. At Pointe du Hoc,

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where American Rangers under intense fire had scaled the sheer cliffs on the beach with grappling hooks, we broadcast live for the *CBS Morning News*. President Reagan was there, and Cronkite was granted an exclusive interview, which was nicely timed by the White House with the presidential election campaign only five months away.

I also recycled a famous Fred Friendly documentary, made twenty years before, with President Eisenhower and Cronkite returning to the Normandy beaches. We had to cut the original broadcast from ninety minutes to an hour, and we built an effective new opening with Cronkite at Portsmouth in the original decision room for the D-Day invasion. We opened with Cronkite and Eisenhower in the black-and-white original interview at Portsmouth, then dissolved to Cronkite alone in color in an exact match. The program got an enthusiastic reception.

At this time, the Westmoreland affair seemed comfortably in the past, but of course it was not. The heavy legal guns were preparing for a trial that would begin on October 9, 1984. Two months before I was to go to Normandy, I was told to expect a subpoena from the Westmoreland side to give a deposition. It arrived, and I had to pull myself out of the news and documentary world and return to an investigation that I had all but forgotten.

Over the years, I have been fortunate enough to avoid legal proceedings and court rooms. As a young newspaperman in Cleveland, I occasionally had to cover police courts, but that was hardly an environment in which to gain sophistication about the law. In New York, except for signing a will and assuming a mortgage, my only involvement with lawyers and court rooms was as a juror. Now suddenly I was in the impressive law offices of Cravath, Swaine & Moore in Chase Manhattan Plaza conferring with an agreeable young lawyer from the firm named Randy Mastro. And he was briefing me on the intricacies of giving a deposition.

I found the experience unsettling because the technique involves a rather unforthcoming posture in which you are urged to supply as little as possible. I told Mastro that this might be easier than he suspected; it had been two years since I wrote the report. I had not looked at it since and given the production load I was carrying at CBS News, I had not thought about it. This news seemed to please him.

Mastro gave me a short course on depositions which he had obviously done many times before:

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—Answer only what you are asked. Give them short answers. "Make them peel the onion," was the way he put it.

—You are talking for dictation as you would to a secretary or a dictating machine. You are not carrying on a conversation.

—Don't seem eager to answer. Pause as long as you like. A transcript does not indicate pauses.

—Beware of flattery. They may try to set you up as a great expert. Don't let them.

—If you get a tough question, ask them to repeat it. It gives you more time to think.

—If the questioner paces, don't follow him with your eyes. Just look straight ahead or stare at the stenographer.

—If you make a mistake, say, "Let me begin again." Don't say, "Excuse me" or, "I'm sorry."

—Don't let their lawyer interrupt. Say, "May I finish?"

—Emphasize: "My report speaks for itself." Don't go beyond it.

I told Mastro that I found the exercise fascinating and henceforth I would be able to watch the court-room dramas on television with new comprehension. I added that I planned to answer all the questions that I could, and if my memory failed, which I suspected it might, I'd say so.

There was one unpleasant meeting a few weeks later when a lawyer from CBS began to talk about the lawsuit as a challenge to CBS and to CBS News and to emphasize that loyalty was very important. My lawyer, Raphael Scobey, was with me and cut off the exchange rather sharply. I told Scobey after we left that I was glad he had interceded. He had spared me getting up and walking out.

If I ever had the idea that I would be a pivotal witness in the case, I was disabused when I was deposed on May 15. The entire proceeding, including a short recess, took only an hour and forty-five minutes. In contrast, George Crile's deposition was taken over fifteen days and ran more than nineteen hundred pages. General Westmoreland's was equally long. Howard Stringer's deposition ran for five days. I must confess I had indulged in a bit of Walter Mitty before the deposition—the key witness, days of testimony, lawyers wrangling. But it was all so perfunctory.

I had expected to be deposed by the contentious Dan Burt, and frankly was looking forward to it. Instead, I was examined by David

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Dorsen, an experienced litigator. I found him to be courteous and straightforward.

Reading my testimony after the deposition, I was disappointed. I had told the truth, of course, but I was so caught up in the new game I had been taught—deposition giving—that I came on as too laconic. It did not sound like me, and I thought I had done poorly. The Cravath people said I had done fine, which heightened my misgivings. I resolved that if I was called to testify at the trial, I would forget court-room strategies and just be myself.

Dorsen uncovered an embarrassing omission in my report. He asked me if I remembered that Sam Adams had told me that he had informed Crile a month before the Vietnam program was broadcast that Gen. Phillip Davidson was not terminally ill and could be interviewed. I told him I had no recollection of that. Had I known it, I would certainly have put it into my report.

Dorsen then went into my Adams interview notes and read this excerpt:

BB: Did you tell Crile?

ADAMS: I told George. I said "Holy Cow." I don't know if he then tried to get hold of Davidson.

He was absolutely right, of course, and the exchange should have been in the report. I conceded it was a mistake that I could not explain. I had simply forgotten to include it. Dorsen without changing his expression asked me if I had ever heard of Col. Edward Hamilton. I said I had not. I later learned that it was Hamilton who told Adams that he had seen Davidson at a West Point class reunion at Myrtle Beach, South Carolina, and the general seemed to be in excellent health.

I told Randy Mastro after the deposition that given its brevity, I would bet that I would never have to testify. He said I was flat-out wrong. I was certain to be one of the early witnesses, as a matter of fact I might be the first witness. I told Mastro if that happened, they would never find me. I planned to be in Hanoi.

