

Edward O. McCue papersMSS.88.4

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1967-1983



Title Statement

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Publication Statement

Publisher: Arthur J. Morris Law Library Special Collections

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Charlottesville, Virginia 22903
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URL: <http://archives.law.virginia.edu/>



Profile Description

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Descriptive Summary

Unit ID
MSS.88.4

Unit ID
[Archival Resource Key](#)

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Unit ID

/repositories/4/resources/673

Unit Date

1967-1983

Language

English

Creator

McCue, Edward O., III, 1923-2011

Extent

2 Linear Feet

Repository

Arthur J. Morris Law Library Special Collections

Administrative Information

Immediate Source of Acquisition

These materials were donated by Edward O. McCue III to Special Collections in two installments in 1982 and 1988.

Biographical / Historical

Mike Wallace interviewed Westmoreland for the CBS special *The Uncounted Enemy: A Vietnam Deception*. The documentary, shown on January 23, 1982, and prepared largely by CBS producer George Crile III, alleged that Westmoreland and others had deliberately underestimated Viet Cong troop strength during 1967 in order to maintain US troop morale and domestic support for the war. Westmoreland filed a lawsuit against CBS.

In *Westmoreland v. CBS*, Westmoreland sued Wallace and CBS for libel, and a lengthy legal process began. After the trial was in progress, Westmoreland suddenly settled with CBS for an apology, no more than CBS had originally offered. Some contend that Judge Leval's instructions to the jury over what constituted "actual malice" to prove libel convinced Westmoreland's lawyers that he was certain to lose. Others point out that the settlement occurred after two of Westmoreland's former intelligence officers, Major General Joseph McChristian and Colonel Gains Hawkins, testified to the accuracy of the substantive allegations of the broadcast, which were that Westmoreland ordered changes in intelligence reports on Viet Cong troop strengths for political reasons. Disagreements persist about the appropriateness of some of the journalistic methods of Mike Wallace in particular.

A deposition by McChristian indicates that his organization developed improved intelligence on the number of irregular Viet Cong combatants shortly before he left Vietnam on a regularly scheduled rotation. The numbers troubled Westmoreland, who feared that the press would not understand them. He did not order them changed, but instead did not include the information in reporting to Washington, which in his view was a decision that the data were not appropriate to report.

Based on later analysis of the information from all sides, it appears clear that Westmoreland could not sustain a libel suit because CBS's principal allegation was that he had caused intelligence officers to suppress facts. Westmoreland's anger was caused by the implication of the broadcast that his intent was fraudulent and that he ordered others to lie.

Wikipedia contributors, "William Westmoreland," Wikipedia, the Free Encyclopedia.

https://en.wikipedia.org/wiki/William_Westmoreland

Scope and Contents

This collection contains copies of records compiled by Edward O. McCue to disclaim assertions made against

General William Westmoreland on a CBS program aired on January 23, 1982.

Keywords

Trials (Libel)
Vietnam War, 1961-1975
photographs
clippings (information artifacts)
McCue, Edward O., III, 1923-2011
Westmoreland, William, 1914-2005
CBS Television Network

Description of Subordinate Components

Portions of New York Times Indices on Vietnam for 1967-1968, 1973, 1975 and 1976 and Washington Post for 1975

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75448

Unit Date 1967-1968, 1973, 1975, 1976

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

1967-1968 news articles on MACV reporting of estimates of enemy strength

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75449

Unit Date 1967-1968

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Newspaper articles reporting Sam Adams' appearance as witness for Daniel Ellsberg in the Pentagon Papers trial alleging fabrication of enemy intelligence estimates by MACV and CIA

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75450

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Photocopies of Harper's Magazine May 1975 issue index page and selected pages from Sam Adams article alleging cover up of enemy strengths by CIA and MACV

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75451

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Parts 2 and 5 of transcripts of hearings held by House of Representatives Select Committee on Intelligence on "the nature and quality of our intelligence operations in Vietnam in the period preceding the (1968) Tet offensive," September and December, 1975 including testimony of Sam Adams

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75452

Unit Date 09-1975, 12-1975

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Photocopies of newspaper articles reporting testimony by Sam Adams and others before House Select Intelligence Committee

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75453

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Photocopy of portions of The Village Voice of February 16, 1976 24 page Special Supplement alleged to be sections of House Select Intelligence Committee report based on September and December, 1975 hearings (otherwise known as "Pike Papers" from name of committee's chairman, Otis Pike, Rep. from New York)

