

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

1 ----- X  
2 DAVID ATLEE PHILLIPS, :  
3 PLAINTIFF, :  
4 VS. : CIVIL ACTION NO. 81-1407  
5 DONALD FREED, ET AL., :  
6 DEFENDANTS. : JUDGE RICHEY  
7 ----- X  
8 DAVID ATLEE PHILLIPS, :  
9 PLAINTIFF, :  
10 VS. : CIVIL ACTION NO. 81-2578  
11 LAWRENCE HILL & CO. :  
12 PUBLISHERS, INC., ET AL., : JUDGE JACKSON  
13 DEFENDANTS. :  
14 ----- X

WASHINGTON, D. C.  
FRIDAY, MARCH 25, 1983

15 DEPOSITION OF

16 DAVID ATLEE PHILLIPS

17 THE PLAINTIFF, RECALLED FOR FURTHER EXAMINATION BY COUNSEL FOR  
18 THE DEFENDANTS, PURSUANT TO RECESS, TAKEN AT THE LAW OFFICES  
19 OF BIERBOWER & BIERBOWER, 1875 EYE STREET, N.W., SUITE 1275,  
20 WASHINGTON, D. C., BEGINNING AT 9:30 A.M., BEFORE JUDITH R.  
21 GAGLIARDI, A NOTARY PUBLIC IN AND FOR THE DISTRICT OF COLUMBIA,  
22 WHEN WERE PRESENT ON BEHALF OF THE RESPECTIVE PARTIES:

GAGLIARDI REPORTING COMPANY  
1348 CHETWORTH COURT  
ALEXANDRIA, VA. 22314  
836-8223

1           FOR THE PLAINTIFF:

2           MARK BIERBOWER, ESQUIRE  
3           BIERBOWER & BIERBOWER  
4           1875 EYE STREET, N.W.  
5           SUITE 1275  
6           WASHINGTON, D. C. 20006

7           FOR THE DEFENDANTS:

8           MELVIN L. WULF, ESQUIRE  
9           BELDOCK, LEVINE & HOFFMAN  
10          565 FIFTH AVENUE  
11          NEW YORK, N.Y. 10017

12          ALSO PRESENT:

13          LEE STRICKLAND, ESQUIRE  
14          SPECIAL ASSISTANT U.S. ATTORNEY  
15          U.S. COURTHOUSE  
16          THIRD & CONSTITUTION AVENUE, N.W.  
17          WASHINGTON, D.C. 20001

18          LAUNIE ZIEBELL, ESQUIRE  
19          ASSOCIATE GENERAL COUNSEL  
20          CHIEF, LITIGATION DIVISION  
21          CENTRAL INTELLIGENCE AGENCY  
22          WASHINGTON, D.C. 20505

          PAUL KITTRIDGE, REPRESENTING  
          DIRECTOR FOR OPERATIONS, CIA

          DAVID SOBEL, STAFF COUNSEL FOR  
          CAMPAIGN FOR POLITICAL RIGHTS

          LOUIS WOLF, JOURNALIST

1 Q WHAT WAS THE SPECIFIC SUBJECT MATTER OF YOUR TESTI-  
2 MONY THERE THAT DAY?

3 A IT WAS AN ARTICLE WHICH HAD APPEARED IN THE WASHING-  
4 TON POST IN 1976 WHICH ALLEGEDLY SAID THAT I BELIEVED THAT  
5 LEE HARVEY OSWALD HAD SOMETHING TO OFFER TO THE SOVIET UNION.  
6 IT WAS, I FELT, NONSENSE.

7 Q DID YOU EVER MEET LEE HARVEY OSWALD?

8 A I DID NOT, NEVER HAVE.

9 Q HAVE YOU EVER SEEN ANY DOCUMENTS CONCERNING  
10 LEE HARVEY OSWALD?

11 A YES.

12 Q WHILE YOU WERE EMPLOYED AT THE CIA?

13 A NO.

14 Q YOU NEVER SAW A PIECE OF PAPER DURING YOUR YEARS  
15 AT THE CIA BEGINNING NOVEMBER --

16 A WAIT. WOULD YOU REPHRASE THAT QUESTION, COUNSELLOR?

17 Q WHILE YOU WERE EMPLOYED AT THE CIA DID YOU EVER SEE  
18 ANY DOCUMENTS WHICH CONTAINED LEE HARVEY OSWALD'S NAME?

19 A YES.

20 Q WHAT KIND OF DOCUMENTS WERE THEY?

21 A I WAS STATIONED IN MEXICO CITY.

22 Q WHEN?

1           A     WHEN LEE HARVEY OSWALD VISITED THERE A FEW  
2 WEEKS BEFORE THE ASSASSINATION.

3           Q     WHAT KIND OF DOCUMENTS DID YOU SEE RELATING TO THAT  
4 PERIOD OF TIME CONCERNING LEE HARVEY OSWALD?

5           A     TRANSCRIPTS OF CONVERSATIONS IN WHICH LEE HARVEY  
6 OSWALD PARTICIPATED BEFORE THE ASSASSINATION, OBVIOUSLY, AND  
7 ONE OF THE DOCUMENTS WAS A MEMORANDUM FROM THE CIA STATION  
8 TO OTHER ELEMENTS OF THE U. S. EMBASSY DESCRIBING THE FACT  
9 THAT HE WAS IN MEXICO CITY.

10          Q     PRIOR TO THE ASSASSINATION?

11          A     PRIOR TO THE ASSASSINATION.

12          Q     DID IT RELATE CONVERSATIONS HE HAD WITH CIA PERSON-  
13 NEL?

14          A     IT DID NOT.

15          Q     DID IT RELATE CONVERSATIONS HE HAD WITH ANY UNITED  
16 STATES GOVERNMENT EMPLOYEES, OFFICERS OR OFFICIALS?

17          A     NO.

18          Q     WHAT DID IT CONCERN THEN?

19          A     IT CONCERNED HIS CONTACTS WITH THE CUBAN AND  
20 SOVIET EMBASSIES.

21          Q     IN MEXICO CITY?

22          A     IN MEXICO CITY.

1 Q IT RECITED CONVERSATIONS THAT WERE HAD BETWEEN  
2 OSWALD AND THOSE CUBAN AND RUSSIAN OFFICIALS?

3 MR. STRICKLAND: COUNSEL, BEFORE WE GO A LOT FURTHER  
4 ON THIS, MAYBE IT WOULD BE USEFUL TO ASK MR. WULF HOW FAR HE  
5 INTENDS TO GO IN THIS LINE OF QUESTIONS. IF WE ARE GOING INTO  
6 IT EXTENSIVELY, THEN I THINK WE MAY NEED TO CONFER WITH MR.  
7 PHILLIPS TO SEE WHAT HIS RECOLLECTION WILL BRING FORWARD IN THE  
8 WAY OF INFORMATION HE WAS AWARE OF.

9 MR. WULF: LET'S DO IT ON A QUESTION-BY-QUESTION  
10 BASIS.

11 COULD YOU READ BACK MY LAST QUESTION?

12 (THE REPORTER READ THE QUESTION.)

13 MR. BIERBOWER: I WILL INSTRUCT THE WITNESS TO  
14 CONSIDER EACH QUESTION AS IT IS ASKED. IF THERE IS ANY  
15 QUESTION REGARDING WHETHER OR NOT THE QUESTION ELICITS AN  
16 ANSWER THAT COULD LEAD TO POSSIBLE DISCLOSURE OF CLASSIFIED  
17 INFORMATION, I WILL OBJECT. I DON'T SEE THE RELEVANCY OF THE  
18 QUESTIONS, BUT WE SHOULD PROCEED ON A QUESTION-BY-QUESTION  
19 BASIS FOR THE TIME BEING, I THINK.

20 MR. STRICKLAND: YOU REALIZE, MR. WULF, IT PRESENTS  
21 THE GOVERNMENT WITH A DIFFICULT SITUATION BECAUSE THE QUESTION  
22 IS ASKED, THE GOVERNMENT HAS NO IDEA WHAT ANSWER MR. PHILLIPS



1 MAY OFFER. A NO ANSWER MAY NOT IMPINGE ON NATIONAL SECURITY  
2 CONCERNS AT ALL WHEREAS A SUBJECTIVE ANSWER MIGHT, SO THAT IS  
3 OUR PROBLEM, SO IF YOU WILL BEAR WITH US AS WE WILL TRY TO DO  
4 THAT.