The trial began on October 9 and received predictably heavy coverage in the press and on television. The Cable News Network sought to report live from the court room, which is forbidden in all federal courts. Although he conceded he had some sympathy for the idea, Judge Pierre N. Leval was obliged to turn them down. Television had to resort to its

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customary way of covering trials: arrivals and departures of the principals with on-camera statements in the street or hallways when possible and sketch artists in the court room.

The trial would last for eighteen weeks, and I did not attend any of the sessions. Rumors persisted that I would be an early witness, but my name kept dropping off the list.

George Crile and Sam Adams were regulars in the court room. Mike Wallace was there from time to time, and there were flash visits by Sauter, Joyce, and Dan Rather. One juror indicated after the trial that the presence of the two superstars, Wallace and Rather, did not go unnoticed in the jury box.

I was now spending much of my time in a frustrating effort to secure visas for Cronkite, a production unit, and myself to get into the Socialist Republic of Vietnam so that we could produce a *CBS Reports* marking the tenth anniversary of the end of the war. The producer, Brian T. Ellis, CBS News bureau manager in Saigon when the war ended, had excellent contacts and was sophisticated about the Vietnamese, but our progress was glacial. He would be assured that everything was set and then be told there was a "little problem" in Hanoi.

I began to despair that we would ever get in, and one evening tried some personal persuasion at the apartment of the Vietnamese mission to the United Nations in Waterside Plaza on the East River. My contact was Tran Trong Khanh, a young second secretary for press relations, enigmatic but pleasant, and he ushered me into the apartment which had a striking view of the river but was almost barren of furnishings. He introduced me to their U.N. Ambassador, Hoang Bich Son, who spoke no English and listened to the translation of my pleas for visas with the impenetrable reserve so common among Communist functionaries. I spoke for nearly two hours about Walter Cronkite, the most trusted man in America; CBS News, the premier broadcasting network in the United States; and why it was vital to their national interests that we be permitted to do this documentary.

The ambassador assured me that they were honored that Mr. Cronkite and CBS wanted to come to their country, but it was very difficult, very hard to get answers from Hanoi, all Americans suddenly wanted to come to Vietnam, and they would continue to try. I began to suspect that the message was "Don't pack." "And, by the way," the

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ambassador asked, "were there any officials Mr. Cronkite particularly wanted to interview?"

"Yes," I replied, "certainly his excellency, the prime minister, Pham Van Dong."

Even the imperturbable ambassador seemed startled by that suggestion, but he quickly smiled and said that would be very difficult. The prime minister was an old man now and did not grant interviews, but they would tell Hanoi of our interest. Anyone else?

Suddenly, I was thrust back into the Westmoreland case and the courthouse. There was one man who ought to have the definitive answers for all of the questions being argued in Foley Square.

"The honorable general, Vo Nguyen Giap," I said.

If there was anyone who ought to know all about the communists' order of battle it would be the legendary Giap, hero of Dienbienphu and defense minister during the war. Imagine—I fantasized—getting a breakdown from Giap and bringing it back to New York to resolve the trial with one swift coup. They smiled. "That will be very difficult, too," Ambassador Son said. I brought myself back to reality and left, convinced that we were were not likely to get into Hanoi in the foreseeable future.

On December 13, 1984, any hopes that General Westmoreland's lawyers may have held that the Benjamin Report would destroy CBS and become a pillar of their cases were abruptly destroyed. Judge Leval so restricted the use of my report that it ceased to become a major weapon for the plaintiff.

"The fairness of the broadcast," the judge ruled, "is not at issue in the libel suit. Publishers and reporters do not commit libel in a public-figure case by publishing unfair one-sided attacks. The issue in the libel suit is whether the publisher recklessly or knowingly published false material. The fact that a commentary is one-sided and sets forth categorical accusations has no tendency to prove that the publisher believed it to be false. The libel law does not require the publisher to grant his accused equal time or fair reply. It requires only that the publisher not slander by known falsehoods (or reckless ones). A publisher who honestly believes in the truth of his accusations (and can point to a non-reckless basis for his beliefs) is under no obligation under the libel law to treat the subject of his accusations fairly or evenhandedly."

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What Judge Leval said in unmistakable language was that as far as libel was concerned, news organizations do not have to be fair.

During the trial Leval repeatedly underscored this position. "My view," he told Boies and Burt at sidebar during Crile's testimony, "is that the fact that CBS may have had a guideline that prohibited this practice, so far as I can see, has no bearing on whether Crile or other defendants broadcast what they broadcast either recklessly as to the truth or falsity or with knowing dishonesty. . . . [The] fact that there is a rule at CBS that says 'Don't do it' in no way adds to the issue of whether there was knowing falsity propagated in the broadcast."

Leval addressed the matter of coddling friendly witnesses and treating harshly the unfriendlies during Westmoreland's testimony. He told the jury:

". . . Mr. Burt suggested that you should compare the tone of questioning of General Westmoreland during his CBS interview with the tone of questioning employed by CBS while questioning General McChristian.

"Now, I instruct you, you may consider tone of questioning only if you find that it bears on an element of truth in the plaintiff's case. The tone of questioning of persons by CBS is not an element in the lawsuit. There are many legitimate reasons why the tone of questioning may vary from witness to witness. A news organization cannot be held liable for the tone it uses in questioning a person.

"The issue is not whether CBS used a hostile or aggressive tone when conducting one interview, and a friendly, encouraging tone in another interview. The defendant may not be held liable for any such use of tones in questioning.

