

*Save - see p. 6*

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

DAVID ATLEE PHILLIPS :  
Plaintiff :  
v. : Civil Action No. 81-1407  
DONALD FREED et al. : Judge Jackson  
Defendants :

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DAVID ATLEE PHILLIPS :  
Plaintiff :  
v. : Civil Action No. 81-2578  
LAWRENCE HILL & CO. : Judge Jackson  
PUBLISHERS, INC. et al. :  
Defendants :

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PLAINTIFF'S SUPPLEMENTAL ANSWERS  
TO DEPOSITION QUESTIONS

Introduction

Plaintiff, David A. Phillips, was deposed by counsel for defendants, Melvin L. Wulf, Esquire, on March 25, and March 30-31, 1983. During the deposition of plaintiff, questions were asked which may have elicited classified information. Within the meaning of the Court's December 13, 1982 Order and Memorandum, counsel for plaintiff objected to the ground of plaintiff's Fifth Amendment privilege not to disclose classified information. On advice of counsel, plaintiff declined to answer such questions.

Also in attendance on March 25, 30 and 31 were the following U.S. Government representatives: Lee Strickland, Esquire, Special Assistant U.S. Attorney; Launie Ziebell, Esquire, Associate General Counsel, Chief, Litigation Division, Central Intelligence Agency; and Paul Kittredge, Office of Director of Operations, Central Intelligence Agency. The U.S. Government also interposed objections to questions, the answers to which may have violated the **Intelligence Identities Act and Section 6 of the Central Intelligence Agency Act.** On advice of counsel, plaintiff declined to answer such questions based upon his Fifth Amendment privilege not to disclose classified information.

In a continuing effort to provide defendants with as much discovery as possible, plaintiff provided written answers to questions which he declined to answer at deposition on advice of counsel. The written answers were furnished to the CIA Publications Review Board for classification determination. The following answers have been deemed by the CIA Publications Review Board not to divulge classified information and are accordingly furnished to defendants.

Each page and line number refers to the page and line in the transcript of the March 25, 30-31, 1983 deposition of plaintiff where each question begins. Only answers to questions to which plaintiff's proposed answers have been cleared by CIA are provided.

Page 29, line 9 : What was his name?

ANSWER : I can't recall.

Page 82, line 6 : Just to start, give me the names of three of your media assets.

Answer : Jose Toron Barrios.

Page 109, line 6 : Donald Winters, do you know?

Answer : Yes.

Page 109, line 18: Is the name Raymond Wannal familiar to you?

Answer: No.

Page 182, line 11: What are they? What geographical divisions are there at the same level as your own within the CIA or was at the time you were division chief?

Answer: Latin America, Soviet Bloc, Africa, Middle East, Far East.

Page 206, line 18: What was his name?

Answer: I don't remember.

Page 250, line 17: Did you know him, had he been in the CIA?

Answer: Yes.

Page 286, line 12: Now, if I can remember after all this colloquy what the question was. I believe the question was I asked you to identify Cuban exile organizations with which the CIA has had some connection from 1960 to the present day, it's that question that you have now been instructed

to decline to answer. Do such organizations exist?

Answer: Yes.

Page 286, line 20: Have such organizations existed in the past?

Answer: Yes.

Page 290, line 19: When was that installation installed?

Answer: 1959 or 1960.

Page 292, line 5 : What was its function?

Answer : It the Miami CIA station which supported the Bay of Pigs and later Cuban operations generally.

Page 292, line 11: Were you ever there?

Answer: Yes.

Page 293, line 1 : Was Dionisia Swarez ever there?

Answer : Not to my knowledge.

Page 293, line 4 : Were you ever there?

Answer : Yes.

Page 298, line 1 : Who was Chief of Station?

Answer : Winston Scott.

Page 298, line 4 : Was Philip Agee down in Mexico when you were there?

Answer : No.

Page 302, line 6 : If you weren't known to the people you were dealing with as CIA, were you then exclusively known as being political attache, that is my question, or were you known to some others in some other false guise?

Answer : Yes, I was known as a political attache to those who didn't know I was CIA.

Page 307, line 6 : What operations were those?

Answer : There were a variety of operations involving covert action and espionage.

Page 310, line 1 : Who were they?

Answer : I cannot recall their names.

Page 310, line 9 : Were they intelligence sources?

Answer : Yes.

Page 310, line 12: Who were the pro-Castro people you ran across?

Answer: I can't recall.

Page 315, line 14: No, no, just leave it the way it is.

On the record he said he got it from a source in the Cuban embassy. Who was that source?

Answer: I can't recall any names.

Page 317, line 7 : Did you see any photographic evidence of Oswald's entering the Cuban Embassy?