5 MR. WULF: I WILL BEAR WITH YOU A WHILE AND WE  
6 WILL SEE HOW IT GOES.

7 BY MR. WULF:

8 Q MY QUESTION, THE BEST I CAN RECALL, IS YOU REFERRED  
9 TO DOCUMENTS THAT YOU HAD READ WHILE YOU WERE AT THE CIA  
10 RELATING TO VISITS THAT LEE HARVEY OSWALD MADE TO MEXICO CITY  
11 PRIOR TO HIS ASSASSINATION OF PRESIDENT KENNEDY AND THAT IT HAD  
12 SOME RELATIONSHIP TO MEETINGS OR VISITS HE MADE TO THE CUBAN  
13 AND RUSSIAN EMBASSIES; IS THAT RIGHT?

14 A I DON'T BELIEVE, COUNSELLOR, THAT I SAID VISITS THAT  
15 HE MADE.

16 Q WHAT DID YOU SAY?

17 A I DON'T RECALL BUT I BELIEVE I SAID CONVERSATIONS.  
18 I MEANT TO SAY CONVERSATIONS.

19 Q CONVERSATIONS WITH PERSONNEL FROM THOSE TWO  
20 EMBASSIES?

21 A YES.

22 Q DID IT DESCRIBE THOSE CONVERSATIONS? DID THE

1 DOCUMENTS YOU SAW CONTAIN DESCRIPTIONS OF SUCH CONVERSATIONS?

2 A YES.

3 Q DO YOU REMEMBER WHAT THOSE CONVERSATIONS CONSISTED  
4 OF?

5 A THEY CONSISTED OF LEE HARVEY OSWALD'S EFFORTS TO  
6 OBTAIN A VISA TO TRAVEL TO CUBA.

7 Q WHEN WAS THIS PARTICULAR VISIT TO CUBA THAT THEY  
8 WERE TALKING ABOUT?

9 A ABOUT SIX WEEKS BEFORE THE ASSASSINATION IN DALLAS.

10 Q THAT WAS THE TIME WHEN HE WAS IN MEXICO CITY?

11 A 1962 -- 1963. THE ASSASSINATION WAS 1963, WAS IT  
12 NOT?

13 Q 1963, NOVEMBER 1963.

14 A WE ARE TALKING ABOUT LATE SEPTEMBER OR EARLY  
15 OCTOBER.

16 Q DID ANY CIA PERSONNEL IN MEXICO CITY HAVE ANY  
17 CONTACT WITH OSWALD PRIOR TO THE ASSASSINATION?

18 A NO.

19 Q WERE YOU CHIEF OF STATION THEN?

20 A NO.

21 Q WHAT WAS YOUR POST?

22 A DURING THE TIME THAT I WAS IN MEXICO CITY I HELD

1 TWO JOBS AND AT THAT TIME I WAS JUST CHANGING FROM ONE JOB  
2 TO ANOTHER.

3 Q WHAT WERE THE TWO JOBS?

4 A THE FIRST JOB WAS -- HOW DO I DESCRIBE IT -- IN  
5 ESSENCE, I WAS IN CHARGE OF THOSE ACTIVITIES IN OUR STATION  
6 WHICH HAD TO DO WITH PROPAGANDA, THAT TYPE OF ACTIVITY.  
7 HOWEVER, I WAS CHANGED, I WAS IN MEXICO CITY ROUGHLY FOUR YEARS  
8 AND AT ABOUT THE HALFWAY POINT I WAS CHANGED TO BECOME THE MAN  
9 RESPONSIBLE FOR CUBAN OPERATIONS IN MEXICO CITY AND IT WAS  
10 DURING THAT HIATUS, THAT PERIOD, WHEN I WAS SWITCHING FROM  
11 ONE JOB TO ANOTHER.

12 Q YOU MEAN OSWALD'S VISIT WAS DURING THE HIATUS,  
13 AS YOU CALLED IT?

14 A THERE WAS NOT A REAL HIATUS, THAT IS NOT THE PROPER  
15 WORD.

16 Q THAT IS RIGHT.

17 A BUT IT WAS ABOUT THAT TIME.

18 Q HAVE YOU EVER MET WITH JOHN WARNER SINCE YOUR RETIRE-  
19 MENT FROM THE AGENCY?

20 A YES.

21 Q WHEN DID YOU MEET WITH MR. WARNER?

22 A ON INNUMERABLE OCCASIONS.



1 Q HE IS FORMER GENERAL COUNSEL OF THE CENTRAL  
2 INTELLIGENCE AGENCY, IS HE NOT?

3 A YES.

4 Q NOW RETIRED, RIGHT?

5 A YES.

6 Q DID HE RETIRE BEFORE OR AFTER YOU?

7 A AFTER ME.

8 Q WHAT WERE THOSE MEETINGS THAT YOU HAD WITH  
9 MR. WARNER ABOUT?

10 A THEY CONCERNED THE DAY-BY-DAY ACTIVITIES OF THE  
11 ASSOCIATION OF FORMER INTELLIGENCE OFFICERS.

12 Q DID YOU EVER HAVE ANY DISCUSSION WITH JOHN WARNER  
13 OF INITIATION OF THIS LAWSUIT THAT WE ARE CONCERNED WITH TODAY?

14 (COUNSEL AND WITNESS HAD CONFERRED.)

15 THE WITNESS: I AM SORRY. THE LAST QUESTION AGAIN,  
16 COUNSEL?

17 MR. WULF: WOULD YOU READ BACK MY LAST QUESTION?

18 (THE REPORTER READ THE QUESTION.)

19 THE WITNESS: THE ANSWER IS YES.

20 BY MR. WULF:

21 Q WHEN DID YOU HAVE SUCH A CONVERSATION OR CONVERSA-  
22 TIONS?

1           A     I MET MR. WARNER EVERY WEDNESDAY NEARLY AT TEN  
2 O'CLOCK IN THE MORNING BECAUSE THAT IS WHEN WE WOULD HAVE A  
3 MEETING OF OUR ASSOCIATION.

4           Q     WHEN PERIOD OF TIME WAS THIS?

5           A     THIS IS THE PERIOD -- HE MUST HAVE RETIRED AROUND  
6 1977, I DON'T REMEMBER, BUT 1977, 1978, 1979, 1980 AND SO I  
7 SAW HIM FREQUENTLY DURING ALL OF THESE OCCASIONS, AND THEN  
8 WHEN THIS CASE CAME UP, I CONSULTED HIM ABOUT IT BECAUSE I KNEW  
9 THAT HE WAS A LAWYER AND WANTED TO HAVE HIS ADVICE ABOUT WHAT  
10 FIRM COULD REPRESENT ME AND SPECIFICALLY COULD THE FIRM WITH  
11 WHICH HE WAS THEN ASSOCIATED SERVE AS MY LAW FIRM AND THE  
12 ANSWER WAS YES AND THAT IS WHY BIERBOWER & BIERBOWER IS NOW  
13 ACTING AS MY LAW FIRM.

14          Q     BUT WARNER IS NOT NOW YOUR LAWYER, IS HE, IN THIS  
15 LAWSUIT?

16               MR. BIERBOWER: JOHN WARNER IS OF COUNSEL TO  
17 BIERBOWER & BIERBOWER AND IN THAT CAPACITY, YES, HE IS ONE OF  
18 MR. PHILLIPS' LAWYERS.

19               MR. WULF: OF COUNSEL. HE HAS NEVER MADE AN  
20 APPEARANCE AS HIS LAWYER.

21               MR. BIERBOWER: THAT IS RIGHT. HIS NAME IS NOT ON  
22 THE PLEADINGS.

1 A NO.

2 Q ROBERT BERRELLEZ, HAVE YOU EVER MET OR SPOKEN WITH  
3 ANYONE NAMED ROBERT BERRELLEZ?

4 A I HAVE MET OR SPOKEN WITH SOMEONE WITH A NAME  
5 SIMILAR WITH THAT ONE, YES.

6 Q B-E-R-R-E-L-L-E-Z?

7 A THAT IS CORRECT.

8 Q YOU KNOW ROBERT BERRELLEZ SPELLED THAT WAY, SPELLED  
9 AS I HAVE JUST RE-SPELLED IT FOR YOU?

10 A YES, I DO.

11 Q WHO IS HE?

12 A HE IS A FORMER NEWSPAPERMAN WHO WORKED FOR ASSOCIATED  
13 PRESS I KNEW FOR SOME PERIOD OF YEARS. HE WENT TO WORK FOR  
14 ITT, WAS VERY MUCH IN THE NEWS IN THE CHILE INVESTIGATIONS  
15 CONCERNING ITT.