"The issue is whether defendants made false, defamatory statements either believing them to be false or recklessly as to their truth, and you may consider tone of questioning only insofar as you find it bears on that issue."

The judge also dismissed the matter of bringing George Allen into a cutting room and showing him excerpts from other interviews. At sidebar during Ira Klein's testimony, he told Boies and Burt:

"Well, I have previously ruled that if CBS had a guideline or a rule that prohibited the showing of interviews to a potential witness, the fact that there was such a rule and the fact that such a rule was broken, if it was broken, is not relevant to the issue whether the defendants knew they were putting on a false broadcast or were reckless with respect to

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a likelihood of falsity of the broadcast. And for that reason, that was part of the reason that I ruled out large portions of the Benjamin Report which discussed those rules."

The judge did permit the Westmoreland side to use statements made to me by defendants Crile, Wallace, and Adams, and by other CBS employees. But much of the report was out of bounds. For example, Dan Burt in his examination of Crile would not be allowed to mention the Benjamin Report unless Crile raised the subject first—an exceedingly unlikely prospect.

On February 17, 1985, I was at the Hôtel de la Tremoille in Paris waiting for Walter Cronkite to arrive. Momentous meetings were taking place in New York between the lawyers from CBS and General Westmoreland, but I had no way of knowing this. I had in my pocket a document I had been trying to get for six months—a visa for Vietnam. I had gone to the Vietnamese Embassy early that morning and after the usual deadening amenities, tea, and small talk, an embassy official stamped the visa in my passport.

Brian Ellis and the camera crew had been given their visas in Bangkok and were already in Hanoi. With them was John S. McCain, then a congressman from Arizona, now a senator. During the war as a Navy lieutenant commander, McCain had flown off a carrier in an A-4 Skyhawk and been shot down by a SAM missile. He had ejected from his plane and parachuted into a lake in Hanoi, suffering a broken leg and two broken arms. The son of the admiral who was then Commander of U.S. Naval Forces in the Pacific, he had been a prisoner of war for five and a half years. Now we were returning McCain to the scene of his anguish—the lake where a monument had been erected to celebrate his capture on October 26, 1967, and to the small cellblock where he had been beaten and tortured.

As I sat waiting for Cronkite in the hotel lobby, I began to worry that there would be a hitch and his visa would be denied. Our experience with the Vietnamese had been so maddening that the prospect did not seem absurd. But Cronkite arrived late that night, and early the next morning with Marthe Schurman of the CBS News Paris bureau, we went to the Vietnamese Embassy. I sat uneasily as we went through tea and small talk again. We were booked on a noon flight to Bangkok. Finally, Cronkite's passport was stamped and for the first time, the production was set. We rushed to the airport for the fourteen-hour flight to Thai-

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land, which would be followed by a two-hour layover and another two hours to fly to Hanoi.

At Gia Lam Airport in Hanoi, capital of one of the world's most underdeveloped countries, we were met by the producer, Brian Ellis, and David Green and Andrew Stevenson, cameraman and soundman. When we passed through immigration at the airport, we had to put our money on the counter so that it could be counted; it would be counted again when we left. In addition to my pocket money, I was carrying $5,000 in cash in a money belt which I did not put on the counter.

Everything in Hanoi has to be paid for in U.S. green; credit cards or traveler's checks are useless. The government provides the transportation and logistical help, and it gets paid each day in cash. I gave my money to Ellis, who turned in the dollars for Vietnamese dong at some improbable official rate and doled out the worn bills in stacks during the trip.

We stayed at the Victory Hotel, the *Thang Loi*, built by the Cubans after the war and one of the few buildings in Hanoi bearing some semblance of modernity. An inexpressibly dreary place, its facilities were primitive—leaking plumbing, bug-ridden rooms, and atrocious food that was made more intolerable by the sight of rats scampering across the dining-room and kitchen floors. The lobby featured caged monkeys which added just the right ambience and odor to the hotel.

The sequence with John McCain retracing his experiences as a POW was unusually poignant. At the lake where he had parachuted from his downed plane, our camera crew drew a crowd of old men and women and some children. Our interpreter pointed to the monument with McCain's name and then to McCain, and the Vietnamese suddenly realized: This was the U.S. Navy pilot who had been shot down. They gathered around him, smiling and shaking his hand. McCain smiled back and exchanged small talk through the interpreter.

I thought McCain might have difficulty maintaining his composure when we went to the prison compound in the center of Hanoi. He walked unhesitatingly through the bleak courtyard and went directly to his former cell, no more than ten by twelve feet, where he had been held in solitary confinement. The emotions of the moment were manifest but McCain described the scene quietly and evenly, as if he were returning to some innocuous scene from his past.

To our surprise, we were granted an interview with Pham Van Dong. The frail and obviously failing prime minister, then seventy-nine,

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had been Ho Chi Minh's closest associate. We saw him at his official residence, a palatial yellow house out of the French colonial past. The press office in Hanoi had been unenthusiastic about the idea and wanted to know what Cronkite would be asking the prime minister. We gave them some vague areas we planned to cover and proceeded to start taping in a huge, dark room on the main floor.

The interview was a disaster. It is never easy when you have to go through an interpreter, but this was perhaps the most frustrating session I had ever been involved with. No matter what Cronkite asked, Pham Van Dong had his pre-set answer, as if memorized. The problem was that he was not always answering the question that had been asked. When we finished, we knew we had just accumulated a lot of tape for the trash basket, and Cronkite asked Pham if they might take a walk together around the palace grounds. The old man agreed.

