AFTERNOON SESSION
2:15 P.M.

WILLIAM P. BUNDY, resumed
and further testified as follows:

EXAMINATION (Continued).

BY MR. BOIES:

Q  Mr. Bundy, I would like to turn to the
document that we looked at this morning that has been
marked as Bundy Deposition Exhibit 3, which also is a
joint exhibit of the parties, the number of which
escapes me and probably escapes Mr. Riese.

MR. RIESE: It certainly escapes me if I
ever knew it.

Q  As we previously identified Bundy
Deposition Exhibit 3 is a monthly infiltration cable for
some period in the summer of 1968, and it sets forth
estimates of infiltration for the last six months of

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1967, among other months, does it not, sir?

A. It does. It sets them back. It sets them right back to October 1965.

Q. Were you at any time that you were in government aware of any estimates of infiltration that were significantly greater for the last six months than any of them for 1967 than is shown in this document?

A. I am not clear at all about the precise numbers. I see nothing in these figures that surprises me.

The figures you are quoting -- you are referring to, August 1967, 8300, that is including probables, possibles and accepted. That is sort of the biggest total, so to speak, 6300 for September, 4300 for October, 5900 for November, 5300 for December, 21,100 for January 1968.

Q. Yes.

A. I am not surprised by those.

I don't recall and it is a rather clear negative recollection, I certainly don't recall significantly higher numbers being discussed during that time frame.

Q. If significantly higher numbers had been discussed during that time frame, that is something that you would have recalled now?
A I believe so.

Q During the period of 1967 and 1968, and to put a more specific time frame on it, let me take the period of time from the September 1967 Saigon conference to the Tet offensive, did you have any discussions with respect to infiltration with Secretary of Defense, Robert McNamara?

A Not that I now recall.

Q There was a portion of your deposition on June 20th in which we discussed Mr. McNamara's view of the war and the prospects for American success.

A Can you give me a page number?

Q I am thumbing through that and I am going to try to do that.

As the reporter advised us, we only got this thing by hand last Friday and I have not had a chance to do more than sort of skim and underscore a few portions.

I thought actually that I had marked that portion and I am sort of looking for it now, but I can't immediately find it.

A Could you paraphrase your point?

Q Well, my recollection is that you testified in response to certain questions about
whether you had been apprised that Secretary McNamara believed that the war in Vietnam could not be won militarily.

A Yes, sir.

Q And my recollection is that you had given some response to that. And in the course of that response, you had discussed Secretary McNamara's being discouraged.

A Well, let us take that as a premise. I am sure what I said, and I will leave the record stand for itself, I merely got that as an impression.

Q I think that's what you said.

A I merely got that as an impression. I don't recall any discussion with him.

As to your basic question, I certainly don't recall any conversation with him about infiltration in this period and as a practical matter, his transfer to the World Bank having been announced, we were somewhat less in touch at that period than we had been at some earlier period.

Q I think I may have found what I was thinking of, although I am not sure this is the only time we talked about the subject. Indeed, I think there were other times.
If you will turn to pages 118 and 119 of the transcript.

A All right.

Q You will probably want to read just for context.

A Yes.

Q Starting at about line 12, 118. The portion that I am particularly interested in now is at the top of page 119 where you say, referring to Secretary McNamara, "I simply got the impression that he was physically worn down and discouraged, but that's about as far as I can take it."

Do you see that?

A Yes.

Q What was the time frame that you were referring to there?

A Oh, I should think that would have been September, October, November. I have forgotten when. I think it was in October that his new appointment was announced and in a way he made less effort to hide his state of mind, although he never, as I say, stated explicitly after that. It would have been in September, October and November.

Q That would have been 1967?
A 1967. It's a subjective impression.

Q In the portion of the transcript of your oral history --

A Right.

Q -- that you referred to earlier, and in particular the transcript of tape 4 of your oral history there was a portion where you contrasted the effects on the "Wise Men" of their briefings in November of 1967 and March of 1968. Do you recall that?

A I do.

Q As background, there were a group of senior advisers to President Johnson on the war in Vietnam that were colloquially referred to as the "Wise Men," were they not?

A They were. Actually their composition varied from time to time. You will find that in the Johnson memoirs and others.

No group was convened prior to 1967 and they were brought down at that time. The composition of the group changed. It was not the same group that convened in 1965, and I am not sure it was precisely the same group that came together in 1968.

The term "Wise Men" is accurate as to both.
Q. It is the case, is it not, that the composition of the group in November 1967 was essentially the same as the composition of the group in March 1968?