16 Q WHEN DID YOU FIRST MEET HIM?

17 A IT'S POSSIBLE THAT I MAY HAVE MET HIM BRIEFLY  
18 DURING THE PERIOD I WAS IN CHILE RUNNING A NEWSPAPER FOR  
19 SEVERAL YEARS BECAUSE HE COVERED THE LATIN AMERICAN BEAT.

20 Q WHAT PERIOD?

21 A THIS WAS THE PERIOD 1949 AND 1954. I BELIEVE I  
22 MET HIM FOR THE FIRST TIME, THAT I CAN RECALL, IN THE SENSE

1 THAT I SAT DOWN AND HAD A DRINK WITH HIM OR SOMETHING SOMETIME  
2 IN CHILE IN THE YEARS MID-1958 THROUGH 1959 BUT I GOT TO  
3 KNOW HIM MORE CLOSELY DURING 1965 IN THE DOMINICAN REPUBLIC  
4 BECAUSE WE BOTH LIVED IN THE SAME HOTEL.

5 Q WAS HE THEN WORKING FOR, WHAT WAS IT, AP YOU SAID?

6 A ASSOCIATED PRESS, YES.

7 Q WAS HE THEN WORKING IN THE DOMINICAN REPUBLIC FOR  
8 AP OR ITT?

9 A FOR AP.

10 Q WHEN DID HE GO TO WORK FOR ITT?

11 A I ONLY KNOW THAT IT WAS SUBSEQUENT TO THAT, I  
12 DON'T KNOW WHAT DATE.

13 Q HAVE YOU EVER HEARD THE EXPRESSION MEDIA ASSET?

14 A YES, SIR, I HAVE HEARD IT.

15 Q YOU HAVE USED IT YOURSELF, HAVE YOU NOT?

16 A YES, I HAVE.

17 Q DID YOU COIN IT PERHAPS?

18 A NO, SIR.

19 Q HOW DO YOU DEFINE THE EXPRESSION MEDIA ASSET AS IT  
20 IS USED WITHIN THE CENTRAL INTELLIGENCE AGENCY?

21 A A MEDIA ASSET IS A PERSON IN THE COMMUNICATIONS  
22 FIELD WHO IS RECEPTIVE TO YOUR SUGGESTIONS ABOUT COVERING

1 CERTAIN STORIES AND IN SOME INSTANCES HOW THEY SHOULD BE  
2 COVERED.

3 Q THAT WAS A SUBSTANTIAL PART OF THE WORK THAT YOU DID  
4 HISTORICALLY WITHIN THE AGENCY, WAS IT NOT, TO TRY TO SECURE  
5 MEDIA ASSETS FOR THE AGENCY AND TO GIVE THEM INFORMATION?  
6 YOU DID A LOT OF THAT, GENERALLY SPEAKING?

7 A I WOULD HAVE TO SAY GENERALLY, NOT SUBSTANTIALLY,  
8 IT WAS A PART OF THE THINGS THAT I DID OVER THE YEARS, YES.

9 Q WAS BERRELLEZ ONE OF THE MEDIA ASSETS?

10 A HE WAS NOT.

11 Q TELL ME AGAIN THE PERIODS OF TIME YOU KNEW HIM,  
12 APART FROM THE PERHAPS HAVING MET HIM IN THE FIFTIES IN CHILE.  
13 WHEN DID YOU GET TO KNOW HIM WELL?

14 A I GOT TO KNOW HIM WELL IN THE DOMINICAN REPUBLIC  
15 IN 1965.

16 Q BUT YOU KNEW HIM BEFORE THAT PERIOD IN WHERE?

17 A I BELIEVE THAT I MET HIM IN CUBA IN THE PERIOD  
18 MID-1958 TO 1959. I WASN'T WORKING IN CUBA BUT AS A SIDE  
19 LINE I WAS WRITING A NEWSPAPER COLUMN FOR THE LOCAL ENGLISH  
20 LANGUAGE NEWSPAPER.

21 Q BUT YOU WERE PREDOMINANTLY WORKING FOR THE AGENCY  
22 IN CUBA AT THAT TIME, WEREN'T YOU?



1           A     NO. MAY I QUALIFY MY ANSWER, COUNSELLOR? WHEN I  
2     WENT TO CUBA IN 1958, I RESIGNED FROM THE AGENCY.

3           Q     RIGHT, BUT YOU SAID YOU WERE A CONTRACT EMPLOYEE  
4     FOR THE AGENCY DURING THAT PERIOD?

5           A     AND SO I WAS REQUESTED NOT TO RESIGN, THEY SAID WHY  
6     DON'T YOU CONTINUE WORKING FOR US, AND I SAID NO, I WANT TO  
7     MAKE A MILLION DOLLARS, I DON'T WANT TO HAVE TO GIVE IT BACK  
8     TO YOU, WHICH IS WHAT YOU HAVE TO DO IF YOU ARE AN EMPLOYEE  
9     OF THE AGENCY AND YOU MAKE MONEY IN A PRIVATE VENTURE, AND SO  
10    I WENT THERE --

11          Q     THAT IS WHY WILSON QUIT, I GUESS, RIGHT? GO AHEAD.

12          A     SO MY REASON FOR GOING THERE WAS NOT TO WORK FOR  
13    THE AGENCY. I WAS ASKED, THEY SAID WHAT ABOUT TAKING THE CON-  
14    TRACT. I DID.

15          Q     WHAT DID THAT CONTRACT REQUIRE YOU TO DO?

16          A     TO BE ON CALL ON A PART-TIME BASIS.

17          Q     WERE YOU ON CALL ON A PART-TIME BASIS?

18          A     YES, I WAS.

19          Q     WHAT WERE YOU CALLED ON IN 1958-1959 IN CUBA, WHICH  
20    I ASSUME CARRIED OVER THROUGH THE CASTRO TAKEOVER?

21          A     ON ONE OCCASION I WAS CALLED ON TO TRAVEL OUTSIDE  
22    OF CUBA TO PERFORM A MISSION FOR THE AGENCY WHICH I DID AND I

1 A THAT'S RIGHT.

2 Q DOES CIA OWN ONE OF THE MAJOR NETWORKS IN AMERICA?

3 A THEY WERE INTERESTED TO SEE HOW THEY MIGHT USE IT  
4 FOR PROPAGANDA, SIR, I DON'T KNOW IF THEY OWN ONE OF THE MAJOR  
5 TELEVISION --

6 Q I SUPPOSE IT'S POSSIBLE. BUT THEY WERE INTERESTED  
7 IN ITS PROPAGANDA APPLICATION, RIGHT?

8 A I WOULD PRESUME SO, YES.

9 Q AND YOU WERE A PROPAGANDA EXPERT BY THAT TIME, WERE  
10 YOU NOT?

11 A YES.

12 Q WHEN DID YOU BECOME HEAD OF THE CUBAN TASK FORCE  
13 PROPAGANDA BRANCH?

14 A THE CUBAN TASK FORCE PROPAGANDA BRANCH?

15 Q YES.

16 A ON THE 14TH OR 15TH OF MARCH, 1960.

17 Q 1960?

18 A YES.

19 Q WHAT DID YOU DESCRIBE THAT AS? I CALLED IT THE  
20 CUBAN TASK FORCE PROPAGANDA BRANCH. YOU SAID YOU BECAME ITS  
21 HEAD IN MAY OF 1960, IS THAT WHAT YOU SAID?

22 A I DON'T BELIEVE I KNOW OF AN ORGANIZATION WITH THAT

1 TITLE.

2 Q WHAT WAS IT THAT --

3 A I WAS REFERRING TO THE TASK FORCE FOR THE OPERATION  
4 WHICH LATER BECAME KNOWN AS THE BAY OF PIGS AND THAT IS WHAT  
5 I REFERRED TO. IS THAT WHAT YOU ARE REFERRING TO?

6 Q WELL, YOU TELL ME WHAT YOU BECAME THE HEAD OF IN  
7 MAY OF 1960.

8 A I BECAME THE PROPAGANDA OFFICER.

9 Q FOR?

10 A FOR THE TASK FORCE OF THE CUBANS' OPERATION WHICH  
11 IS NOW SO WELL KNOWN AS THE BAY OF PIGS.

12 Q WHERE WERE YOU STATIONED IN MAY OF 1960?

13 A I WAS STATIONED IN THE BEGINNING OF THE MONTH IN  
14 HAVANA, CUBA. I LEFT CUBA IN THE EARLY -- NO, THIS WAS NOT  
15 MAY, I THINK I SAID MARCH.