Brian Ellis set the camera on a balcony to get a high shot of the walk, and Pham, Cronkite, and an interpreter began their leisurely stroll. Now the prime minister, unencumbered by his briefing book, was lively and interesting. He talked freely about MIA's, Cambodia, and normalization of relations with the United States. I realized that with the distant camera we were not recording any sound, so with an audio tape recorder in my hand I joined the group and managed to pick up most of the conversation. The story was used on the Rather News a week later.

Since we had been granted an audience with Pham Van Dong, I was certain we could interview anyone in the government we chose. I asked the press officer if we could now see General Giap. I was all ready with my questions about his order of battle during the Vietnam War, which I would then take back to New York to settle the unseemly legal quarrel that was taking place in Foley Square; at least, so I thought. "General Giap? Oh, yes, General Giap. We are sure that will not be possible but we will check." The next day, the predictable response: "General Giap is not here. He is on vacation." I was about to reply: "Where, in Cambodia?" but I knew that would be foolish.

Before McCain left us, he met with Col. Nguyen Van Cok, whom they introduced as their air force ace. They told us he had shot down twenty-one American planes during the war, a statistic I had some skepticism about. The colonel, they said proudly, is known throughout Vietnam as "Hero Cok." He sat with McCain, the two pilots using their hands to pantomime airplane maneuvers just as they do in the movies.

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We then went to Army headquarters to meet Gen. Van Thien Dung, who was chief of staff during the war and in a sense was Westmoreland's counterpart. It was Dung, a protégé of Giap's, who led the final assault on the South in 1975. Two exchanges between Cronkite and the general were especially meaningful in view of the legal battle that was being waged in New York.

CRONKITE: General Westmoreland and some later historians say that we won a military victory in Tet by causing you extreme casualties, admitting that you won a psychological victory. But they claim that we won a military victory. What do you answer to that?

DUNG: I think this question has been dealt with in many tables and books. You know our war was a people's war. And it was an all-out war. Victory has to be measured politically, diplomatically as well as militarily. The general offensive . . . and concerted uprising of 1968 was an attack from our side not only in the military field but also in the political field and leading to the diplomatic field. And its end was to defeat the will of the United States administration. You know the political repercussions of the attack and the psychological effects were both great.

CRONKITE: General Westmoreland said that if he had been given a few more troops after Tet that your army was so badly mauled in the Tet offensive that we could have won the victory.

DUNG: He's a military man so it is likely that he only thinks of the number of troops. I'm also a military man, but I strongly believe that had he been given another hundred or two hundred thousand troops, the war would have ended the way it did with the defeat of the United States.

As we got ready to leave, General Dung gave Cronkite what was easily the most tasteless gift he had ever received: a spittoon made out of B-52 parts. We had done several sequences around the downed bombers which lay undisturbed in Hanoi, like ghostly victory memorials, and that had been disturbing enough. The Vietnamese general managed to top that.

We drove to Haiphong, crossing the Paul Doumer Bridge which during the war had supposedly been destroyed by American planes. There was no doubt it had been badly hit; ten years later, the damage could still be seen. Part of the bridge roadway had wooden planking and we had to inch our way across. Halfway to Haiphong, we stopped to

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tape an incredible scene: A huge throng, perhaps ten thousand men, women, and children, were building a new road virtually by hand. It was reminiscent of the heroic communist films of Stalin's time. The women and children were carrying the dirt and rocks in sacks on their shoulders and heads. The swarming mass of humanity epitomized, more than anything we had seen, just how primitive and impoverished the country was. Cronkite's report was also used on the Rather News.

Haiphong, bombed repeatedly during the war, was a cheerless city with many buildings still in need of repair. The harbor, the one we were always going to mine, was filled with merchant ships. On the streets, there were many children playing. The most popular street sport seemed to be, of all things, badminton.

We flew to Ho Chi Minh City on Air Vietnam, which is known to handle over-booking by having the extra passenger sit in the lavatory with the door open during the trip. Cronkite, Ellis, and I, who had been there when it was Saigon, were all eager to see the city once again. I remembered the first time I had seen it in 1963, before half a million Americans had arrived, when it was still the charming Frenchified city that had justly been called "the Little Paris of the East." And I remembered, too, the second visit in late 1965 with the buildup under way—the streets choked with Jeeps, families sleeping on the sidewalks, bar girls and prostitutes everywhere, children begging and clinging to you until you gave them money.

In 1963 I had left with some rather hawkish feelings; we were right to help the South Vietnamese preserve their freedom. When I came back two years later, one event started to turn me around. Cronkite and I went to a base camp south of Saigon where a brigadier general, obviously awed by the famous anchorman, briefed us in his tent. He was a bantam-rooster of a man and as he paced back and forth describing the Viet Cong, he suddenly said: "You know, those little bastards are yellow."

I thought it was an ethnic slur and I was tempted to reply: "Yes, and those Nazi bastards were white." Then I realized he meant yellow as in cowardly. "Why don't they come out in the open and fight like men?" the general asked, and it suddenly all seemed so hopeless. He was fighting the wrong war—a linear war like World War II or Korea with battle lines drawn and an enemy you could count in front of you. Cronkite was equally depressed. When we left, he said he wondered how many generals were as blind as the one we had just seen.

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There was a group of Polish tourists on the plane from Hanoi, led by a large and loud man who was drinking vodka out of a bottle at seven in the morning. Whenever he spoke, which was often, his voice filled the plane and his companions burst out laughing.