A. Yes, that is correct. I don't recall omissions or additions, but I rather think there were some.

Q. In both November of 1967 and March of 1968, there were briefings of the "Wise Men" by intelligence officers concerning the status of the war in Vietnam?

MR. RIESE: I object to the form of the question.

A. Yes, but I don't recall precisely how the briefings were handled in 1967. I think I have given you an account of how they were handled in 1968. I have no such recollection of how they were handled in 1967, who did it, and it was certainly not as thorough as March 1968.

Q. In your oral history, speaking of the March briefing, you say, "The effect on the senior citizens" -- and I take it from that you mean the "Wise Men?"

A. Yes.

Q. -- was that this was just going to be a whole lot tougher than they had been led to suppose
when they had come in in a similar fashion in November."

I take it the reference there to November is the reference to the November briefing?

A It is.

Q Can you be any more explicit or expansive as to what you meant when you said that, what was conveyed to the "Wise Men" in March was that this was going to be a whole lot tougher than they had been led to suppose when they had been briefed in November?

A Well, yes. In November I think the total effect of the briefing, as I got it, and I don't think I was present, was in accord with our judgments at the time that we were making slow, grinding progress, that the other side could hold out still for a very long time, that victory was by no means in sight, but that we were at least moving slowly ahead.

The thrust of the briefings in March was we are worse off in terms of many factors, the disruption of the pacification campaign, for example, and we have a -- the picture we have now is one where we think we could do it, but we don't see -- it is a tougher job just generally, because the other side has shown it is capable of an action we didn't think they could do,
even though we believed that the handling of that, and I am sure it was said in the briefing, was a military defeat for the other side. It was a task that would take a very long time and that certain parts of it had to be put back together again having been disrupted, specifically the softer, if you will, the more vulnerable parts of things in the pacification campaign.

Q When you say in your last answer "they" and by that you mean the enemy?
A Yes.

Q -- had shown themselves capable of doing something which you had not expected them to be able to do, what are you referring them to do?
A I am referring to the scale of the Tet offensive.

Q That would have been when, sir?
A That was in late January and early February. And by then, of course, and this relates to the infiltration figures, we had, and I am not sure they appear in the infiltration figures, as I have said in an earlier answer. You had the investiture of Khe San by one or more upright divisions that had moved across the 17th parallel.

So enemy strength, as perceived and encountered in the field, was in those organized VC divisions -- not...
VC divisions -- NVA divisions was substantially greater. They had managed to hold on to Hue, and that very largely was a North Vietnamese operation, that the North Vietnamese were in the picture, as we had seen in the infiltration figures in January and the investiture of Khe San, and I don't know if it appears in the infiltration figures, that the other side was going in much harder and stronger than we had supposed likely in November.

Q When you say the other side was going in, you mean the North Vietnamese; is that what you are referring to?
A I am primarily referring to the North Vietnamese. We certainly judged, and I am sure it was in the briefing, the VC, the Viet Cong, the ones who were at least local residents, although many of them had been sent down or were returnees or so on, that they were particularly hard hit by the losses in the Tet offensive, but now it was more and more war against the North Vietnamese and they were committing the toughest and best and first line troops than they ever had.

Q When you say the North Vietnamese were committing troops in the war in South Vietnam on a
greater scale than you viewed likely, are you
comparing the viewpoint as of March 1968 with what you
believe to be the case in November of 1967?
A Yes.
Q In November of 1967, I think you indicated
a moment ago that you were not sure whether you were
actually present at the "Wise Men" briefing.
A I rather think I was not. I would remember those
faces, I think, and I don't.
Q Do you recall how you were informed of the
message that was given at the "Wise Men" briefing?
A I am sure it was discussed.
A I don't know who did the briefing but certainly
Habib would have been close to it. Carver would have
been close to it.
I was seeing those people periodically. Naturally
how the "Wise Men" reacted was a subject of quiet
discussion among people of my middle senior level.
Q Would your brother have been present at
the "Wise Men" briefing?
A I am not sure he was. I am not sure whether he
was part of the November group. He was very much part
of the March group.
Q Also in the portions of the oral history,
did you refer to -- and I guess portions that
General Westmoreland's counsel previously referred to
you -- you discussed whether or not it was unwise to
have Westmoreland and Bunker do what you referred to as
extensive public stints in November.
A Right.
Q And you go on to say that you always thought
it was a little overkill and you go on to say that you
thought so at the time and you are afraid it made a
disillusionment, if you want to call it that, of the
Tet thing more severe.
A I do and I still hold that judgment.
Q Would you explain that a little bit more?
A Well, I think my instinct throughout was that the
only way to overcome what I referred to in this oral
history, the view that was rather dominant at that time
and had been roughly from the middle of 1967 onward
among the media, that this was a stalemate, that there
was no movement in it whatsoever and we weren't getting
anywhere, that that could only be overcome by really
effectively and lastingly by observed events. And
that I simply had a visceral -- and it may be a matter
of preference in style -- feeling that to put your
ambassador and your commanding general up in front of
the Congress, I suppose, in the back of my mind it ran just this kind of risk, but it put an unduly precise reading on things at a time when I myself shared their judgment.

