

1
2 Q Let me come back to it after I have had a
3 chance to read it through, perhaps during the luncheon
4 break.

5 Let me go back to Bundy Deposition
6 Exhibit 2.

7 Did you discuss this exhibit at all with
8 counsel for General Westmoreland after he gave it
9 to you prior to your deposition?

10 A I don't recall doing so. I said it is a useful
11 reminder of what the issues were and what the discussion
12 was.

13 I had no independent recollection of exactly
14 how the NIE came to be worked out the way it was.
15 In that sense I am prepared to believe that is an
16 accurate statement of what happened.

17 Q Could you be a little more explicit about
18 what you mean by "an accurate statement of what
19 happened"?

20 A Well, as the document shows that there were
21 differences as to how to describe the irregulars
22 and whether to quantify them irregulars, including
23 self-defense forces and assault youth, that the August
24 draft of the SNIE proposed a figure for these
25 irregulars. MACV did not have a figure at that time.

1
2 The conference agreement, that is to say the
3 Saigon conference in August, agreed that these elements
4 would not be quantified but there would be a
5 discussion of the text in the estimate instead. The final
6 SNIE adopted the conference agreement on this subject.

7 Q Now, I asked you a few moments ago about
8 your recollection of what was actually in SNIE-14367.

9 As you indicated in your last answer,
10 this document that you have in front of you, Bundy
11 Deposition Exhibit 2, purports to state what is
12 contained in SNIE-14367.

13 A It does, on this one point.

14 Q Do you have any independent recollection
15 as to whether or not that is accurate or not?

16 A No, I do not. It is -- well, it sounds to me
17 plausible and persuasive, but I have no independent
18 recollection.

19 Q Now, in this document that has been marked
20 as Bundy Deposition Exhibit 2, there is a column that
21 purports to set forth MACV's position.

22 A Right.

23 Q It shows an estimate of main and local forces
24 of 119,000, an estimate of administrative services or
25 support troops of 29,000, an estimate of guerrillas

1
2 of 65,000, an estimate of political cadres of 65,000,
3 no estimate of self-defense forces or secret self-
4 defense forces or assault youth, as you indicated,
5 or a total of 298,000; is that correct?

6 A That is correct.

7 Q Do you have any independent recollection
8 as to whether that was, at least essentially, what MACV's
9 position was in or about August of 1967?

10 A No, I do not.

11 As I think I made clear, I don't know who
12 prepared this document or how accurate it may be on that
13 particular point.

14 As I say, it is undoubtedly accurate, I would
15 suppose, on what the conference agreement was and on
16 the final form of the SNIE.

17 I have no independent recollection whatsoever
18 whether it is accurate in stating MACV's position prior
19 to the Saigon conference.

20 Q Do you have any independent recollection
21 of what MACV's position was prior to the Saigon
22 conference in September of 1967 as to whether or not the
23 self-defense forces and secret self-defense forces
24 should be quantified?

25 A I do not recall having that point brought home

1
2 to me at the time.

3 Q Do you have any independent recollection --
4 and by that, obviously I mean independent of this
5 document, because this document purports to talk about
6 what MACV's position was -- as to the total estimate of
7 enemy strength that should be published prior to the
8 September 1967 Saigon conference?

9 A I have no independent recollection of that.

10 Q Did you have a recollection whether it was
11 more or less or about the same as 300,000?

12 A I said I have no independent recollection of it.

13 Q Do you have any recollection of your own
14 as to what the CIA's position was prior to the
15 September 1967 conference in Saigon as to whether or not
16 the self-defense forces and secret self-defense forces
17 should be quantified?

18 A No, I do not. I do recall having a recollection
19 that there was some difference of view as to the size
20 of the elements to be grouped in these headings.

21 There were some differences of view as to how
22 they should be described and that there was a proposal for
23 a change in the nomenclature and that there was some
24 difference of view as to how it should be put in the
25 estimate and how it should be put in the press release

1
2 by General Sidle.

3 I was obviously -- I was involved in checking
4 the Sidle briefing.

5 Q Do you recall who was taking the position
6 that the nomenclature should be changed, as you put it?

7 A I don't recall. I think my recollection of that
8 aspect of the differences was that there was a general
9 agreement that the previous nomenclature was
10 unsatisfactory, that it didn't adequately differentiate
11 between those, as it were, of military importance
12 outside their immediate area and those more or less
13 confined to defined areas, and just how that should
14 be done.