Memories flooded back as we landed at Tan Son Nhut Airport. Physically it had not changed much, but now it was a virtually abandoned relic. The old ticket counters were empty; the swarm of Vietnamese customs and immigration officials and porters was gone. There were no taxis lined up in front. The revetments on the tarmac, built to protect U.S. fighter planes, lay empty and overgrown. There was a damaged U.S. transport plane near the terminal which, I was told, the Vietnamese were considering converting into a nightclub. And, of course, there were no Americans. I remembered the joyous faces of those who were departing, leaving the war behind them, and the sad, sullen faces of those who were arriving to take their places.

We checked into the old Majestic Hotel, now the *Cuu Long*, along the Saigon River. The woman at the reservations desk was startled to see Brian Ellis; she had once worked at the CBS News bureau in Saigon. She reached out, as if to embrace him, and then pulled back. An embrace in a lobby watched by the secret police would have been foolish on her part. I took the faltering elevator to my room and to my surprise recognized the only other passenger. It was the vodka-drinking Pole from the plane.

"Deutsch?" he asked me.

"No, American."

He motioned for me to draw closer and whispered. "Russians—shit." He threw me a smile and a half salute and got off the elevator.

Saigon had not only changed its name to Ho Chi Minh City but it had been transformed in many ways. The bar girls and prostitutes were nowhere to be seen, sent off to reeducation camps. There was no begging on the streets. A pall seemed to have settled over the city, once so clamorous and chaotic. Shopkeepers on Tu Do Street, who used to smile and try to entice you into their stores to buy green ceramic elephants or other artifacts, sat impassivly in their doorways ignoring the passers-by.

We walked up the block to the Caravelle, now the *Dong Khoi*, the Uprising Hotel, and asked if we could visit the suite where we had housed our bureau. It was on the second floor and was now occupied by the consul general of Indonesia. He was out of town and the room was locked. We

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went up to the roof garden, which has a sweeping view of the city, to shoot some on-camera sequences with Cronkite. During the war, this was where you would find the correspondents, exchanging stories of visits to the front and the latest non-stories from the daily MACV briefing, the "Five O'Clock Follies." Now it was empty and forlorn.

We went back to the old American Embassy which I had last seen on television on April 29, 1975, when helicopters were landing on the roof to evacuate the remaining Americans from Saigon before the North Vietnamese troops entered. We stood at the gates which thousands of South Vietnamese had tried to scale in a frantic effort to get out. The massive complex, so obviously an American transplant, had become the headquarters of the Oil and Gas Administration.

It was a wrenching moment for Brian Ellis, who stared briefly at the building and then turned away. On that April day in 1975, he had been in charge of the evacuation of the American press contingent and in the darkness was the second to last person to leave the roof by helicopter. The last man to leave was the U.S. Ambassador, Graham Martin.

The place I wanted to visit more than any other was Westmoreland's former MACV headquarters, near the Tan Son Nhut airport. I thought of my investigation and of the trial that was unfolding in New York. I was haunted by the echoes I would hear in its corridors: the voices of Westmoreland and Joe McChristian as they conferred about enemy-strength figures; a visiting Sam Adams in muted conversation with Gains Hawkins; the click of Danny Graham's heels as he walked down the corridors assuring everyone that his order-of-battle numbers were right; Charley Morris shouting at Everette Parkins. But it was not to be. We were told that the headquarters had been demolished but we were not permitted to confirm that first-hand.

My hotel room was dirty and dispiriting but had a fine view of the Saigon River. The junks and sampans were still flitting noisily about and in the early morning the riverfront park was alive with activity. A group of perhaps fifty Vietnamese men, women, and children would gather to engage in an exercise similar to the ancient Chinese system, *T'ai Chi Ch'uan*, bodies frozen, arms uplifted, then gracefully moving into a new position and freezing again. As they stood motionless, etched against the river, you felt as if you were looking at an eleventh-century Chinese painting.

There was one group in the streets that I had never seen during the war—the Amerasian children. We had not only left our blood in

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Vietnam; we had left our genes. These were the children of American servicemen and Vietnamese women, and now they ranged in age from twelve to eighteen. It was obvious that some of their fathers had been black, and we knew that they were having the most difficult time of all.

They must have an underground transmission belt, for they found out immediately that there were Americans at the hotel. Each morning as we left with our camera crew, they were waiting for us. Our conversations with them were furtive; they were terrified of the police. Whenever a green uniform appeared in the distance, they would dart away in fear, only to reappear later in the day or the next morning. They all had pictures they said were of their fathers; some gave us letters to take back to the States. These children gnaw at you: they implore you to help them. One young woman who said she was seventeen and whose father had obviously been black told us her mother needed money for medicine. We gave her a few dollars although we had been warned to be suspicious of stories like hers. I found the plight of these Amerasian children, many of whom are no longer children, the most trying experience of the journey.

We had to fly back to Hanoi for our exit from Vietnam. We had a few pickup shots to tape there, and before we left our hosts made certain that we saw three of their historic landmarks. We were taken to the compound where Ho Chi Minh lived during the war, now a national shrine, and to the mausoleum where Ho is interred much as Lenin has been in Red Square. The top of Ho's coffin is glass, and you look down at the face of a thin, wispy-bearded man in repose, preserved for all time as the hero of his nation.