I did not think they misrepresented anything or the picture they had, which I think was in accord basically with the NIE-14.367, but I just thought there must be -- that that was an undue exposure and in a way, I felt this also and it had to do with, quite frankly, my feelings about President Johnson's personal style, that it involved them too much in duties that were a distraction from their man job.

Q In November of 1967, did you believe that the information that General Westmoreland was conveying to the public in his speeches in the United States in that period of time fairly and accurately reflected the best information available to him and to the administration with respect to the strength of the enemy?

A Yes, I did. I didn't study his statements in detail, but I certainly believed that as a general proposition.

Q You would have seen certainly at that time press reports of his National Press Club speech and
things like that?

A I would have seen press reports. Whether they printed full texts, I don't know. One could either do things or spend one's time worrying about the press, and I preferred the former.

Q So do I, and I suspect Mr. Riese.

But even in this case, we are not always allowed that luxury. I suspect it was even more so at that time.

In attempting to help the administration and the president formulate policy in the period immediately following the Tet offensive, were you or to your knowledge, Secretary Rusk or Secretary McNamara given any information from the president as to how long he believed it was practical to continue the war in Vietnam?

A No, I was not.

Q Were you or, to your knowledge, any of your seniors, Secretary Rusk or McNamara given any knowledge that President Johnson was considering not running again for president?

A Absolutely not and if you don't mind my burdening the record, I will tell a personal story on that that my wife reminded me of the other night.
I was involved in the successive drafts of the president's speech of April 1st and March 30th. We know the speech.

Q Yes.

A I was telling the story to a group of people listening to that speech. I had the location wrong but the rest of it was right. My wife corrected me.

When I got to the end of the part that I knew, I got up to turn the television set off and the president went on and gave the paragraphs indicating his withdrawal from the race.

I was completely surprised, completely. I had thought, it crossed your mind once in a while that we knew very close friends of his and we discussed it with them. The thrust of their comments had led me to believe that nothing of this sort was in the offing.

Q Let me turn to another subject.

In your deposition on June 20th -- and I am not sure you need the context, but if you do it is on page 134 of your transcript -- you referenced a Mr. John McNaughton who you indicated had your previous job as assistant secretary of defense for ISA and the Pentagon.

A That is correct.
Q Could you explain for the record what ISA stands for?
A International Security Affairs.
Q During what period of time was Mr. McNaughton assistant secretary of defense for International Security Affairs?
A Well, I can date his onset fairly precisely. It would have been on or about March 6, 1964 and I -- he was killed in an airplane accident, and I have had a lapse of memory as to whether that was in June or early July of 1966 or June and early July of 1967. I think now it was 1967.
That is a matter of public record, of course. Maybe you know the answer and we could stipulate it.
Q I suspect that we can stipulate that it was in 1967 because there is a memorandum that he wrote that the parties have marked as a joint exhibit that was written in the spring of 1967.
A Right.
Q Did you ever know Mr. McNaughton well?
A I knew him very well.
Q Both personally and professionally?
A I didn’t see an enormous amount of him personally, but our professional contacts were so
frank and attentive in every possible respect.

We saw a great deal of each other. We communicated on the telephone, we sorted out what we thought needed doing and who was going to do it a great deal. We dealt as close as I have ever dealt with anybody in any department in my entire government career. I had been the previous incumbent of his shop and knew his people well. I dealt with him. I never went to his subordinates other than with his knowledge.

Q Did you have a high regard for Mr. McNaughton?
A Yes.
Q Did you find him to be of a high integrity, care and competence?
A I did.
Q Did you ever have any reason to doubt Mr. McNaughton's care, integrity and competence?
A At no time.

MR. BOIES: Off the record.
(Discussion off the record.)
Q I would like to turn next to some of the testimony that was given by various representatives of the administration to Congress in the period 1966 and 1967 with respect to the Vietnam war.
Am I correct that you testified personally before Congress from time to time?