15 I knew in general what the discussion related to.
16 How important were these from a military standpoint.

17 Q You say that you were aware that there
18 were differences as to what the size of various
19 categories should be.

20 Do you recall which categories were the
21 subject of that disagreement?

22 A No, but it would have been generally under the
23 categories that appear on this piece of paper as
24 irregulars, and I just named the three components of that.

25 Q Is it your understanding that the three

1
2 components of irregulars are the three that you just
3 named?

4 A That is my understanding, yes.

5 Q Those are self-defense forces, secret
6 self-defense forces and assault youth?

7 A That is correct.

8 Q Do you have a recollection, independent
9 of this document, as to whether that was the nomenclature
10 that was used to describe the three components of
11 irregulars prior to the Saigon 1967 conference?

12 A Well, I think the terms were used. Certainly
13 the term "self-defense forces" went back a long way.

14 My recollection is that it was a term dated
15 certainly back to 1963, 1964, 1965. So they were not new
16 terms, but I think they were being clarified and they
17 were particularly being differentiated from the
18 category of guerrillas.

19 Q My question is, and let me begin this
20 way, prior to the Saigon 1967 conference, there was a
21 category called irregulars, was there not, sir, if you
22 know?

23 A I would think there must have been.

24 Q Do you have an independent recollection
25 of that?

1
2 A I don't have an independent recollection of
3 exactly how the forces subsequently split up into
4 guerrillas and into irregulars were described.

5 You are asking me for a label and I don't
6 happen to recall the label.

7 Q Do you recall that there was a category
8 that included subcategories and one of those sub-
9 categories was self-defense forces?

10 A Yes. That much would surely have been part of
11 my knowledge because I did know there were self-defense
12 forces and I did did know there was a category.

13 Q What I am asking you is, did you know
14 then, or do you remember now whether prior to the
15 September 1967 conference, the self-defense category was
16 set out separately or was included in a larger category?

17 A I don't recall. I simply don't recall. I do
18 recall there was such a label and I believe there were
19 strength figures attached to it, but whether it was
20 lumped or listed -- how it was listed in the tables
21 is something I do not recall.

22 That there was discussion of the substance of
23 this, I do recall and I know the nature of the
24 definitions and the rest, but I do not recall how they
25 were listed for purposes of tabular presentation in an

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

order of battle.

Q When you say the nature of the definitions, were you aware prior to September of 1967 of a definition for what constituted self-defense forces?

A I am sure there was such a definition, and broadly it was forces that were confined to a defined area, if I may use that phrase.

Q Do you know what that defined area was?

A No. I would have assumed that it was a hamlet or village or at most a small network of villages where communication was relatively easy, where the people were indigenous and were local residents.

Q You would distinguish that from forces that operated outside of their home or indigenous areas; is that correct?

A Yes. I think that is what seemed to me to be an important and valid basis of distinction.

Q And did you have an understanding prior to September of 1967, that is, prior to September 1967 Saigon conference, as to what the CIA's position was as to whether these enemy forces that operated within their home areas had sufficient military capability that they should be included in the order of battle?

A I don't recall positions of agencies on that

1 point.

2
3 Q Do you recall what MACV's position was?

4 A As I say, I don't recall having gotten into the
5 position of the parties before the conference and before
6 I got a readout of the conference.

7 I wasn't, as it were, briefed. I was told there
8 is going to be a conference. There are these differences.
9 This is broadly their character. But I don't think
10 I got into the detail of it. I just don't recall.

11 Q You do recall that these issues were
12 discussed at the September 1967 conference and they were
13 resolved in some way, do you not?

14 A I do.

15 Q Was it your understanding in late
16 September or October of 1967 that they had been
17 resolved at that conference?

18 A Yes, at least in principle. Whether they had
19 been resolved down to the last figure, I would have
20 assumed that nobody thought that the conference in
21 September was fixed and immutable because subsequent
22 evidence might adjust anybody's views before the release
23 of the estimate, but that in principle, this issue
24 might have been worked out. And although I think I
25 was informed of this, I have no independent recollection.

1
2 Q Do you recall whether or not the figures
3 that were included for estimates of enemy strength in
4 the SNIE-14367 was published in November of 1967
5 were different in any way from the figures that were
6 agreed to at the September 1967 conference?