We were then escorted to the Museum of the Army in Dienbienphu Street. When we entered, it looked like a U.S. Army depot trying to dispose of surplus equipment. Made-in-the-U.S.A. weapons, half-destroyed tanks, and airplane parts were dispersed in the courtyard. Inside the museum, the first thing you saw was a giant blow-up of a captured U.S. pilot, a heavyset and thoroughly cowed man, being held at gunpoint by a fifteen-year-old girl. It set the tone for an exhibit which understandably trumpeted their victory and our defeat.

Gia Lam Airport: We were leaving Hanoi after nine days in Vietnam. With the help of a man from the foreign office, we had moved smoothly

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through immigration and customs and were waiting to board our Thai Airways flight to Bangkok. The plane arrived each Wednesday at 12:40 in the afternoon, stayed on the ground for exactly one hour, and then hurried back to Bangkok. I was told that the crew rarely got off during the layover.

There was a problem today, however, that threatened the departure of two of the passengers. A young British member of the Agency for International Development (AID) group in Vietnam had married a Vietnamese. For a year, he had been trying to get her an exit visa, and it had finally been granted. Now immigration and customs were subjecting the young woman, who was strikingly beautiful and close to tears, to a brutal examination. Every bag, every case, all of her clothing was pulled out of suitcases and thrown on the counter. A suitcase would be opened, examined, closed, and then reopened again for another inspection. We were told to board the plane, and as we left I saw the couple, half the woman's clothes still on the counter, trying to reason with the guards.

"Unless she gets on, I'm not going," Cronkite said. I persuaded him that his refusal to board would not have the same impact in Hanoi that it might at JFK in New York, and reluctantly we went up the steps into the plane. We knew the Thai pilot would not stay beyond his departure time and we kept our eyes on the windows, hoping to see the couple.

About two minutes before we were scheduled to leave, they came flying out of the terminal and raced aboard. The flight attendant shut the door and the pilot began to taxi. The passengers stood and cheered and two of them, whom we learned also worked for AID, cracked a bottle of champagne and quickly passed glasses to the passengers. When we were airborne, I asked the young woman where she was going.

"To the Oriental Hotel in Bangkok," she said, "and I know just what I'm going to do. I am going to get in a bubble bath and soak. Maybe for three days."

To move from the *Thang Loi* in Hanoi to the Oriental in Bangkok might be compared to moving from a flophouse to a penthouse. I felt like soaking, too, but when I got the news from New York, I was too startled even to unpack.

The Westmoreland case was over. The general had withdrawn his lawsuit the day we had flown into Hanoi. It had been virtually impossible for us to receive telephone calls or telex messages from the States, and if anyone had tried, the information never got to me.

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Some of my CBS News colleagues were in Bangkok, trying to get visas for Vietnam, and they were able to fill me in. Within a few hours, I had most of the story.

On February 18, 1985, after two and a half years of litigation, half a million pages of documents, thirty-six witnesses, and sixty-five days in court, General Westmoreland had agreed to abandon his $120 million lawsuit against CBS, one week before the case was to go to the jury. Each side would pay its own legal expenses—CBS $10 million, all but $100,000 covered by insurance; Westmoreland's side, $5 to $7 million.

Dan M. Burt, Westmoreland's lawyer, said that four words from the bench—"clear and convincing evidence"—had made his case impossible. On February 15, Judge Leval had ruled that the jury in deciding whether the Westmoreland documentary was false would need "clear and convincing evidence," rather than "a preponderance of evidence," which Burt had hoped for. Given this instruction, the jury could have ruled that the broadcast was true, and Burt said: "If he loses on truth, it will kill the old man."

Westmoreland got no apology and no money from CBS. He issued a statement expressing esteem for CBS's "distinguished journalistic tradition." In its statement, CBS said it "never intended to assert and does not believe, that General Westmoreland was unpatriotic or disloyal in *performing his duties as he saw them*" (emphasis added).

Those words moved Alistair Cooke to say in his "Letter from America" that the phrase "can be said of any unlucky, or defeated, or even incompetent soldier. It can be said admiringly of Napoleon, of Robert E. Lee, of Erwin Rommel. It has been said disparagingly of very many generals in many wars."

"Performing his duties as he saw them" also angered Adm. Thomas H. Moorer, the former chairman of the Joint Chiefs of Staff and a staunch conservative supporter of Westmoreland. "You could have said that about Hitler," the admiral said.

Although the word "apology" could be found nowhere in the CBS statement, Westmoreland told Ted Koppel of ABC News that he dismissed the suit because the language, to his thinking, constituted an apology. "If they had thrown in the word 'apology' I certainly wouldn't have objected to it," the general said, "but I interpreted their language as something that cleared my name." Some observers likened this to a recommendation by the late Senator George Aiken of Vermont on Oc-

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tober 19, 1966, that the way to end the war in Vietnam was to declare a unilateral victory and get out.

Late in the afternoon, I was having a drink at the Oriental with Lance Morrow and Dirck Halstead of *Time*. They were trying to get into Hanoi and were still unable to pry loose visas from the Vietnamese. They were asking me about our trip—where to go, what you could see, how much free movement was allowed. I was telling them that it was a hard ticket, that the power was in Hanoi, and that they were keeping a pretty tight lid on the country, when Derek Williams of CBS News in Bangkok came to the table. He said he had a long telex for me from New York.

I told Williams I doubted it was for me; I had already spoken with my wife, who was in London, and had been assured that she and my family were well. "It's from Ed Joyce," said Williams. "It's for you with copies to the whole CBS News organization."

As I began to read the telex, I wondered for a moment whether Cronkite or Ellis had framed it as a gag. It was extremely flattering, even fulsome, and it had to do with my investigation of the Westmoreland documentary.