A: Yes, I did. I have never seen the transcripts of that published. My level and my forum, so to speak, was the Asian subcommittee, whatever its full name was, of the House Committee on Foreign Affairs, chaired by Clement Zablocki, who died only recently.

That subcommittee was very much on top of the situation and invited me down there three or four times a year.

A similar situation did not exist in the Senate partly, I guess, because Senator Fulbright, the chairman, was known to be unsympathetic to the administration, but partly because the head of that subcommittee was simply not interested in the same way and that is rather typical.

The Senate has too many other committees and the House committee very frequently focuses more closely.

That was my forum and that's where I personally presented things, and I also, from time to time -- and I forget when this practice began -- appeared in the morning sessions that were open to all members of the House. These were organized in liaison between the assistant secretary of public affairs -- no -- for
congressional matters in the State Department, who was
William B. Macomber. And various of us would go up and
talk to the House about -- to the members of the House
who chose to come.

I don't know if a record was ever made of those
sessions, but they were searching and good questions
were asked.

So those were the two in which I personally
tested. I don't recall testifying on the state of
the war to any of the full committees.

Q Let me ask you to look at an excerpt from
some testimony given by Secretary of Defense Robert
McNamara on March 6, 1967. This comes from a list of
matters that have been the subject of plaintiff's
admissions in this action which, of course, does not
necessarily bind you, but --

A They agree it was said.

Q They agree it was said.

The portion that I am directing your
attention to is on the top of the third page of
Defendants' 41 where it quotes Secretary McNamara.

And why don't you just read that into
the record.

A This is March 6th before the House -- before the
Q Do you know whether that figure would have included the self-defense forces?
A I do not.
Q One way or the other?
A I don't know one way or the other.
Q Let me ask you to look at a document that I will mark as a Bundy deposition exhibit.
A Yes.

MR. BOIES: Mark as Bundy Deposition Exhibit 5 what are five transcripts of five tapes that together consist of Mr. Bundy's oral history which Mr. Bundy taped for the LBJ Library in or about 1969.

(Five transcripts of five tapes consisting of Mr. Bundy's oral history, taped for the LBJ Library in or about 1969, marked Defendants' Exhibit Bundy 5 for identification, as of this date.)

MR. BOIES: We will mark as Bundy Deposition Exhibit 5-A, selected pages from that oral history, in particular, selected pages from oral history tape 4, which represent the pages that General Westmoreland's counsel gave him to review and which we have made reference to earlier.
Bundy

(Selected pages from oral history tape 4, marked Defendants' Exhibit Bundy 5-A for identification, as of this date.)

MR. BOIES: I would like to mark as Bundy Deposition Exhibit 6 a copy of a memorandum dated September 22, 1967 to Mr. Bundy from Mr. Fred Greene. It is a four-page document bearing document production numbers 38935 through 38938.

(Copy of four-page memorandum dated September 22, 1967 to Mr. Bundy from Mr. Fred Greene, bearing production numbers 38935 through 38938, marked Defendants' Exhibit Bundy 6 for identification, as of this date.)

MR. RIESE: Let me add to the representation of Deposition Exhibit 5-A. They are the pages that Mr. Bundy represents that plaintiff's counsel showed him.

MR. BOIES: That is correct.

BY MR. BOIES:

Q Mr. Bundy, you have in front of you the document that has been marked as Bundy Deposition Exhibit 6.

Is that a document that you recall
receiving at or about the time it was issued?
A I don't recall it specifically, but I would
assign it virtually 100 percent degree plausibility.
Q The subject of the memorandum is
indicators of progress in South Vietnam.
Did Mr. Greene prepare for you
periodically memoranda that dealt with indicators of
progress in South Vietnam?
A I am sure we discussed the matter. I don't
recall this or any other memorandum specifically
addressed to it.
I certainly was not part of a periodic series
and as the introductory sentence indicates, this
was prepared in response to my request.
It may have had to do with the occasion I
mentioned in my affidavit when I was going to be appearing
before a group of administration officials in the Fish
Room of the White House to discuss how we were doing
in the war.
Q Let me ask you to take a moment and read
through this document and familiarize yourself with it
because I am going to have some questions about it.
A All right. I think I've got the thrust of it.
Q Do you recall what use, if any, you made
of the information that is included in this memorandum?
A I don't recall any specific connection unless it would be that briefing I gave in the Fish Room.
Q To whom was that briefing made?
A To some middle officials or government officials that were not connected with the Defense Department that were disturbed about this public impression about the state of the war and the media impression, or public impression of the stalemate, and wanted an honest evaluation by somebody who was on top of it, which I sought to give. It was about at this time so I am inclined to connect the two.
Q Did you feel in 1967 that there were reports in the media that tended to characterize the war as stalemated?
A Yes, I did. I thought that was unduly negative. I think it's the tendency of the media, and I speak very broadly in general, and not in any critical sense, to create the impression that things are worse than they actually may be.
I felt it was part of our job to see that an honest picture of the war was presented and we did not think the stalemate picture was an accurate one and one looked for evidence that could be effectively...
and honestly used to present a balanced picture, not denying and not overstating that evidence. And this, as you will see, is the thrust of this memorandum with a good deal of comment on how seriously to take each of these statements.