Answer : No.

Page 319, line 22: Were there other officers in Latin America assigned to keep an eye out on Cuban activities in Latin America?

Answer: I suppose so. But I doubt anyone was full-time in such an assignment?

Page 320, line 12: I would assume so. Did you CIA guys ever get together from 1963 to 1965 at a convention or meeting or some sort of assembly to exchange information on Cuban activities throughout the hemisphere or in Washington perhaps?

Answer: I believe I recall one meeting.

Page 320, line 17: Where did you have those conventions.

Answer: I don't recall.

Page 322, line 5 : Did you ever have any such meetings with other CIA personnel interested in Cuba at the JM/WAVE installation?

Answer : I met with persons in Cuban operations at JM/WAVE and headquarters, yes.

Page 332, line 3 : Was the CIA station in the Dominican Republic friendly with the forces of Balaguer?

Answer : We had some friends in the Balaguer camp, yes.

Page 350, line 18: Who was the Chief of Station?

Answer: Winston Scott.

Page 358, line 17: Do you know what her maiden name was?

Answer: No.

Page 368, line 18: Would you identify those people for me?

Answer: I never knew of the people who acquired the information.

Page 402, line 11: Do you know Hecksher?

Answer: Yes.

Page 402, line 15: Have you ever spoken to Hecksher?

Answer: Yes.

Page 402, line 18: Do you know Hecksher's first name?

Answer: Yes.

Page 402, line 21:

Henry D. Hecksher, H-e-c-k-s-h-e-r.

Does that refresh -- that is a different question. Do you know Henry D. Hecksher?

Answer:

Yes.

Page 415, line 18:

Who were they?

Answer:

I can't recall.

Page 424, line 14:

Specifically, do you remember specifically the kinds of stories that you planted in the Chilean press?

Answer:

I can't recall any specific stories.

Page 425, line 22:

Do you care to tell us who they are?

Answer:

I refer to the man whose name I can't recall.

Page 426, line 3 :

Have you had lots of them?

Answer :

No.

Page 440, line 6 :

Any other major country in the world exceeds even my capacity for deception. I mean, they were pumping away full-time trying to get rid of Allende, right? I mean, what did you do, for example -- no, I mean, when you got up there in June, what did you find out, for example, about what people under your jurisdiction were doing with El Mercurio?

Answer :

Yes, see explanation.



Page 441, line 5 : Do you know that this statement in the Church Committee report that CIA spent one and a half million dollars on behalf of El Mercurio to be false?

Answer : It was something like that figure.

Page 532, line 11: His letter refers to the Garcia Godoy episode. He says it is delicate only because of the, and then there are two lines deleted. What was the Garcia Godoy episode?

Answer: The fact that I was in contact with Garcia Godoy, an important political figure.

Page 551, line 16: A libel suit is nothing but semantics, so let's not dodge it. You were spying on behalf of the United States, right? You were collecting intelligence information on behalf of the United States, right? You were collecting intelligence information on behalf of the United States, right? You were collecting intelligence information on behalf of the United States, is that right or wrong?

Answer: Yes, I was spying by the popular definition of the word, but not by my definition.

Page 581, line 3 : Might you have repeated your speculation that it was possible it might have been done by people on the left?

Answer : No.

Page 638, line 13: That \$20,000,000 is a figment of your lawyers imagination, isn't it?

Answer: It is true that my attorneys made the decision to sue for that sum.

Page 640, line 4 : Do you now have any information or evidence in your possession or in the possession of your lawyer to attempt to show that the authors of the book knew what they published was false?

Answer : I believe the facts about the publication, on the whole, clearly indicate the authors are guilty of reckless disregard of the truth, and of malice.

Page 641, line 11: Do you have any evidence or information upon which to prove that the authors of the book knew it was false?

Answer: The accumulation of facts, as previously mentioned.


Page 642, line 2 : Do you have any information at this time, assuming that that is a false statement, that the defendant authors published it in the reckless disregard as to whether it was true or not?

Answer : Again, the accumulation of facts.

David A. Phillips, being duly sworn upon his oath, deposes and says: I am the plaintiff in the above-entitled action. I have read the transcripts of my deposition of March 25, 30-31, 1983. I have furnished written answers to CIA Publications Review Board for classification review. The foregoing supplemental answers to deposition questions, which have been found not to divulge classified information, are true according to the best of my knowledge, information and belief.

  
David A. Phillips

Subscribed and sworn to before me this 19<sup>th</sup> day  
of December, 1983.

  
Notary Public

My commission expires: September 30, 1986

  
James J. Bierbower

  
Mark B. Bierbower

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were mailed, postage prepaid, on December 19, 1983 to the following:

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