7 A I have no independent recollection of that.
8 I don't recall focusing on the point at the time.

9 Q In 1967, were you aware as to whether the
10 agreement that was reached in the September 1967
11 conference changed the categories that were included
12 in the order of battle from what they had been before?

13 A I think I must have been aware of that.
14 I don't recall knowing the detail of it.

15 Q I think we marked as Bundy Deposition
16 Exhibit 4 a copy of a briefing. Here we are.

17 Now, is that the Sidle briefing that you
18 referred to earlier?

19 A Yes, but whether it is the final text, I do
20 not know. It is a text. It contains markings of
21 which I do not know. It looks like a final text.
22 It contains underlinings which are not mine. I do not
23 know whether this is the final text or not.

24 Q I am not sure whether this is the final
25 text or not. However it contains a paragraph that

1
2 I am sure is part of the final text. That is on page 5
3 and that paragraph reads, "Whereas the Guerrillas are
4 a definite military threat" -- and that is in
5 quotation marks -- "our newest intelligence indicates
6 that the other subdivisions in the old irregular total --
7 the self-defense and secret self-defense forces --
8 should not be considered part of the military order
9 of battle."

10 Do you see that?

11 A Yes, I do.

12 Q Do you recall being aware at the time of
13 what the newest intelligence that is referred to here
14 was?

15 A No. I think it would have been -- I don't
16 recall anything specific. I think it was a broad
17 matter of judgment that these forces had been
18 identified and to the extent that intelligence
19 permitted, quantified, that the forces under that
20 label did not participate in any broader actions.

21 It was obviously a question of judgment. It
22 would be a question of judgment such as I am sure
23 intelligence people had during the Second World War,
24 whether you included partisans, particularly partisans
25 who did nothing but obstruct in a given area.

1
2 I imagine it's a very old controversy as to what
3 goes into the military order of battle. On that
4 point I think there was probably some information that
5 said, "Let's try to be as orthodox as we can,
6 given the extremely unorthodox nature of this war
7 as to what goes into the military order of battle."

8 Q When you say you imagine this was a
9 question of judgment, did you have an understanding
10 in 1967 as to who was making that judgment?

11 A Well, it was made by the intelligence community,
12 right from Mr. Helms on down, I assume, with inputs
13 from MACV and CIA and I suppose if they had chosen to
14 make it, which I don't believe they did in the
15 State Department and the others who participated in
16 the estimate.

17 Q Do you recall being aware back in 1967
18 of any particular people that had reached the judgment
19 that you say is indicated here, that is, the judgment
20 that newest intelligence indicates that the self-
21 defense forces should not be considered part of the
22 military order of battle?

23 A No. I am not aware of individuals who may have
24 played a part in the decision to go that way for
25 nomenclature purposes.

1
2 Q Are you aware of any agencies or
3 components of the intelligence community that reached
4 the judgment that newest intelligence indicated that
5 the self-defense forces should not be considered part
6 of the military order of battle?

7 A I do not recall. I suppose one thought likely
8 that is the way the military saw it, that is to say,
9 MACV and DIA, but that CIA and the director of
10 Central Intelligence thought that was a valid
11 conclusion.

12 Q I understand that that's what one expected.

13 A That would have been my inference, but I have
14 no direct knowledge.

15 Q In 1967, when you reviewed the Sidle
16 briefing, did you believe that it was in fact the case
17 that newest intelligence indicated that the self-
18 defense forces and secret self-defense forces should
19 not be considered part of the military order of battle?

20 A I thought it was a reasonable conclusion by
21 the intelligence community and I accepted it.

22 Q Did you believe that was a good faith
23 conclusion of the intelligence community?

24 A I did.

25 Q Did you, in terms of reviewing the Sidle

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

briefing at the time that you did in 1967, discuss it with anyone that you recall?

A I am sure that I must have done so.

Q Do you recall with whom?

A I would have assumed that the individuals involved would probably have included my deputy for Vietnam affairs, Philip Habib. It would have included Fred Greene from INR and it certainly would have included Oscar Armstrong, who was my public affairs adviser, who was a member of this group set up to monitor this and other problems where we were going to have to be clear in public as to the nature of our judgments and estimates.

Q Were you aware in 1967 of any studies or analyses of the extent to which self-defense forces in fact operated outside of their home area, however you described that?

A I don't recall any such studies. I just don't recall.