A very careful intelligence man gave it to me, and I am sure I used it with considerable care and with cautions about the frailty of all evidence on this subject.

Q The careful intelligence man you are speaking of was Mr. Greene?
A Right.
Q In 1967, did you believe that an honest assessment of the status of the war indicated that the war was not stalemated and that you were making progress?
A I did believe it.
Q You believed that throughout 1967?
A I did. Well, yes, I think I believed it throughout 1967. I am trying to think if there were any particular times when this or that would have said we had a setback. I don't recall any of that sort of thing in 1967.
Q Do you recall any setback in 1968?
A Oh, of course. The setback to the pacification
campaign at least represented by the Tet offense.

The Tet offensive was a mixed bag. I think it was clearly a military defeat for the other side.

On the other hand, they had, through the sheer scale of their action and through the expense of vast casualties, disrupted the pacification campaign. It had that negative aspect to it.

I wouldn't describe it as a setback, but there were certain features that meant we had to do a lot of work.

Q In part 4, which is the transcript of tape 4 of Bundy Exhibit 5, you refer, I think, to the Tet offensive as something we obviously knew which was in some respects a setback.

Do you recall that?

A I don't happen to recall it, but I would accept that and that is more or less what I have been saying.

Q Let me just ask you to look at page 37 and be sure that you are there talking about the Tet offensive.

MR. BOIES: Off the record.

(Discussion off the record.)

Q Am I correct that the reference there was to the Tet offensive, sir?
A In which question.
Q On page 37, the reference to the setback.
A Oh, yes, that was to the Tet offensive, yes.
Q In or about February 1968, following the beginning of the Tet offensive, were you aware of any reassessment of the estimates of the strength of the enemy that had been included in SNIE-14367?

MR. RIESE: Objection. Asked and answered at the first deposition.
A I simply don't recall, but we certainly had before us in the intense group that tried to recommend how the president should respond to General Westmoreland's recommendation for a force increase. We did have a broad picture of enemy strength. I do not recall any discussions being in terms of correcting the past estimates. Simply that we had current ones and I have forgotten what they were.

The issue did not -- was not large in that discussion. The issue was whether we had been -- particularly the irregulars did not bulk -- whether a group such as the irregulars were more significant than we had estimated. Those issues did not bulk large. In fact, I don't remember them coming up at all in those discussions.
Q So your recollection of those discussions is that you did not discuss the extent to which, if any, the irregulars played a larger role than you anticipated?

A I do not recall that being a significant topic for discussion.

Q Did it come up at all?

A I simply don't remember at this distance in time what was discussed in any detail. I certainly would have recalled it if it had bulked large and we said "Gosh, we were way wrong on this," and I recall nothing of this sort.

Q Do you recall whether the broad picture you described of enemy strength that you received in connection with the work you were doing in February and March of 1967 and 1968 -- excuse me -- was generally consistent with the picture of enemy strength contained in SNIE-14367?

A I think it was as to the numbers of main local forces, the ones that were included in the military order of battle.

I don't recall any really significant emphasis on the other categories.

Q Do you recall whether or not, in the
spring of 1968 subsequent to the Tet offensive, the
CIA estimated enemy strength for main and local forces
at a level that was significantly higher than the
estimate for main and local forces provided by MACV?

MR. RIESE: Objection as to form.

A I have no recollection of it. I can't say that
was not the case, but I have no recollection of it.

We did not think that those numbers, even if
they were adjusted to some degree, were at the core of
the malady.

They were indicative, but there were so many other
indicators that seemed to us more significant.

Q In terms of the treatment of the war
in Vietnam as a war of attrition, I believe we talked
about that phrase before in the deposition.