> You didn't volunteer for this assignment, but I recall your telling me that you took on this burden because "nothing was more important than CBS News." How fortunate we all are that an individual of such unblemished integrity was willing to accept this kind of responsibility.
>
> As painful as it was to acknowledge the flaws in our broadcast, I believed then and I believe now it was right to do so.

I turned to Derek Williams: "You know, I'm tired as hell but I feel all right. This sounds like something from an obituary."

Morrow and Halstead had more questions, and we returned to the story in Vietnam. I put the telex in my pocket and the next day sent Joyce a cable thanking him.

Some days later, I was to get a further perspective on what might have been behind Ed Joyce's message to me and why he made it public. After the trial had ended, CBS and Cravath threw a celebratory party at Regine's, the flashy Park Avenue disco-restaurant.

More than a hundred people attended—lawyers, CBS executives, witnesses, and some of the reporters who had covered the trial. They danced to recorded music and took advantage of the open bar, especially

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the champagne, and a buffet dinner. Edwin Diamond of *New York* Magazine described the evening as "tasteless" and "dancing on the grave of Westmoreland." Mike Wallace, Dan Rather, George Crile, Van Gordon Sauter, Sam Adams, and Col. Gains Hawkins were among the guests. Ed Joyce arrived and made a U-turn, staying for only a few minutes. He apparently agreed with Diamond, and his message to me, *Broadcasting* Magazine wrote, was "reminding the rejoicers that the broadcast at issue had been flawed."

When it was all over, I thought Stanley Karnow, author of *Vietnam: A History*, wrote the most telling epitaph for the broadcast: "They were both losers from the beginning. CBS did a lousy program, and Westmoreland never understood what the war was about."

Early the next morning, Cronkite and I boarded a Lufthansa flight to Tokyo. It was always nice traveling with Walter; you usually sat in the front of the bus, in first class. In that way, as the fiction went, you had an opportunity to "talk" and "do business" on the trip. Cronkite got the usual deferential treatment, so familiar to me after nearly thirty years of travels with him. The pilot, whose English made him sound like the Red Baron, came back and told us how honored he was to have Mr. Cronkite on his flight. Since his regular route was New Delhi to Tokyo and return, I wondered how he had managed to hone his expertise on American anchormen. To me, it was Marshall McLuhan's "Global Village" personified.

I succeeded in annoying the two other passengers in first class by bringing out my portable typewriter and typing up the scripts for the two reports from Vietnam that we had prepared for the Rather News. I would have no time to do this in Tokyo; the next morning we would be flying out again.

For the life of me, I don't know why it struck me as amusing—black humor, perhaps—but after Westmoreland, after Vietnam, our next destination seemed perversely appropriate.

We were going to Hiroshima.

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# EPILOGUE

What has happened to the principal players in *General William C. Westmoreland* vs. *CBS Inc. et al.*?

**Gen. William C. Westmoreland:** Since the trial, the general has returned to his home in South Carolina but has not faded away, as he suggested he might. He has resumed his public life and receives more requests for speaking engagements than he can accept. He attended a large rally at the Vietnam Memorial in Washington and received a warm reception from his fellow veterans, whose treatment he has called "shabby." He has also been urging that the National News Council be revived.

**George Crile:** Contrary to what some observers said after the trial—"George will never be heard of again"—Crile is still a staff producer at CBS News. He joined *60 Minutes* as one of Mike Wallace's producers and from all reports it has been a mutually satisfactory relationship. The first story Crile produced for Wallace dealt with a semi-invalid who was reported to be the brains behind Senator Jesse Helms, the man who had threatened to take over CBS so that he could become "Dan Rather's boss." Crile married Susan Lyne and continues to maintain, whenever he is asked, that except for some technical violations, which he regrets, there was nothing wrong with the Westmoreland broadcast.

**Mike Wallace:** As he moved into his seventieth year, Wallace is still the lead correspondent for *60 Minutes*, the only one of the five reporters on the show who has been with the series without interruption



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since it began in 1968. He seems as indefatigable and energy-charged as ever, traveling throughout the world on a back-breaking schedule. He has done no documentaries since the Westmoreland program.

**Howard Stringer:** In September of 1986, Laurence Tisch invited Stringer, then acting head of the news division, to take a Metroliner ride with him to Washington for a meeting that was to introduce Tisch to staffers at the news bureau there. It would give them a chance to chat and get to know each other better. For Stringer, the leading and most active candidate for the news presidency, the train ride was apparently a success. In October, he was named president of CBS News. While financial austerity still prevails at the network, Stringer has managed to recapture the morning news, which had been turned over to the entertainment division, and has been given a weekly prime-time hour for a new series called *48 Hours*.

**Thomas H. Wyman:** On September 10, 1986, Wyman was removed as chairman and chief executive officer of CBS after a tense board meeting. Convinced that Laurence Tisch was achieving a takeover of the company at bargain prices, Wyman urged the board to consider other buyout offers and it was revealed that he held conversations with one suitor, Coca-Cola, without telling Bill Paley and Larry Tisch about it. Wyman descended from his plush aerie on the thirty-fifth floor of Black Rock by golden parachute. His ouster agreement included more than $1 million in salary and bonus, a lump sum of $2.7 million or ten installments worth $3.8 million, and $400,000 a year for the rest of his life.

**William S. Paley:** With the Wyman ouster, Paley moved out of the limbo he had been relegated to and stepped back into the chairmanship of CBS. The octogenarian founder of the company has become active again, especially in the area of programming. He owns nearly 2 million shares of CBS, more than 8 percent of the outstanding common stock, and as the price has risen under the Laurence Tisch regime, he has become an even wealthier man.