16 Q MARCH, OKAY.

17 A I LEFT CUBA IN EARLY MARCH, DROVE TO WASHINGTON,  
18 D. C.

19 Q FROM CUBA? THAT IS A GOOD TRICK.

20 A THERE IS A FERRY. NOT NOW BUT THERE WAS A FERRY.  
21 I PUT THE CAR AND MY FAMILY ON THE FERRY.

22 Q I AM NOT INTERESTED IN YOUR ITINERARY.

1 SO, YOU HAD SPENT TWO YEARS IN CUBA AND THEN YOU  
2 WERE JUST DOING A COUPLE OF THINGS, A TRIP TO VENEZUELA AND  
3 A COUPLE OF MINOR THINGS AND THEN YOU GOT SENT UP TO HEAD THE  
4 PROPAGANDA UNIT FOR WHAT CAME TO BE THE BAY OF PIGS INVASION?

5 A YES, SIR, BUT I DON'T WANT TO GIVE THE IMPRESSION  
6 THAT THE LEVEL OF ACTIVITY THAT I HAD AS A CONTRACT AGENT IN  
7 CUBA WAS ALWAYS THE SAME.

8 Q TELL ME EXACTLY WHAT YOU DID. I WANT TO KNOW WHAT  
9 ACTIVITIES YOU ENGAGED IN WITH SPECIFICITY AND DETAIL DURING  
10 THE PERIOD OF TIME THAT YOU WERE A CONTRACT AGENT FOR THE  
11 CIA IN CUBA IN 1958, STARTING WITH A AND TAKING ME THROUGH Z.

12 WHAT WAS THE FIRST OPERATION THAT YOU CONDUCTED FOR  
13 THE CIA AS A CONTRACT AGENT IN CUBA?

14 MR. STRICKLAND: MR. WULF, I THINK WE WILL PROBABLY  
15 BE FORCED TO BREAK FOR A QUICK DISCUSSION ON THIS.

16 MR. WULF: OKAY. YOU CAN REST ASSURED I WANT HIM TO  
17 FOLLOW THIS THROUGH FROM THE BEGINNING TO THE END AND I WANT  
18 TO KNOW EVERYTHING HE DID WHILE HE WAS IN CUBA AS A CONTRACT  
19 AGENT AND YOU MAY WANT TO SAY YOU ARE NOT GOING TO LET HIM  
20 ANSWER ANY OF THAT, BUT I WANT TO KNOW SERIATIM EVERYTHING HE  
21 DID.

22 MR. ZIEBELL: STARTING WITH THE FERRY?

1 MR. WULF: NO, ENDING WITH THE FERRY. THAT IS WHEN  
2 HE LEFT. WHEN HE WAS IN CUBA AS A SO-CALLED CONTRACT AGENT.

3 (AT 11:31 A.M., THE WITNESS, COUNSEL AND CIA  
4 REPRESENTATIVES LEFT THE ROOM, RETURNING AT 11:36 A.M.)

5 BY MR. WULF:

6 Q YOU MAY BEGIN TO RECITE YOUR DESCRIPTION OF EVERY  
7 OPERATION YOU UNDERTOOK FOR THE CIA WHILE YOU WERE A CONTRACT  
8 AGENT IN CUBA DURING 1958-59.

9 A THE MAJORITY --

10 Q START FROM THE BEGINNING. DON'T TELL ME ABOUT  
11 THE MAJORITY. I WANT DETAILS, MR. PHILLIPS. START FROM THE  
12 FIRST OPERATION YOU UNDERTOOK WHILE YOU WERE A CONTRACT AGENT  
13 WHEN YOU FIRST BECAME A CONTRACT AGENT FOR THE CIA IN CUBA  
14 AND I WANT TO HEAR IT CHRONOLOGICALLY AND IN DETAIL, AND IF  
15 YOU SEEM TO BE SKIMMING OVER THINGS, I WILL TRY TO GET YOU TO  
16 BE MORE SPECIFIC.

17 A THE FIRST OPERATION WAS THE ONE THAT I DESCRIBED  
18 ABOUT TELEVISION.

19 Q WHEN WAS THAT?

20 A I DON'T REMEMBER THE EXACT TIME IN 1958 THAT I  
21 ARRIVED IN CUBA BUT IT WAS ABOUT SEPTEMBER, SOMETHING LIKE  
22 THAT, SO THIS WOULD HAVE BEEN IN THE FALL. IT WAS ABOUT, OH,



1 IT, I THINK PERHAPS IT'S SOMETHING THAT I ASKED IN THE COURSE  
2 OF MY BUSINESS BECAUSE I WAS CONCERNED WITH CUBAN MATTERS.

3 Q WAS BERRELLEZ DOWN THERE IN CUBA IN 1958 TO 1960?

4 A I DON'T KNOW WHETHER HE WAS THERE PERMANENTLY OR  
5 NOT.

6 Q WAS HE THERE AT ALL?

7 A YES, HE WAS.

8 Q BY THAT TIME YOU KNEW HIM FAIRLY WELL, DID YOU?

9 A NO, NOT IN CUBA. I RECALL MEETING HIM WHEN HE  
10 TRAVELED TO CUBA BUT I KNEW HIM WELL IN THE DOMINICAN REPUBLIC.

11 Q DID YOU MEET WITH HIM AT ALL IN CUBA?

12 A NO -- OH, MEET WITH HIM?

13 Q MEET WITH HIM.

14 A YES, I MET HIM IN THE OFFICES OF AN ENGLISH LANGUAGE  
15 GROUP THERE. I DON'T RECALL THAT I EVER HAD A DINNER WITH HIM  
16 OR A LUNCH.

17 Q DID HE KNOW YOU WERE CIA?

18 A NO.

19 Q DID YOU TELL HIM?

20 A NO.

21 Q WHEN DID HE LEARN THAT YOU WERE CIA?

22 A IN THE DOMINICAN REPUBLIC IN 1965. THE FACT THAT I

1 WAS A CIA STATION CHIEF WAS PRINTED IN THE NEW YORK TIMES AND  
2 A NUMBER OF OTHER PUBLICATIONS AND ALSO IN THAT PERIOD IT WAS  
3 PRETTY OBVIOUS WHO THE CHIEF OF STATION WAS IN THE DOMINICAN  
4 REPUBLIC.

5 Q WAS HE A FRIEND OF YOURS DOWN THERE IN THE DOMINICAN  
6 REPUBLIC?

7 A YES.

8 Q DID YOU DISCUSS POLITICAL MATTERS WITH HIM IN THE  
9 DOMINICAN REPUBLIC?

10 A YES.

11 Q WAS HE ONE OF YOUR MEDIA ASSETS?

12 A HE WAS NOT.

13 Q WHAT DO YOU MEAN BY THAT?

14 A I MEAN --

15 Q THE DOMINICAN REPUBLIC GOT INVADED BY THE UNITED  
16 STATES IN 1965, DIDN'T IT?

17 A YES.

18 Q WHEN WAS THAT?

19 A THE 26TH OF APRIL, 1965.

20 Q WERE YOU CHIEF OF STATION AT THAT TIME?

21 A AT THAT TIME, NO.

22 Q WERE YOU THERE AT THAT TIME?

1 WHO WRITES A COLUMN ON POLITICAL DEVELOPMENTS. THAT PERSON  
2 IS RECRUITED AS A MEDIA ASSET USUALLY BY PAYING HIM, AND YOU  
3 SAY TO HIM I WANT YOU TO WRITE AN ARTICLE ON SUCH AND SUCH  
4 SUBJECT AND I WANT YOU TO COME OUT WITH THIS VIEWPOINT.

5 A MEDIA ASSET OF THE OTHER TYPE CAN BE, I HAPPEN TO  
6 KNOW SOMETHING ABOUT THE DEVELOPMENTS OF LAST WEEK THAT YOU  
7 MIGHT BE INTERESTED IN. THIS IS A PERSON THAT IS NOT PAID BUT  
8 IS IN THE COMMUNICATIONS FIELD AND THAT PERSON THEN TAKES  
9 THAT INFORMATION AND USES IT IN A STORY AND IT'S TO YOUR AD-  
10 VANTAGE, YOU THINK, THAT IT HAS COME OUT.

11 Q BUT THIS IS ALSO FALSE INFORMATION THAT YOU ARE  
12 GETTING INTO THE PRESS ON OCCASION; IS THAT RIGHT?

13 A THERE HAVE BEEN OCCASIONS WHEN IT WAS FALSE.

14 Q AND THESE TWO CATEGORIES, SOME OF EACH ARE EITHER  
15 AMERICANS OR NON-AMERICANS, THEY CROSS OVER INTO THE CATEGORIES,  
16 RIGHT?