What were the factors that were used
to calculate the progress or lack of progress in that
war as a war of attrition?

A Well, certainly the numbers, the estimate of
numbers was a factor. But I think some of these --
and I am referring to Exhibit 6 -- the kind of thing
I looked at particularly would have been the number
of attacks that the enemy was able to mount, that is,
unless you assume there was some reason for a tactical,
statistical presentations of the extent of progress or lack of progress in the war of attrition were unreliable?

A Well, I don't recall one way or the other. I would be surprised if there hadn't been frequent references to the uncertainty of any estimate of this sort, that we didn't have a unit order of battle in the sense that one had in the western front in the Second World War.

I think it would have been a very unsophisticated Congress who wouldn't be aware that these were not judgment figures.

Q I am not suggesting these were not judgment figures, but there was clearly an assumption by yourself and by members of Congress insofar as you knew, that the judgments that were being expressed were the best judgments of the intelligence officers in the field?

A That is correct.

Q And those judgments, even though they were recognized not to be precise to the last digit, were nevertheless judgments that the policy makers in Congress and elsewhere used in forming their judgment in terms of how the war was going?
MR. RIESE: Objection as to form.

A: But I am merely saying I suppose you could have said, as the pollsters do, the margin of error on this judgment is plus or minus, and it would have been a substantial percentage.

Q: Did anybody ever tell Congress, for example, that the margin of error -- and I think that's a good way to describe it -- was a significant margin of error?

A: That I can't say. I can't say at all, Mr. Boies.

Out of personal recollection, I was not present at the testimony of senior officials before the committees. I don't know to what extent these points were qualified. I can't add anything on this point.

Q: Were you aware of a conference that dealt with order of battle issues that took place in February of 1967 in Honolulu, Hawaii?

A: I don't now recall it. I guess I have seen reference to it in one of the legal documents, but I don't personally recall it.

Q: During 1967, did you have an understanding of what percentage of the self-defense forces were armed?

A: I don't recall ever discussing that particular
point.

Q. Did you have an understanding in 1967 as to what percentage or what approximate percentage of the enemy self-defense forces consisted of draft age males?

A. I don't recall any specific discussion. Certainly the general impression was that it did not include a great many. But they included a great many young teenagers who, when the Vietcong came, were going to be of what you call draft age.

Q. Did you in 1967 have an understanding of the extent to which self-defense and secret self-defense units, that is, the units that you referred to as being confined for the most part to their home areas, were the units that were primarily responsible for the setting of mines and booby traps?

MR. RIESE: I object to the form.

A. I don't recall that anyone discussed them as being primarily responsible. That they occasionally did this, we were well aware. I don't recall the detail or discussion.

Q. Do you recall any discussion to the extent to which they were responsible for setting of mines and booby traps?
A No.

Q Did you ever receive any information from Mr. Greene or Mr. Carver?

A The same answer. I don't recall any details or discussion.

Q Let me turn to the subject of the so-called political cadres.

A Yes.

Q Do you know whether or not the enemy's political cadres were or were not included in the enemy's order of battle prior to the September 1967 conference?

A I don't recall the answer to that. I am not simply focused -- was not focused on the handling of political cadres in the tabular -- of political cadres in the order of battle.

Q Do you know whether prior to 1967, and in particular prior to the 1967 Saigon conference, the total estimate of enemy strength published and released by the intelligence community included estimates of political cadres?

A I don't recall. I did not make a careful study of that document at any time. It seemed to me a synopsis of something I was getting much more detailed.
information on and many other indicators.

I certainly didn't ignore the figures, but I
didn't focus on them and I didn't know the answer to
the question.

Q When you referred to the order of battle
as being a synopsis of information to which you
were getting more detailed form, are you aware of any
documents that deal in greater detail with the issue
of estimates of enemy strength than the MACV monthly
order of battle report?

MR. RIESE: I object.

A Again, one certainly was broadly aware. I didn't
read the MACV order of battle. I wouldn't have known
what physically it looked like, the full treatment.
I don't know that answer in detail.

I rather think that what I did was to get --
what seemed to be the gist of it from what I regarded
as a sophisticated intelligence man, Fred Greene,
and in repeated conversations with Carver.

One was looking at total strength. One was
looking at battalion actions. One was looking at how
successful those were. One was looking at a whole
host of indicators of how the war was going.