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75454

Unit Date 02-16-1976

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

1982 New York Times and Washington Post indices portions on Vietnam

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75455

Unit Date 1982

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Pre-broadcast review newspaper articles

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75456

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Report of Mike Wallace and producer George Crile interview by Diana Sawyer on CBS Morning Program 1/21/82

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75457

Unit Date 1/21/82

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Post-program commentaries

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75458

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Photocopy of TV Guide May 29-June 24, 1982 article, "Anatomy of a Smear," by Don Kowet and Sally Bedell

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75459

Unit Date 05-29-1982 to 06-24-1982

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Post-TV Guide and newspaper articles

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75460

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Memorandum of CBS News President, Van Gordon Sauter, regarding CBS' internal review of program production

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75461

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Post-CBS' memorandum newspaper articles

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75462

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Article on controversy by Colonels Zane F. Finkelstein USA and Donald P. Shaw USA

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75463

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Article by Colonel Donald P. Shaw USA on unsuccessful efforts to get article on controversy published

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75464

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Article on controversy by Commander Edward O. McCue, III, USNR (retired)

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75465

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Article in Armed Forces Journal International, December 1982, p.8 citing articles by Colonels Finkelstein and Sahw and Commander McCue

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75466

Unit Date December 1982

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Letter dated 8/10/1982 from Gen. Westmoreland to CBS President Wyman requesting apology, retraction and compensation

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75467

Unit Date 8/10/1982

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Letter dated 8/24/82 from CBS Nes President Van Gordon Sauter to Gen. Westmoreland rejecting requests

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75468

Unit Date 8/24/82

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Statement of General Westmoreland 9/13/82 announcing filing suit against CBS

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75469

Unit Date 9/13/82

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Bill of Complaint filed by General Westmoreland

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75470

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Gen. Westmoreland's Amended Answer to CBS' Interrogatory no.11

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75471

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Deposition of Michael B. Hankins, former U.S. Army officer in Order of Battle Branch, Combined Intelligence Center, Vietnam, MACV J-2

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75472

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Press Statement dated 12/27/83 regarding affidavits and documents filed by Gen. Westmoreland

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75473

Unit Date 12/27/83

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

List of affidavits filed by Gen. Westmoreland 12/27/83

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75474

Unit Date 12/27/83

Mixed Materials [35007007671880] MSS 88-4, Box 1 (box)

Documents filed by Gen. Westmoreland 12/27/83

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75475

Unit Date 12/27/83

Mixed Materials [335007007671898] MSS 88-4, Box 2 (box)

Gen. Westmoreland's Memo of Law in Opposition to Defendants' Motion to Dismiss and for Summary Judgement

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75476

Mixed Materials [335007007671898] MSS 88-4, Box 2 (box)

Memorandum of Law Appendix A of Affidavits in support of Gen. Westmoreland's Opposition to Defedant's motion

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75477

Mixed Materials [335007007671898] MSS 88-4, Box 2 (box)

Gen. Westmoreland's Counter-Statement of Undisputed Material Facts Pursuant to Local Rule 3 (g) and Appedix B- Important Documents Cited in Support of Plaintiff's Opposition to Defendant's Motion

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75478

Mixed Materials [335007007671898] MSS 88-4, Box 2 (box)

Electrostate Copy of full page of New York Times ad. for CBS program "The Uncounted Enemy: A Vietnam Deception"

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75479

Unit Date 1/22/1982

Mixed Materials [335007007671898] MSS 88-4, Box 2 (box)

Addendum to Edward O. McCue Records: Miscellaneous Files

Unit ID [Archival Resource Key](#)

Unit ID [Previous Archival Resource Key](#)

Unit ID [Previous Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75480

Immediate Source of Acquisition

This addition was received in 2008.

Virginia Committee on Statues of Great Lawyers

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75481

Mixed Materials MSS 88-4

Memoranda, invitations and photographs of busts of Sir William Blackstone, John Marshall, George Wythe by Felix de Welden, sculptor

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75482

Mixed Materials MSS 88-4

Group photograph in front of busts: Lewis Powell Jr., Davis Y. Paschall, James E. Palmer Jr., Edward O. McCue III, Felix [illeg.] W. de Weldon; Robert L. Simpson, William L Ellis, Mortimer Caplin, Rev. Frederick Brown Harris, J. Vaughn Gary, Arthur B. Hanson, Michael A. M. Ross, C.M.G

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/75484