17 A YES.

18 Q IS JEREMIAH O'LEARY ONE OF YOUR MEDIA ASSETS?

19 MR. BIERBOWER: OBJECTION. SAME REASON.

20 BY MR. WULF:

21 Q DO YOU KNOW JEREMIAH O'LEARY?

22 A YES.

1 Q WHEN DID YOU MEET HIM?

2 A I PROBABLY FIRST MET O'LEARY, AND I CAN'T REMEMBER  
3 WHEN AND WHERE, IN LATIN AMERICA, IN CHILE, WHERE I LIVED  
4 FOR FIVE, ALMOST SIX YEARS BECAUSE HE WAS CONSTANTLY TRAVELING  
5 THROUGH THE AREA TO LATIN AMERICA AND I WAS RUNNING A NEWSPAPER  
6 THERE. I GOT TO KNOW --

7 Q THIS WAS IN THE FIFTIES?

8 A THIS WAS IN THE FIFTIES. I GOT TO KNOW O'LEARY  
9 WELL IN THE DOMINICAN REPUBLIC.

10 Q WHO WAS HE WORKING FOR?

11 A THE STAR.

12 Q THE WASHINGTON STAR?

13 A YES. AND I KNEW JEREMIAH O'LEARY IN WASHINGTON  
14 BECAUSE HIS FAMILY AND MY FAMILY BECAME FRIENDLY AND WE LIKED  
15 EACH OTHER AND WE HAD DINNER TOGETHER AND HE WAS A FRIEND AND  
16 HAS BEEN FOR MANY YEARS.

17 Q HE'S BEEN YOUR CLOSE FRIEND FOR 20 YEARS, PERHAPS?

18 A NOT A CLOSE FRIEND FOR THAT LONG BUT HE'S BEEN A  
19 CLOSE FRIEND, YES.

20 Q WHERE DOES HE WORK NOW?

21 A AT THE TIMES.

22 Q HOW LONG HAS HE BEEN THERE?

1           A     IT'S BEEN ABOUT A YEAR AND A HALF, I THINK. A YEAR.  
2           HE WAS WITH THE NATIONAL SECURITY COUNCIL AND HE LEFT THAT  
3           JOB WHEN HE WAS INVITED BACK TO COVER THE PRESIDENTIAL BEAT.  
4           I AM GUESSING, ABOUT A YEAR.

5           Q     SO YOU HAVE BEEN IN MORE OR LESS CLOSE CONTACT  
6           WITH O'LEARY FOR TWO DECADES; IS THAT RIGHT?

7           A     YES.

8           Q     BUT YOU WON'T TELL ME WHETHER HE IS ONE OF YOUR  
9           MEDIA ASSETS?

10          MR. BIERBOWER: OBJECTION.

11          BY MR. WULF:

12          Q     DID YOU EVER GIVE HIM ANY INFORMATION OF THE  
13          FIRST CATEGORY WHICH YOU DESCRIBED TO ME SOME MOMENTS AGO,  
14          INFORMATION NOT NECESSARILY TRUE, FOR HIM TO PUBLISH IN HIS  
15          CAPACITY AS A JOURNALIST?

16          A     I AM SORRY, SIR, WOULD YOU REPEAT THAT?

17          Q     IN YOUR OFFICIAL CAPACITY AS A CIA MAN, DID YOU  
18          EVER GIVE O'LEARY ANY FALSE INFORMATION FOR HIM TO PUBLISH IN  
19          WHATEVER JOURNAL HE WAS WORKING FOR?

20          MR. BIERBOWER: OBJECTION.

21          MR. WULF: WHAT IS YOUR OBJECTION?

22          MR. BIERBOWER: SAME REASON.



1 BY MR.WULF:

2 Q DID YOU EVER GIVE AN INTERVIEW TO CARL BERNSTEIN  
3 IN 1977?

4 A A TELEPHONE INTERVIEW, YES.

5 Q HE PUBLISHED AN ARTICLE IN ROLLING STONE, ITS  
6 OCTOBER 20, 1977 ISSUE, ENTITLED THE CIA AND THE MEDIA.  
7 ARE YOU FAMILIAR WITH IT?

8 A YES, I AM.

9 Q HE QUOTES YOU IN THAT ARTICLE AND SAID THAT YOU  
10 ESTIMATED IN AN INTERVIEW THAT AT LEAST 200 JOURNALISTS  
11 SIGNED SECRECY AGREEMENTS OR EMPLOYMENT CONTRACTS WITH THE  
12 AGENCY IN THE PAST 25 YEARS. DID YOU GIVE HIM THAT STATEMENT?

13 A I GAVE HIM THAT STATEMENT IN THE CONTEXT THAT I HAD  
14 NO DOUBT WHATSOEVER THAT IF YOU ARE DISCUSSING JOURNALISTS  
15 HIRED WORLDWIDE BY THE AGENCY, JOURNALISTS OF ALL NATIONALITIES  
16 SURE, 200 MIGHT BE A SUM.

17 Q THAT IS AN ACCURATE QUOTATION IN THE BERNSTEIN  
18 ARTICLE?

19 A NO, IT IS NOT AN ACCURATE QUOTATION BECAUSE OF  
20 CONTEXT AND FOR THAT REASON I WROTE TO THE OMBUDSMAN OF THE  
21 WASHINGTON POST AFTER THIS ARTICLE CAME OUT TO CLEAR UP HOW  
22 MR. BERNSTEIN REALLY DID A GOOD ONE ON ME.

1 Q BUT YOU DON'T DENY THAT YOU SAID THERE WERE 200  
2 JOURNALISTS, BUT WHAT WAS YOUR OBJECTION, THAT HE DIDN'T  
3 IDENTIFY THEM AS WORLDWIDE?

4 A MY OBJECTION WAS THAT MR. BERNSTEIN USED THAT TO  
5 CONVEY THE NOW DURABLE MYTH THAT THE CIA HAD HIRED 400 AMERICAN  
6 JOURNALISTS AND IN THE CONTEXT OF THE WAY HE PUT IT THERE  
7 IT'S ALMOST AS IF I AM BOLSTERING THAT STATEMENT.

8 Q WHAT IS THE CORRECT NUMBER OF JOURNALISTS?

9 A I DO NOT KNOW.

10 Q BUT DID YOU SAY 200, DID YOU TELL BERNSTEIN 200?

11 A BERNSTEIN WANTED VERY MUCH FOR ME TO TELL HIM HOW  
12 MANY AMERICANS HAD WORKED FOR THE CIA AS JOURNALISTS.

13 Q THAT IS NOT WHAT I AM ASKING YOU. DID YOU TELL HIM  
14 AT LEAST 200 JOURNALISTS, APART FROM NATIONALITIES, FORGET  
15 ABOUT THAT, DID YOU TELL HIM AT LEAST 200 JOURNALISTS SIGNED  
16 SECRECY AGREEMENTS OR EMPLOYMENT CONTRACTS WITH THE AGENCY  
17 IN THE PAST 25 YEARS?

18 A I DIDN'T TELL HIM ANY NUMBERS AT ALL, HE CAME UP  
19 WITH NUMBERS AND HE CAME UP WITH THE NUMBER OF 200. I SAID  
20 THAT IS A PRETTY GOOD NUMBER IF YOU ARE TALKING ABOUT ALL  
21 NATIONALITIES ALL OVER THE WORLD.

22 Q SO HE CAME UP WITH 200 AND YOU TOLD HIM THAT WAS

1 ESSENTIALLY CORRECT?

2 A IF YOU USE THE WORD JOURNALISTS, YES.

3 Q OF COURSE.

4 DOES THE NAME JUAN BULNES MEAN ANYTHING TO YOU?

5 A YES, IT MEANS SOMETHING TO ME BUT I DON'T KNOW WHAT.

6 Q WHO IS HE?

7 A I DON'T KNOW. HE IS ONE OF THE FIGURES IN THE  
8 CHILE DRAMA OR A CUBAN EXILE, ONE OR THE OTHER, BUT HIS  
9 NAME WAS USED IN THE BOOK DEATH IN WASHINGTON AND IT HAS BEEN  
10 USED ELSEWHERE, THE COVERT ACTION INFORMATION BULLETIN AND  
11 ELSEWHERE.

12 Q WHEN WAS THE ONE TIME YOU MET WILLIAM BUCKLEY -- THE  
13 ONE TIME YOU SAY YOU MET WILLIAM BUCKLEY?

14 A THE ONE TIME I MET WILLIAM BUCKLEY WAS IN LATE --  
15 IT WAS IN 1970 OR EARLY 1971, I CANNOT RECALL THE EXACT DATE.