Q During the years that you were in
government, during the Vietnam conflict, in what year were there the largest number of battalion size attacks by the enemy?
A I don't know the answer to that, but I would suppose probably 1968, but I don't know that categorically.
Q In what year during the Vietnam conflict, during the period of time that you were in government, did the enemy mount the largest number of multibattalion offensives?
A I have no judgment worth having on that.
Q In what year during the period of time that you were in government from 1960 through 1968, during the Vietnam War, were American casualties the highest?
A Well, certainly they tended to go up with the intensity of actions which were heavily North Vietnam, with North Vietnam forces related.
I did not follow trend lines on casualties, but my impression was that they got greater during 1968 and probably 1969 after I left or at least I was only there until May.
Q Let me ask you to look at the monthly infiltration report that has been previously marked as Bundy Exhibit Number 3.
A Yes.

Q Did you know -- and let me begin first with the individual -- did you know what individual prepared that report?

A No, I do not.

Q Did you know what component of the intelligence community prepared that report?

A You mean within MACV?

Q Yes.

A I wouldn't have known the substructure of MACV.

Q That is, you knew it was prepared by some component of intelligence within MACV, but you would not have known which component?

A I had no idea of the substructure.

Q Did you ever have, during the time that you were in government, any indication at all that the person or persons responsible for preparing that report believed that that report was misleading in any way?

A I did not.

Q Has any information come to you since leaving government that would indicate in any way that the person or persons preparing that report, that is, the monthly infiltration cable, believed that it was misleading in any way?
MR. RIESE: Objection to the form.

A The answer is no.

Q Did you -- and in this connection let me ask you to look at page 154 of your deposition of June 20th --

A Yes.

Q -- did you mean to say on page 154, when you say that you had discussions that you ought to be able to turn the thing -- and there I take it you mean the Vietnam War -- in an upward course in a year to 18 months, something of that sort, mean to be referring to the period referred to in the preceding question, which is 1965?

A Yes, but similar discussions, I think, must have taken place at other times over in what time interval may we expect to see this thing really moving ahead.

Q In general, was the thrust of those discussions, whether in 1965 or 1966, or 1967, that you expected to see some significant progress in the year to 18 months from whenever those discussions were taking place?

A "Expected" would be too strong. That there was a significant and realistic chance that would be the case.
Q As time went by, that is, 1965, you had --
well, I think you characterized it as a significant
and realistic hope that you would see some progress in
a year or 18 months. A year later you had the same
feeling and then a year later, in 1967, when you had yet
again the same feeling, was there some feeling of
cynicism -- that may be too strong a word, but
discouragement that the past optimism had not worked out?

MR. RIESE: Objection as to form.

A I wouldn't characterize it as optimism.
I wouldn't know how to put a percentage on what you
regarded as a realistic hope. But I think no cynicism
about it, that the other side was tougher and proving
itself over time tougher than we had hoped they might be.
That I think was present but not cynicism.

Q If not cynicism, was there a feeling of
discouragement?

MR. RIESE: Objection as to form.

A Not on my own personal part, although
certainly it was not encouraging. I felt it was a very
tough business and one had to slug it through.

Q The point I am trying to get at is, if
sort of every year when you assess things you think
that an upward turn is about a year, 18 months away, and
then you get to that year and 18 months and you
think it's still a year or 18 months away?

Let me point out some of the factors that from
time to time interrupted the sense of progress.

One of them, for example, would be the South
Vietnamese political troubles in the spring of 1966.
We certainly hoped that that kind of thing could be
avoided.

When the Buddhists took over two of the northern
cities and for a time the government didn't have
control of an important part of its own territory,
that kind of political setback, which had a backlash onto
the military pacification situation, was something that
we had hoped would be avoided.

So you would hope you got away from that and got
into elections. You got into the government establishing
itself and became more experienced, that you would have
more of a plus contribution from the Vietnamese.

Of course, the South Vietnamese contribution
was all along vital.

I think you said we have the ducks in a row,
that this turned out to be more volatile and more
fragile than we had hoped, but you had a basis for
thinking now we may have it where it ought to move.
So there is always a change in the elements of the situation. But I think one does tend to hope, if one believes the thing is terribly important, and that is true of political campaigns, and it may be true even in the conduct of law cases.

Q Since the last time your deposition was taken, have you had any discussions about either the subject matter of your deposition or this litigation?

A I have had one very short conversation with George Ball, who is not interested in it. And George said, "I am glad I am not involved in that one."

He said, "Mike Wallace sent me a copy of the motion to dismiss. I don't think I will ever get around to reading it, and if you want it you can have it."

That's the end of the discussion.

Q Did you take it?

A Yes.