**Laurence A. Tisch:** He became acting chief executive officer after Wyman, and in January 1987 dropped the "acting" and became president as well. It is said he is fascinated by CBS and has no immediate plans to search for a successor. The Tisch family holds a 25 percent stake in Loew's Corporation and Loew's holds 24.9 percent of CBS, some 5.8 million shares. The common stock, purchased at an average price of $127 a share, almost doubled in price before tailing off in late 1987. Tisch has

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turned CBS back to its original business, broadcasting, selling off its records division (to Sony for $2 billion), its educational and music publishing operations, and its magazines.

**Van Gordon Sauter:** In September of 1986, the day after Wyman was fired, Sauter was asked to resign as president of CBS News. His parachute, if not pure gold, was gold-plated. He will receive his $300,000 annual salary and 50 percent of his bonus payments through 1990. He moved back to Los Angeles and for a short time was a news commentator for Fox Broadcasting's KTTV. He has been writing occasional columns on urban affairs for the Los Angeles *Times*. Sauter's latest project is to co-produce a syndicated show with the title "Group One Medical," described by its backer, Metro Goldwyn Mayer/United Artists, as "infotainment" and by others as a medical version of "People's Court." According to its sponsors, the show will "feature three real family doctors dealing with real medical situations that will both educate and entertain . . ."

**Edward M. Joyce:** He was replaced as CBS News president in December of 1985 by Sauter, who returned to the news division after being elevated to an executive vice presidency in the CBS Broadcast Group. The ridiculed performance of the *CBS Morning News* with Phyllis George, who had been hired by Sauter, mounting internal dissension in the news division, and a fallout with Dan Rather led to Joyce's departure. He was offered a job as vice president of CBS's World Wide Services, which sells CBS programs overseas, but quit and left the network. He reportedly received a $250,000 advance from a publisher to write a book about his stormy two years as president of CBS News. It is scheduled for publication in 1988.

**Roger Colloff:** He has had three job shifts since Westmoreland. In 1983, he was moved to Black Rock as a vice president with the CBS Television Stations division; three months later he was moved to policy and planning for the CBS Broadcast Group; and two years after that became vice president and general manager of WCBS-TV, the network's flagship station in New York.

**Andrew Lack:** He became executive producer of the CBS News series, *West 57th*, which has been in and out of the network prime-time schedule. The program finally regained a regular spot in 1987, Saturday nights at 10:00 p.m., considered by many to be disastrous scheduling for a program of this character.

**Ira Klein:** He continued to work as a free-lance film editor in New

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York. He was hired by Bill Moyers for his *Walk Through the 20th Century* and did some editing for NBC News. He is currently working free lance, cutting whatever comes along from documentaries to commercials. He has not worked at CBS News since the Westmoreland program and many would be surprised if he worked there in the foreseeable future.

**Sam Adams:** He now lives near Purcellville, Virginia, eight miles from the 250-acre farm in Leesburg, his home until 1985. That year, after twenty-three years of marriage, he was divorced from his first wife and married Anne Cocroft, a free-lance reporter for *The Washington Post*. They have a two-year-old son, Abraham. His first wife lives at Leesburg with their son, Clayton. Adams filed a libel suit against Renata Adler for her book *Reckless Disregard*, a critical account of the CBS defense in the Westmoreland trial, but dropped it two months later. "I basically didn't have the heart to go through another three years of lawsuiting. I'm not a rich man. I think I could have raised the money but I just wasn't up to it." He is still working on his own book, *Who the Hell Are We Fighting Out There?*, dealing with the numbers controversy in Vietnam, but no publication date is set. He says it will not treat Westmoreland harshly. "He is a nice old man. I like him. He was in a terrible spot in that war."

**David Boies:** He moved from the Westmoreland case to representing Texaco in a multi-billion-dollar lawsuit by Pennzoil. He has received wide praise for his legal sagacity in the defense of CBS. The *New York Times Magazine* favored him with a cover piece which called him one of the great litigators of the country. In spite of an annual income reported to be in excess of $1 million a year, he says he still buys his suits at Sears.

**Col. Gains Hawkins:** The former order-of-battle chief, whose testimony for CBS and against Westmoreland was critical during the trial, lived in West Point, Mississippi, where he was administrator of a nursing home and chairman of the Clay County Republican party. In 1986, he had a lung removed because of cancer. On February 26, 1987, according to county authorities, he died of a gunshot wound "that was apparently self-inflicted." He was sixty-seven.

**George Allen:** Retired from the CIA after twenty years of service, Allen has been using "The Uncounted Enemy: A Vietnam Deception" at the agency as a teaching tool. It is screened in a professional development course for senior CIA officers as a case study in ethics and

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intelligence. The CIA acknowledges that Allen shows the documentary, but says it is "used purely as a training device to show one side of a complicated intelligence problem and doesn't represent official advocacy of that version of history."

**Burton Benjamin:** In April of 1985, David A. Englander of the Bronx wrote a letter to *New York* Magazine in which he made this comment about the Westmoreland affair: "As for whistle-blower Burton Benjamin, now that he's received a letter of praise from CBS News president Ed Joyce, he'd better start inquiring about a job at Columbia University."

Mr. Englander was prophetic. In March of 1986, I did indeed go to Columbia University on a fifteen-month fellowship from the Gannett Center for Media Studies. My project: To write this book.

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