

Dear Jim,

6/29/84

I'm pretty tired so I'm not certain that the memo I enclose is clear. I'm sending copies of it alone to Hoch and Melanson and Henry and Sissi.

The trip to see the surgeon in DC always tires me and did more this time because traffic was too heavy on the trip down for me to get out and walk and because I forgot to on the way back. 6/30. Then on Thursday I had the lower GI series, upper in January OK. The new method of preparation is not for men with any kind of prostate condition. I had about a gallon of clear liquid to consume from lunch to 10 p.m. Wednesday and by then my plumbing was blocked. It started operating again quite slowly after the barium enema was out and that afternoon it got back to work. The doctor expected it to get back in order unassisted but he ordered me to stay in the house and do ~~nowork~~ and that afternoon I knew he was right. I can't recall being as worn out since the operations. And it lasted through yesterday. I'd planned, after writing you the first memo on the Phillips deposition, to check my Mexico City appeals and probably I still will ~~not~~ before I hear from you but I didn't risk it today because I had to add chlorine stabilizer to the pool and it, powdered cyanuric acid, resists dissolving. So I had to make interminable trips with a bucket from the house, a small quantity mixed in each bucket. This isn't supposed to evaporate but the test showed none and that is how we learned why we are using so much more not inexpensive chlorine. Should be better now and less work in the long run. But I don't feel like stairs.

I did continue with my mornings of walking therapy and I've learned a bit more about this marvel of Sony mineralization. When the earphone plug is out there is a separate switch that turns the current off and it doesn't work. That may be why each of us thought it was somehow defective. I've used three tapes and quite a bit of the radio on a single standard battery, which is not yet dead. Early mornings it is quiet in the mall. I'm there all alone except for the custodial staff, so I can enjoy the tapes. (Only local stations can be picked up inside of it and I've no interest in them except for the news.) It worked as well as the larger, more elaborate one from Henry here at home. I listened to WAMU for about 45 minutes this early morning, the jazz program, and will again tomorrow morning. That should about use up this one battery I put in after a friend left it on by accident and killed the battery that was in it. An absolutely amazing piece of high-quality equipment!

The more I think of it the more I believe a simple suit vs both CIA and FBI for the Oswald intercept records is a no-lose proposition. It also provides an opportunity for making an easy and impressive court record that can be of use to the Congress. I am inclined to believe that the CIA will not dare take to court its Rube Goldberg interpretation of its regulations. It has not responded to my letter or my reminder. I don't know what Ziebell can respond, if he does at all. And what they swore to the court in the transcripts case undermines any and every reason other than classification they can have for withholding. If we should get a good judge, it could be an important suit. If you disagree with my interpretation, that they have already disclosed everything but the actual content of the transcripts, please let me know. If I am correct, all they can do is claim exemptions for some of the content, and we could then demand in camera inspection. But meanwhile Phillips has already, with official approval, disclosed what he swore is their content.

If Mark wanted to join in it I'd be willing. He has a request that at least in part includes this. Hoch, too, if he thinks his request include it. If they do I'd like to see their requests and appeals and any responses. If they would prefer, I could be the litigant and say that I also sue on their behalf because I know they also have requested this information. I may be the only one to have the status I have with the FBI, however.

If you want to let Bud decide if he wants to handle this, fine. If you do not, also fine. But I'm inclined to believe that the best procedure is to wait whatever

you think is a reasonable time after what I've written that you have and then just file. However, if Bud or you have a related case before a fair judge, I think that can be an important consideration.

I'm also inclined to believe that any complaint should include documentation of the standard CIA practise of stonewalling me and that, of course, is already thoroughly documented, with its own records.

In political terms, this may well be the area of greatest CIA vulnerability because nobody will believe they have any good reason for continuing to withhold Oswald's exact words (or even a reasonable paraphrase), because the requests are so ancient and appealed repeatedly, because of their trickery in refusing to respond even to my request for a status report, and because they are seeking exclusion from the Act under a dishonesty. I think also that the fact that this is all known except for Oswald's words might break through the media disinterest.

When you have time to think of this I'd like to hear from you.

Best,

Dear Jim,

6/29/84

My inability to recall clearly whether disclosures of CIA wiretapping in Mexico City included the USSR has bothered me. I thought about it last night before falling asleep and evolved another possibility. I also then recalled I'd said something ambiguous and want to eliminate the ambiguity. This first.

Phillips was in charge of Cuban operations, not ^{all} surveillances. But all other surveillances that contained Cuban information ^{were} routed to him because he was in charge of that area. He was not in charge of surveillances of the USSR.

I've checked the pages of the transcript that I copied and, interestingly, indirectly he confirmed that there were USSR surveillances. He was asked (p. 317), "Did you have any authority over surveillance of the Embassy of the Soviet Union in Mexico City?" The special assistant to the DC USA, Lee Strickland, interrupted at this point ~~to~~ not to claim that such surveillances might not be disclosed or confirmed but to ask, "Is the question did he have authority such as was it within his duties?" Wulf said, "Yes," after which Phillips stated, "The answer is no."

But he was "in charge of surveillance of the Cuban embassy." (p. 318) Asked "Did you see any evidence of Lee Harvey Oswald entering the Cuban embassy at any time in 1963?" He responded, "Yes, I did." (p. 314) What evidence did he see? "Evidence in the form of reports (emphasis added) from a Cuban embassy source that he was inside." (p. 315)

So, there was more than one report on LHO inside the Cuban embassy. I think it is not likely that a wiretap of transcription of any wiretap could or would be described as providing reports or as a Cuban embassy source.

He was asked (35), "While you were employed at the CIA did you ever see any documents which contained Lee Harvey Oswald's name?" He replied that he had, when he was stationed in Mexico City, and when asked "What kind of documents" these were he answered "Transcripts of conversations ~~transcripts~~ in which Lee Harvey Oswald participated before the assassination, obviously, and one of the documents was a memorandum from the CIA station to other elements of the U.S. Embassy describing the fact that he was in Mexico City." (36). asked what these conversations concerned, as I understand the ambiguous question, he said, "It concerned his contacts with the Cuban and Soviet embassies." (36)

Wulf came back to this (on 38) and referred not to conversations but to meetings or visits and Phillips corrected him to say he had not said meetings or visits but conversations. He was then asked "Conversations with personnel from those two embassies?" and he said "Yes." (38) But it gets ambiguous again when Wulf asked if "the documents you saw contained descriptions of those conversations," to which Phillips again said, "Yes." I wonder if he could have been referring to the transcripts as containing "descriptions of such conversations" or, what appears to be more likely, that reports, in the plural because the question was about documents, in the plural, contained these descriptions.

I thought about the foregoing in relationship to the national security claim made to withhold the transcripts by the FBI, and the teletyped paraphrase and came to believe, assuming that there is some basis for the bi claim, that the withheld information thus has to confirm previously unconfirmed surveillances. If not previously confirmed, this could be the wiretapping of the Soviets. But it also could be bugging. Only bugging of the Cubans would not in itself disclose the Soviet end of the conversations. But Soviet bugging along with Cuban wiretapping could disclose both ends. If not previously disclosed I believe this does disclose electronic surveillance of the Soviet embassy and, if the wiretapping had been disclosed earlier, then the bugging would have been admitted. I also believe that the strong efforts made by the CIA and USA representatives with regard to the source inside the Cuban embassy was to befuddle the fact that a live source was what Phillips testified to.