16 Q WHERE DID YOU MEET HIM?

17 A RIO DE JANIERO, BRAZIL.

18 Q WAS THAT WHEN YOU WERE STATION CHIEF DOWN THERE?

19 A YES.

20 Q WHAT DATE IN 1970, DID YOU SAY?

21 A IT WAS SOMETIME DURING THE YEAR 1970 OR EARLY  
22 1971.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

1  
2 -----X  
3 DAVID ATLEE PHILLIPS, :  
4 PLAINTIFF, :  
5 VS. : CIVIL ACTION NO. 81-1407  
6 DONALD FREED, ET AL., : JUDGE RICHEY  
7 DEFENDANTS. :  
8 -----X

9 DAVID ATLEE PHILLIPS, :  
10 PLAINTIFF, :  
11 VS. : CIVIL ACTION NO. 81-2578  
12 LAWRENCE HILL & CO. : JUDGE JACKSON  
13 PUBLISHERS, INC., ET AL., :  
14 DEFENDANTS. :  
15 -----X

16 WASHINGTON, D. C.

17 WEDNESDAY, MARCH 30, 1983

18 DEPOSITION OF

19 DAVID ATLEE PHILLIPS

20 THE PLAINTIFF, WAS RECALLED FOR FURTHER EXAMINATION BY COUNSEL  
21 FOR THE DEFENDANTS, PURSUANT TO RECESS, TAKEN AT THE LAW OFFICES

22 GAGLIARDI REPORTING COMPANY  
1348 Chetworth Court  
Alexandria, VA 22314  
836-8223

1 OF BIERBOWER & BIERBOWER, 1875 EYE STREET, N. W., SUITE 1275,  
2 WASHINGTON, D. C., BEGINNING AT 12:45 P.M., BEFORE JUDITH R.  
3 GAGLIARDI, A NOTARY PUBLIC IN AND FOR THE DISTRICT OF COLUMBIA,  
4 WHEN WERE PRESENT ON BEHALF OF THE RESPECTIVE PARTIES:

5 FOR THE PLAINTIFF:

6 MARK BIERBOWER, ESQUIRE  
7 BIERBOWER & BIERBOWER  
8 1875 EYE STREET, N. W.  
9 SUITE 1275  
10 WASHINGTON, D. C. 20006

11 FOR THE DEFENDANTS:

12 MELVIN L. WULF, ESQUIRE  
13 BELDOCK LEVINE & HOFFMAN  
14 565 FIFTH AVENUE  
15 NEW YORK, N. Y. 10017

16 ALSO PRESENT:

17 LEE S. STRICKLAND, ESQUIRE  
18 SPECIAL ASSISTANT U. S. ATTORNEY  
19 U. S. COURTHOUSE  
20 THIRD & CONSTITUTION AVENUE, N. W.  
21 WASHINGTON, D. C. 20001

22 LAUNIE ZIEBELL, ESQUIRE  
ASSOCIATE GENERAL COUNSEL  
CHIEF, LITIGATION DIVISION  
CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

PAUL KITTRIDGE, REPRESENTING  
DIRECTOR FOR OPERATIONS, CIA

LOUIS WOLF, JOURNALIST



1 Q WHAT DID THAT CONSIST OF ACTUALLY?

2 A IT CONSISTED PRIMARILY OF KNOWING WHAT WAS GOING  
3 ON IN AND AROUND THE CUBAN EMBASSY AND CONTINUING THE OLD JOB  
4 IN A SENSE IN ATTEMPTING TO THWART CUBAN ACTIVITIES, NOT  
5 JUST PROPAGANDA ACTIVITIES, BUT ESPIONAGE ACTIVITIES AND SO  
6 FORTH IN MEXICO AND IN THE REST OF LATIN AMERICA.

7 Q DO YOU REMEMBER, WAS THERE A SPECIFIC DAY OR DATE  
8 THAT YOU ACTUALLY WENT OVER FROM ONE ASSIGNMENT TO THE OTHER?

9 A THERE WAS NOT A SPECIFIC DAY OR DATE BECAUSE I KIND  
10 OF TAPERED OFF IN ONE JOB WHILE I WAS GOING INTO THE OTHER,  
11 BUT IT WAS ROUGHLY SEPTEMBER OF 1963.

12 Q AND YOU WERE IN CHARGE OF SURVEILLANCE OF THE CUBAN  
13 EMBASSY IN MEXICO, FOR EXAMPLE?

14 A YES.

15 Q WHAT WAS THE NATURE OF THAT SURVEILLANCE? WAS IT  
16 PHYSICAL SURVEILLANCE?

17 MR. STRICKLAND: OBJECTION.

18 BY MR. WULF:

19 Q WAS IT PHOTOGRAPHIC SURVEILLANCE?

20 MR. STRICKLAND: OBJECTION.

21 BY MR. WULF:

22 Q WAS IT ELECTRONIC SURVEILLANCE?

1 MR. STRICKLAND: OBJECTION.

2 BY MR. WULF:

3 Q WAS IT TELECOMMUNICATIONS SURVEILLANCE?

4 MR. STRICKLAND: OBJECTION.

5 BY MR. WULF:

6 Q WAS IT SIGENT SURVEILLANCE?

7 MR. STRICKLAND: OBJECTION.

8 THE WITNESS: THERE IS A 1910 LAW I COULD GO TO  
9 JAIL UNDER FOR ANSWERING THAT.

10 BY MR. WULF:

11 Q WELL, NOBODY TOLD YOU TO BRING A LAWSUIT, THEN I  
12 WOULDN'T BE ABLE TO ASK YOU THE QUESTIONS. SINCE YOU BROUGHT  
13 A LAWSUIT, I CAN ASK YOU THE QUESTIONS. IT'S NOT MY FAULT  
14 YOU ARE HAVING TO GO THROUGH ALL THIS. I DIDN'T BRING IT ON  
15 YOU. YOUR OWN SUFFERANCE.

16 SO THAT IS WHAT YOU DID FOR TWO YEARS, YOU KEPT  
17 AN EYE OUT ON CUBAN ACTIVITIES IN MEXICO, IS THAT HOW YOU  
18 PASSED YOUR TIME?

19 A YES, SIR.

20 Q DID YOU SEE ANY EVIDENCE OF LEE HARVEY OSWALD  
21 ENTERING THE CUBAN EMBASSY ANY TIME IN 1963?

22 A YES, I DID.

1 Q WHAT EVIDENCE DID YOU SEE THAT HE ENTERED THE CUBAN  
2 EMBASSY?

3 A EVIDENCE IN THE FORM OF REPORTS FROM A CUBAN EM-  
4 BASSY SOURCE THAT HE WAS INSIDE.

5 Q YOU HAD A SPY IN THE CUBAN EMBASSY, DID YOU?  
6 MR. STRICKLAND: OBJECTION.

7 BY MR. WULF:

8 Q YOU HAD A SOURCE IN THE CUBAN EMBASSY, DID YOU?  
9 MR. STRICKLAND: OBJECTION.

10 MR. WULF: HE JUST SAID HE HAD A SOURCE IN THE  
11 CUBAN EMBASSY SO HE'S JUST BLOWN IT.

12 MR. ZIEBELL: DO YOU WANT TO READ THE QUESTION AND  
13 ANSWER?

14 MR. WULF: NO, NO, JUST LEAVE IT THE WAY IT IS.  
15 ON THE RECORD HE SAID HE GOT IT FROM A SOURCE IN THE CUBAN  
16 EMBASSY. WHO WAS THAT SOURCE?

17 MR. STRICKLAND: IF THE REPORTER WOULDN'T MIND,  
18 WOULD SHE PLEASE READ BACK THE QUESTION AND ANSWER?

19 (THE RECORD WAS READ BY THE REPORTER.)

20 MR. BIERBOWER: I WOULD LIKE TO GET ON THE RECORD  
21 THE DISTINCTION THAT MR. PHILLIPS HAS JUST DRAWN.

22 MR. WULF: YOU CAN'T TESTIFY. I AM SORRY. THERE

1 IS NO QUESTION BEFORE HIM AND IF YOU WANT TO MAKE A DISTINCTION,  
2 YOU CAN MAKE IT SOME OTHER TIME BECAUSE YOU CAN'T TESTIFY.  
3 HE IS TESTIFYING. I DIDN'T ASK HIM ANY QUESTION ABOUT  
4 DRAWING DISTINCTIONS, SORRY.