Q Did you have any other discussions since June 20th relating to the subject matter of this deposition or to the case?

A Not to the subject matter. I described to my wife and a couple of friends, we are doing a deposition and what the circumstances are like, but I have had no substantive discussion.
Q Other than your conversation with Mr. Ball and your wife and social friends, you have had no discussions?
A No.

Q In preparing for a continuation of your deposition, have you read any materials?
A I recall none of any significance. I skimmed the motion to dismiss.

Q Anything else?
A I spent maybe a half to three-quarters of an hour skimming it just to see what the headings were.

Q Have you looked at anything else?
A No. I read the newspaper accounts of the reply. I looked at the reply during the lunch break here. That's it.

MR. BOIES: Off the record.

(Discussion off the record.)

Q In your testimony today, Mr. Bundy, you made reference to a conversation you had with Mr. Ball, who informed you that he had received a copy of the, what you described as the motion to dismiss in this case.

I would like to show you, with counsel's permission, the following document dated May 23, 1984,
and bearing the caption of this case, and ask you if you recognize that document.

A I do. That is the document to which I referred.

Q Is it your testimony --

A Also there was a supplementary appendix of some sort.

Q Did you receive that as well?

A Yes, I did.

Q Could you describe how you perused those two documents?

A Oh, I spent a total of maybe a half or three-quarters of an hour just leafing through it to see what witnesses and what the thrust of the thing was, and that's as far as I did.

Q Earlier today you testified concerning a letter that you had written to Mr. Buckley. Could you find that letter for me, please?

A I could. It is here.

MR. RIESE: I would like to have this marked as Bundy Deposition 7.

THE WITNESS: I might add I was just reading the plaintiff's memorandum of law and I notice it gives the date of the TV Guide which was published May 23rd and May 29th, which
confirms my judgment that this letter was
written on June 3, 1982.

MR. BOIES: Plaintiff's memorandum, I
think, refers to the TV Guide. I don't know that
yours does.

(Letter dated June 3, 1982, marked
Defendants' Exhibit Bundy 7 for identification,
as of this date.)

BY MR. RIESE:

Q What has been marked now as Bundy
Deposition Exhibit 7, is that the letter that you were
testifying about this morning?

A It was. It is.

Q Is it your testimony that you did,
indeed, send that letter to Mr. Buckley?

A It is.

Q Do you have any particular recollection
that he acknowledged receiving this letter?

A Only that I think he mentioned it in oral
conversations. I recall no written reply.

Q Earlier today you also made some
representations concerning when you may have received
certain documents that have since been marked here as
Bundy Deposition Exhibits 1 through 4.
I would ask you to take a look at the transcript of the deposition testimony of the first day back on June 20th. I refer you to page 33, line 22 through page 36, line 19, and ask you to review that to yourself and then ask if that refreshes your recollection as to when you may have received the documents that had been marked as Bundy Deposition Exhibits 1 through 4.

A Oh, I see. In other words, yes, this material, Bundy Exhibits 1 through 4, I have previously testified -- I now see they were part of the Westmoreland materials. I take it that is accurate. I can assume it can now be checked against my return of the materials.

Q So that I believe the record of the first deposition speaks for itself,

But it is now your recollection, having had your memory refreshed by looking at those pages at the first transcript, that what has been marked here today is Bundy Exhibit 1 through 4 were indeed part of materials which you had received prior to the day before your deposition and which had been, I think you described, clipped with a large bulldog clip and had been sitting on your shelf for some time?
MR. BOIES: Objection.

A What I said earlier I believe now to be the correct statement, that the exhibits 1 through 4 did come out of the materials that General Westmoreland or someone on his behalf sent me very shortly after the press conference that he held in Washington, which in turn was very shortly after the original broadcast.

MR. RIESE: I have no further questions at this time.

MR. BOIES: All right. Thank you.

(Time noted: 4:05 p.m.)

William P. Bundy

Subscribed and sworn to before me

this____ day of _______ 1984.
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**WITNESS**

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CERTIFICATE

STATE OF NEW YORK  )
COUNTY OF NEW YORK  ) ss:

I, HAROLD MELMAN, a Certified Shorthand Reporter and a Notary Public within and for the State of New York, do hereby certify:

That WILLIAM P. BUNDY, the witness whose continued deposition is hereinbefore set forth, was previously duly sworn, and that such deposition is a true transcript of my stenographic notes of the testimony given by such witness.

I do further certify that I am not related to any of the parties in this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 2 day of AUGUST 1984.

HAROLD MELMAN, CSR

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