

# 1981

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## CIA Suit

THE question of who killed John F. Kennedy may once again be brought to public attention, if a \$105 million lawsuit against *Washingtonian Magazine* ever reaches the courts.

The suit, filed by former-CIA employee, David Atlee Phillips, concerns an article in *Washingtonian's* November 1980 issue, entitled "Who Killed J.F.K.?" Phillips is suing the magazine for defamation of character, charging that the article implicates him as Kennedy's assassin.

Written by congressional investigator Gaeton Fonzi, the story is a detailed, complicated account of Fonzi's own search for the truth of the assassination, under the guidance of the House Assassinations Committee. Fonzi was eventually frustrated in his search, according to his account, by the congressional shutdown of the assassination investigation.

Although Fonzi believes he came close to learning the truth, the early termination of the investigation left

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him just short of definitive answers. But before it ends, the 80,000-word treatise comes to a few conclusions. First, the assassination was indeed a conspiracy, not the efforts of a lone gunman as the Warren Commission concluded. Second, it was the work of anti-Castro Cubans, as well as at least one employee of the CIA.

Based partly on the testimony of Antonio Veciana, an anti-Castro Cuban, the report hypothesizes that Kennedy's assassination was masterminded by CIA spymaster Maurice Bishop. Fonzi claims that Bishop, and much of the rest of the CIA, was disgruntled because of Kennedy's handling of the 1961 Bay of Pigs incident, and the Cuban missile crisis the following year. They saw Kennedy as moving toward an accommodation with Castro, rather than following through on a pledge to overthrow him.

Bishop, according to Veciana's testimony to Fonzi, secretly supervised events meant to sabotage Kennedy's foreign policy, especially during the missile crisis, such as helping to plan and direct the activities of a powerful band of Cuban terrorist exiles, called Alpha 66. The group carried out several raids into Cuba during Kennedy's crucial negotiations with Nikita Khrushchev concerning the missile crisis, and Veciana was their official leader.

Veciana also claimed to have met with Bishop and Lee Harvey Oswald in Dallas in September 1963, two months before Kennedy was assassinated. And here is the hitch: Maurice Bishop, Fonzi asserted, was a pseudonym. And he is fairly certain that the assassin's real name is David Atlee Phillips, although he never directly stated that in his article.

Phillips, Fonzi said, physically resembles the composite drawing of the mysterious Bishop, and also has a similar background of working in Cuba, Florida and Chile for the CIA during the same time period that Fonzi thinks Bishop was active.

Fonzi's conclusions, while not implicating Phillips directly, nevertheless strongly imply that Phillips was Bishop—and is the missing link in the Kennedy assassination puzzle. Phillips' lawsuit charges that the article "was intended to and did convey the impression that plaintiff had conspired to commit and committed felonies during his CIA career," including the assassination of Kennedy, obstruction of justice in the assassination investigation, and the direction of assassination

attempts against Fidel Castro in 1961 and 1971.

Thrusting *Washingtonian* even deeper into the mire, Phillips points to a few editor's notes and a postscript by *Washingtonian* editor Jack Limpert, which say, "Former CIA officer David Atlee Phillips is a main character in this story. Gaeton Fonzi suspects that Phillips is spymaster Maurice Bishop, but can never prove it."

Limpert, says Phillips, accusation "made and published the foregoing false and libelous charges about plaintiff with actual malice." The article, Phillips' suit concluded, damaged his distinguished name and reputation. He has been held and is held in contempt.

calumny, distrust and ridicule among the public, his associates, acquaintances, neighbors and friends, and he has been damaged in his writing career.

The suit, however interesting, may be a long time in coming to court. *Washingtonian's* publisher, Phillip Merrill and author Fonzi have stalled its progress for three months, with preliminary objections, which must be ironed out before the trial takes place.

Merrill and Limpert, for instance, claimed preliminary objections to the suit, because when they were served the initial summons to the trial through certified mail, it was received and signed for by a *Washingtonian* ad representative, Denise Lockay, whom neither of them had authorized to receive such information. In a motion to the court, then, the editor and publisher respectfully request that process be quashed for insufficiency of service and that the suit against them be dismissed with costs.

Their summons was re-served.

Gaeton Fonzi's preliminary objection concerned his "personal jurisdiction," or the fact that the suit was filed against him in a Montgomery County circuit court, and he is a resident of Ft. Lauderdale, Fla.

As for Phillips' accusations of libel, Fonzi said, "I don't think there's any basis for them. The story chronicles the committee's investigations. It did not implicate him in the killing of John F. Kennedy," he added. "He was the subject of the committee's investigations."

"It was libel," Phillips asserted. "The accusations were outrageous falsehoods and I am in litigation. That's all I can say," he added.

Libel or not, the *Washingtonian* will continue to stand by its story, though, as their lawyer-in-residence, John Sansing, said, "We really haven't much choice."

■ LAURA OUTERBRIDGE