5 MR. BIERBOWER: I THOUGHT YOU JUST WANTED THE  
6 TRUTH IN THE MATTER.

7 MR. WULF: I ASSUME THAT THIS IS THE TRUTH IN THE  
8 MATTER, THAT HE GOT IT FROM A CUBAN EMBASSY SOURCE.

9 MR. STRICKLAND: SINCE YOU QUESTIONED THE OBJEC-  
10 TION OF THE UNITED STATES TO MAKE THE LAST OBJECTION --

11 MR. WULF: NO, I DON'T. I ACCEPT IT.

12 MR. STRICKLAND: I CAN HAVE THE REPORTER READ IT  
13 BACK. I WOULD HAVE THE RECORD SHOW THAT MR. PHILLIPS, WHEN  
14 THE SERIES OF QUESTIONS WERE READ BACK, THAT MR. PHILLIPS'  
15 COMMENT THAT "A SOURCE IN THE CUBAN EMBASSY," HE EXPLAINED  
16 THAT TO MEAN --

17 MR. WULF: WAIT A SECOND, MR. STRICKLAND. HE  
18 DIDN'T SAY ANYTHING LIKE THAT.

19 MR. STRICKLAND: WELL, LET HIM EXPLAIN IT.

20 THE WITNESS: MAY I SAY IT FOR THE RECORD?

21 MR. WULF: NO, YOU CAN'T SAY IT. YOU CAN ONLY  
22 ANSWER QUESTIONS WHICH I ASK YOU. I DON'T WANT THIS CLARIFIED.

1 I LIKE IT THE WAY IT IS. HOW'S THAT?

2 MR. STRICKLAND: WELL, OF COURSE, BUT YOU CALLED  
3 INTO QUESTION AN OBJECTION MADE BY THE GOVERNMENT --

4 MR. BIERBOWER: I THINK WE CAN MOVE ON. ANYONE  
5 READING IN THE CONTEXT OF THE DEPOSITION WILL GET THE PICTURE.

6 BY MR. WULF:

7 Q DID YOU SEE ANY PHOTOGRAPHIC EVIDENCE OF OSWALD'S  
8 ENTERING THE CUBAN EMBASSY?

9 MR. STRICKLAND: OBJECTION.

10 BY MR. WULF:

11 Q DID YOU HEAR ANY ELECTRONIC EVIDENCE OR EVIDENCE  
12 SECURED ELECTRONICALLY ABOUT OSWALD VISITING THE CUBAN  
13 EMBASSY?

14 MR. STRICKLAND: OBJECTION.

15 BY MR. WULF:

16 Q DID YOU HAVE ANY AUTHORITY OVER SURVEILLANCE OF  
17 THE EMBASSY OF THE SOVIET UNION IN MEXICO CITY?

18 MR. STRICKLAND: IS THE QUESTION DID HE HAVE AUTHOR-  
19 ITY, SUCH AS WAS IT WITHIN HIS DUTIES?

20 MR. WULF: YES.

21 THE WITNESS: THE ANSWER IS NO.

22 BY MR. WULF:



1 Q WERE YOUR DUTIES IN 1963-1965 DEVOTED EXCLUSIVELY TO  
2 MAINTAINING CONTACT WITH OR COLLECTING INFORMATION ABOUT AC-  
3 TIVITIES OF THE CUBAN GOVERNMENT IN MEXICO?

4 A NO.

5 Q WHAT OTHER DUTIES DID YOU HAVE THAT PERIOD OF TIME?

6 A THE DUTIES THAT EMBASSY OFFICERS HAVE WHICH COME  
7 IN A VARIETY OF WAYS. FOR INSTANCE, DURING THE INAUGURATION  
8 OF A PRESIDENT CONGRESSMAN HALE BOGGS CAME TO MEXICO AND I  
9 HAD TO TAKE CARE OF HIM FOR TWO DAYS.

10 Q I AM NOT INTERESTED IN THAT AS A PROTOCOL OR YOUR  
11 SOCIAL LIFE, I AM TALKING ABOUT YOUR SUBSTANTIVE ACTIVITIES  
12 AS AN EMPLOYEE OF THE CIA. IF WE CAN CONFINE YOUR ANSWERS  
13 TO THAT I WOULD BE GRATEFUL INDEED.

14 A ALL RIGHT. THE ANSWER TO THAT QUESTION, NO, I  
15 HAD NO OTHER DUTY.

16 Q SO YOUR SUBSTANTIVE DUTIES WERE DEVOTED EXCLUSIVELY  
17 TOWARD DIRECTING INFORMATION, KEEPING AN EYE ON ACTIVITIES OF  
18 THE CUBAN GOVERNMENT IN MEXICO?

19 A THAT IS RIGHT.

20 Q ONLY IN MEXICO OR DID YOUR INTERESTS GO OUTSIDE  
21 THE BOUNDARIES OF MEXICO?

22 A MY INTERESTS WENT OUTSIDE THE BOUNDARIES, MY

1 THAT THAT HAPPENED.

2 Q WHERE WERE YOU PHYSICALLY, ACTUALLY?

3 A AT THAT TIME I WAS IN WASHINGTON.

4 Q YOU KNEW IT WAS COMING?

5 A ABSOLUTELY NOT.

6 Q DIDN'T THEY TELL YOU?

7 A NO. I LEARNED IT IN THE WASHINGTON POST ONE SUNDAY  
8 MORNING.

9 Q WHAT KIND OF BRIEFING DID THEY GIVE YOU UP THERE IF  
10 THEY DIDN'T EVEN TELL YOU YOU WERE GOING TO HAVE 22,000 AMERICAN  
11 TROOPS AT YOUR STATION? PRETTY POOR PREPARATION, I WOULD  
12 THINK.

13 A I WAS UNDER THE IMPRESSION THAT I WAS BEING ASSIGNED  
14 TO A VERY DULL TOUR AND THAT WAS THE KIND OF BRIEFING I GOT.

15 Q WHO BRIEFED YOU?

16 A DESMOND FITZGERALD WAS THE PRIMARY BRIEFER.

17 Q HE WASN'T DDO, WAS HE, OR WAS HE?

18 A HE WAS THE CHIEF OF LATIN AMERICAN OPERATIONS AT  
19 THE TIME.

20 Q THE JOB THAT YOU LATER GOT?

21 A YES, SIR.

22 Q AND HE DIDN'T WHISPER A WORD ABOUT OUR TROOPS GOING

1 DOWN THERE?

2 A I CAN ASSURE YOU IT WAS A SHOCK TO MR. FITZGERALD  
3 WHEN HE FOUND OUT THAT THAT MANY TROOPS WERE GOING DOWN.

4 Q HE DIDN'T KNOW EITHER?

5 A NO, SIR.

6 Q NOBODY IN THE CIA KNEW ABOUT IT?

7 A NO, SIR.

8 Q WAS THAT STRICT DEPARTMENT OF DEFENSE ACTION?

9 A NO. IT WAS STRICT WHAT WE CALL DEPARTMENTATION  
10 AT THE WHITE HOUSE BECAUSE LYNDON JOHNSON'S DECISION WAS  
11 UNEXPECTED TO OTHER ELEMENTS OF THE U. S. GOVERNMENT.

12 Q SO WHAT WERE YOU DOING IN THE DOMINICAN REPUBLIC  
13 FOR TWO YEARS? WHAT WERE YOUR DUTIES, WHAT WERE YOUR RESPON-  
14 SIBILITIES AND ACTIVITIES?

15 A THEY WERE THE NORMAL ACTIVITIES AND RESPONSIBILITIES  
16 OF A CHIEF OF STATION OVERSEAS, THAT IS, I SERVED AS THE  
17 SENIOR INTELLIGENCE ADVISER TO THE AMBASSADOR.