Q Do you recall whether or not there were any such studies?

A I do not know.

Q Do you recall ever discussing with Mr. Greene or anyone else the extent to which self-defense

1
2 forces were utilized by the enemy during enemy
3 offensives as part of main force units?

4 A I don't recall that. I think the feeling that
5 I recall was that there were, of course potential
6 pools for recruitment and therefore, individuals
7 or groups of individuals might move from one category
8 to another, that they were part of something that
9 had to be taken into account.

10 But unless they were believed to be in the top
11 three categories, that is, the main and local forces,
12 the administrative services or the guerrillas, that
13 they didn't have that order of military significance
14 that called for their being listed in the military
15 order of battle.

16 When I say I don't recall studies, it was a matter
17 of continuing judgment, and in the end it was a judgment
18 call.

19 Q Whose judgment?

20 A The judgment of the intelligence community in
21 the last analysis based on the views and discussed
22 and argued within the community including MACV, CIA,
23 DIA and all the rest, if they chose to participate.

24 Q In 1967, did you believe that this judgment
25 that you say you believe had been made and which you

1
2 accepted, that the forces other than main and local
3 forces, administrative services and guerrillas, did not
4 have a sufficient military threat to be included in the
5 order of battle was a judgment that the intelligence
6 community based on intelligence considerations had in
7 fact reached?

8 A I did.

9 Q Did you believe that the intelligence
10 community had reached that conclusion based on
11 intelligence considerations in good faith?

12 A I did.

13 Q Did anyone ever bring to your attention
14 anything inconsistent with those beliefs?

15 A No.

16 Q In 1967, between the time of the Saigon
17 conference, which was in September, and the time of the
18 actual publication of SNIE-14367, which was in November,
19 did you review any press statements other than the
20 Sidle briefing that we referred to?

21 A I recall none and I just don't recall -- I
22 think we agreed generally was that the best thing to
23 do was wait until the estimate was done. I certainly
24 don't recall any prior to the Sidle statement.

25 We wanted to deal with it comprehensively, fully

1
2 and honestly and this should be done initially by the
3 Saigon briefing which we knew would be accompanied
4 by backgrounders and all the rest.

5 I remember I certainly must have noted some of
6 the stories that followed which seemed to me to reflect
7 the view we held.

8 Q Was it your view that the agreement
9 reached in September at the Saigon conference and later
10 published did, in fact, treat the issue of estimates
11 of enemy strength comprehensively, fully and honestly?

12 A It did. I believe it did.

13 Q At that time did you believe that the
14 people who were involved in the preparation of those
15 estimates believed that it represented a comprehensive,
16 full and honest estimate?

17 A I did believe so. Now, that doesn't exclude
18 the supposition that there might well be people down
19 the line who held different views. I am talking about
20 the responsible people at the top who had to make the
21 judgment, and I assume listened carefully to the
22 views of their subordinates; that there might be
23 individual subordinates who dissented might not surprise
24 me, although I have no knowledge of any.

25 Q You have no knowledge of any at the time?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A That's right.

Q The people responsible for making the decision would be the people in the various elements of the intelligence community that you identified, certainly MACV and CIA and perhaps others?

A Yes, that is correct.

Q Did you know who the people responsible for making the order of battle decisions with respect to the Defense Intelligence Agency were at that time?

A I don't recall knowing them personally or knowing the names or dealing with them in any sense directly.

Q How about at CINPAC?

A The same thing.

Q At the CIA, would that have been George Carver and perhaps George Allen?

A That is correct.

Q What about at MACV?

A At MACV, I would have known that General Davidson was the MACV J-2, but I don't recall knowing anybody in such a way that I recall them now.

Q Do you recall whether or not you now recall the person's name, but do you recall that you knew in 1967 the name of the person in MACV intelligence that was, as you say, responsible for making the judgment

1
2 about what should be included in the order of battle
3 after listening to all of the subordinates?

4 A Well, I would not have been worked out in
5 the command. As I say, I did not know the identities
6 of those working under General Davidson because I
7 think I said in my earlier deposition I did not know
8 General Davidson by sight, but at least I wouldn't know
9 him today by sight. I may well have met him, but
10 that's as far as it went and I know who he was.

11 MR. BOIES: Off the record.

12 (Discussion off the record.)

13 (Whereupon, a luncheon recess was taken.)
14
15
16
17
18
19
20
21
22
23
24
25