18 Q WHO DID WE INSTALL AS HEAD OF THE GOVERNMENT IN  
19 THE DOMINICAN REPUBLIC WITH OUR 22,000 SOLDIERS?

20 A WE DID NOT INSTALL ANYONE. IF I UNDERSTAND THAT  
21 YOU MEAN THE U. S. GOVERNMENT --

22 Q MY QUESTION IS TENDENTIOUS.

1 Q AND YOU DID IT SUCCESSFULLY, RIGHT? YOU PULLED OFF  
2 A MILITARY COUP, DIDN'T YOU?

3 A NO, SIR.

4 Q YOU DIDN'T?

5 A NO, SIR.

6 Q YOU MEAN THE CHILEANS PULLED IT OFF THEMSELVES  
7 WITHOUT YOUR HELP? WHAT DO YOU MEAN?

8 A ARE WE REFERRING TO 1970?

9 Q I AM SORRY. YES. EVENTUALLY YOU DID?

10 A NO, SIR.

11 Q WHO WERE YOU IN TOUCH WITH AT THE SANTIAGO  
12 CIA STATION?

13 A A SMALL NUMBER OF OFFICERS WHO WERE A PART OF THE  
14 TRACK II EFFORT.

15 Q DO YOU KNOW GORDON MC LENDON?

16 A YES, I DO.

17 Q WHO IS HE?

18 A GORDON MC LENDON IS A VASTLY RICH TEXAN.

19 Q WHAT HAS BEEN YOUR CONNECTION WITH HIM?

20 A DO YOU WANT THE ENTIRE HISTORY?

21 Q NOT EVERY JIT AND TOTTLE, JUST IS HE A FRIEND OF  
22 YOURS OR DOES HE WORK FOR YOU?

1           A     I FIRST MET HIM IN 1939 WHEN I WAS A STUDENT AT  
2 WILLIAM AND MARY COLLEGE, CAME TO WASHINGTON, D. C. TO  
3 ATTEND A WEEKEND PROM AND HE WAS PRESENT.

4           Q     WELL, I THINK YOU TOLD ME MORE THAN I ACTUALLY  
5 WANTED TO KNOW. DID HE EVER DO ANY FAVORS FOR THE CIA,  
6 MR. MC LENDON?

7           A     NOT TO MY KNOWLEDGE.

8           Q     HAVE YOU KNOWN HIM ACROSS ALL THESE YEARS?

9           A     NO, SIR, AFTER WE MET AT THIS COLLEGE PROM AND  
10 HE OFFERED ME A RIDE BACK TO WILLIAM AND MARY AND I GOT IN HIS  
11 CAR AND SAID I WOULD BE DELIGHTED AND WHEN I WOKE UP I WAS AT  
12 YALE, I NEXT MET GORDON MC LENDON IN ABOUT 1977 WHEN HE  
13 BECAME A MEMBER OF THE ASSOCIATION OF FORMER INTELLIGENCE  
14 OFFICERS AND CAME TO ATTEND A CONVENTION. WE HAD A LOT  
15 TO TALK ABOUT SINCE WE GREW UP IN THE SAME PART OF TEXAS AND  
16 HE IS KIND OF A LEGENDARY CHARACTER IN TEXAS.

17          Q     WHAT QUALIFIED HIM TO JOIN AFIO?

18          A     BECAUSE HE SERVED DURING WORLD WAR II IN NAVAL  
19 INTELLIGENCE, HE WAS A JAPANESE LANGUAGE EXPERT.

20          Q     YOU ARE TELLING ME YOU DIDN'T SEE HIM BETWEEN 1939  
21 AND 1977?

22          A     NO, SIR.



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

1 DAVID ATLEE PHILLIPS,

2 PLAINTIFF,

3 VS.

4 DONALD FREED, ET AL.,

5 DEFENDANTS.

CIVIL ACTION NO. 81-1407

JUDGE RICHEY

6  
7 DAVID ATLEE PHILLIPS,

8 PLAINTIFF,

9 VS.

10 LAWRENCE HILL & CO.  
11 PUBLISHERS, INC., ET AL.,

12 DEFENDANTS.

CIVIL ACTION NO. 81-2578

JUDGE JACKSON

13 WASHINGTON, D. C.

14 THURSDAY, MARCH 31, 1983

15 DEPOSITION OF

16 DAVID ATLEE PHILLIPS

17 THE PLAINTIFF, WAS RECALLED FOR FURTHER EXAMINATION BY COUNSEL  
18 FOR THE DEFENDANTS, PURSUANT TO RECESS, TAKEN AT THE LAW  
19 OFFICES OF BIERBOWER & BIERBOWER, 1875 EYE STREET, N. W.,  
20

21  
22 GAGLIARDI REPORTING COMPANY  
1348 Chetworth Court  
Alexandria, VA 22314  
836-8223

1 SUITE 1275, WASHINGTON, D. C., BEGINNING AT 9:30 A.M.,  
2 BEFORE JUDITH R. GAGLIARDI, A NOTARY PUBLIC IN AND FOR THE  
3 DISTRICT OF COLUMBIA, WHEN WERE PRESENT ON BEHALF OF THE  
4 RESPECTIVE PARTIES:

5 FOR THE PLAINTIFF:

6 MARK BIERBOWER, ESQUIRE  
7 BIERBOWER & BIERBOWER  
8 1875 EYE STREET, N. W.  
9 SUITE 1275  
10 WASHINGTON, D. C. 20006

11 FOR THE DEFENDANTS:

12 MELVIN L. WULF, ESQUIRE  
13 BELDOCK, LEVINE & HOFFMAN  
14 565 FIFTH AVENUE  
15 NEW YORK, NEW YORK 10017

16 ALSO PRESENT:

17 LEE S. STRICKLAND, ESQUIRE  
18 SPECIAL ASSISTANT, U.S. ATTORNEY  
19 U.S. COURTHOUSE  
20 THIRD & CONSTITUTION AVENUE, N. W.  
21 WASHINGTON, D. C. 20001

22 LAUNIE ZIEBELL, ESQUIRE  
ASSOCIATE GENERAL COUNSEL  
CHIEF, LITIGATION DIVISION  
CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D. C. 20505

LOUIS WOLF

1 A I THINK I RECALL THAT HE DID, YES.

2 Q BUT YOU DON'T THINK THAT THAT WAS THE RESULT OF HIS  
3 OVERHEARING YOUR CONVERSATION WITH WILSON?

4 A NO, I DON'T THINK SO.

5 Q DID YOU EVER ASK HIM WHAT THE SOURCE OF THAT  
6 SPECULATION WAS?

7 A NO, I DID NOT.

8 Q NOT INTERESTED IN THAT?

9 A I DON'T RECALL ASKING HIM.

10 Q MIGHT YOU HAVE ASKED HIM?

11 A I MIGHT HAVE.

12 Q WHERE IS O'LEARY NOW, STILL LIVING IN WASHINGTON?

13 A YES, SIR.

14 Q STILL EMPLOYED AS A NEWSPAPER REPORTER?

15 A YES, SIR.

16 Q HOW OLD A GENTLEMAN IS HE?

17 A ABOUT, I WOULD GUESS, 62, SOMETHING.

18 Q IN GOOD HEALTH?

19 A IN POOR HEALTH.

20 Q WHAT IS THE PROBLEM WITH HIS HEALTH?

21 A HE HAS HAD TWO OR THREE MASSIVE HEART ATTACKS AND  
22 BYPASS SURGERY, AND HE HAS HAD SOME REAL HEART PROBLEMS.

1 Q ARE YOU STILL FRIENDS WITH HIM?

2 A I HAVEN'T SEEN HIM IN SOME TIME, BUT I STILL CON-  
3 sider him a very good friend.

4 Q WHEN DID YOU SEE HIM LAST?

5 A OCTOBER OF 1982.

6 Q WHAT WAS THE OCCASION?

7 A ANNUAL CONVENTION OF THE ASSOCIATION OF FORMER  
8 INTELLIGENCE OFFICERS.

9 Q DID YOU DISCUSS THESE CASES WITH HIM?

10 A NO, I DID NOT.

11 Q HAVE YOU DISCUSSED THE LETELIER ASSASSINATION WITH  
12 ANY OTHER MEMBER OF THE PRESS? I DEFINE THAT AS BEING  
13 INFINITE IN SCOPE, ELECTRONIC, PRINT, MAGAZINES, WHATEVER.

14 A I HAVE NEVER, IN DEALING WITH ANY MEMBER OF THE  
15 PRESS SINCE THIS OCCURRED, INITIATED A CONVERSATION ABOUT THE  
16 LETELIER ASSASSINATION. DURING MY CONVERSATIONS WITH NEWS  
17 PEOPLE DURING THAT PERIOD, ON MORE THAN ONE INSTANCE I SEEM  
18 TO RECALL THAT PEOPLE ASKED ME WHAT I THOUGHT ABOUT IT. THIS  
19 WAS DURING A PERIOD WHEN I WAS THE MEDIA SPOKESMAN FOR THE  
20 ASSOCIATION OF FORMER INTELLIGENCE OFFICERS AND, CONSEQUENTLY,  
21 I SPOKE TO MANY, MANY, MANY NEWSPAPER PEOPLE.

22 Q THAT WAS YOUR PURPOSE, RIGHT, TO BE A SPOKESMAN FOR