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The redactions in this document have been postponed under the provisions set forth in The John F. Kennedy Assassination Records Collection Act of 1992.

The number within the brackets is provided to represent the appropriate substitute language from the list below.

Board Review Completed: 09/14/98

01 Crypt
02 Digraph
03 CIA Employee
04 Asset
05 Source
06 Name of Person
07 Pseudonym
08 Identifying Information
09 Date
10 Location
11 Country
12 CIA Installation in Africa/ Near East
13 CIA Installation in East Asia/ Pacific
14 CIA Installation in Northern Europe
15 CIA Installation in Western Europe
16 CIA Installation in Western Hemisphere
17 Cable Prefix for CIA Installation in Africa/ Near East
18 Cable Prefix for CIA Installation in East Asia/ Pacific
19 Cable Prefix for CIA Installation in Northern Europe
20 Cable Prefix for CIA Installation in Western Europe
21 Cable Prefix for CIA Installation in Western Hemisphere
22 Dispatch Prefix
23 File Number
24 Operational Details
25 None
26 Seudo (The information is the true name of the individual whose pseudonym is John Seudo.)
27 CIA Job Title
28 CIA
29 Name of Organization
30 Social Security Number
31 Alias Documentation
32 Official Cover (Details of Official Cover)
98 Information not believed relevant to JFK assassination
99 See the special substitute language above.
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U.S. House of Representatives
Select Committee on Assassinations,
Subcommittee on the Assassination
John F. Kennedy

TESTIMONY OF:
Mr. David A. Phillips

EXHIBITS:
Phillips Exhibit No. 1
Phillips Exhibit No. 2
Phillips Exhibit No. 3

GIA HISTORICAL REVIEW PROGRAM
RELEASE AS SANITIZED
1998—
EXECUTIVE SESSION

SATURDAY, NOVEMBER 27, 1976

House of Representatives,
Select Committee on Assassinations
Subcommittee on the Assassination of John F. Kennedy
Washington, D. C.

The Subcommittee met, pursuant to notice, at 10:14 o'clock a.m., in Room 3342, House Annex No. 2, 2nd and D Streets, N.W., Washington, D. C., the Honorable Richardson Preyer (Chairman of the Subcommittee) presiding.

Present: Representatives Preyer (presiding) and Thone.

Also present: Richard A. Sprague, Chief Counsel and Director; Kenneth Brooten, Counsel; Donovan L. Gay, Chief Researcher; Richard Feeney, Jonathan Blackner, Jeremy Akers, Linda Conners, Jackie Hess and Robert Ozer, Committee Staff.
Mr. Preyer. The Subcommittee on the Kennedy Assassination of the House Select Committee on Assassinations will come to order.

Congressman Thone and myself, Congressman Preyer, we have a quorum that satisfies the rules to take testimony.

This session will be an executive session; it will be a closed session. The Chair notes that Mr. Thone disagrees with executive sessions in principle and the court respects his opinions on those. Chairman Downing, however, has requested that this be a closed session, and therefore the Chair declares this session closed.

The purpose of this session is to receive the testimony of Mr. David Phillips, and Mr. Sprague, if there are no other preliminary matters, I will swear the Witness at this time.

Mr. Sprague. Thank you, Mr. Chairman.

Mr. Preyer. Mr. Phillips, would you put your left hand on the Bible and raise your right hand.

Do you solemnly swear that the testimony you are about to give before the House Select Committee on Assassinations will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Phillips. I do.

Mr. Preyer. Thank you, sir.

If you will have your seat, and Mr. Sprague, I will turn
the questioning over to you.

Mr. Sprague. Thank you, Mr. Chairman.

Will you state your full name.
Mr. Phillips.  David Appley Phillips.

Mr. Sprague.  And your present address.

Mr. Phillips.  8224 Stonetraile Drive, Bethesda, Maryland, 20034.

Mr. Sprague.  Mr. Phillips, you understand that the laws of perjury will encompass all testimony given by you under oath at this hearing.

Mr. Phillips.  I do, sir.

Mr. Sprague.  Have you ever been a member of the Central Intelligence Agency?

Mr. Phillips.  I have, sir.

Mr. Sprague.  And when did you commence as an agent of that Agency?

Mr. Phillips.  In 1950.

Mr. Sprague.  And how long did you remain an agent of the CIA?

Mr. Phillips.  Twenty-five years.

Mr. Sprague.  And your departure, was that a retirement?

Mr. Phillips.  I retired in May of 1975, sir.

Mr. Sprague.  Now, during the period of time that you were an agent for the CIA, were you at any time assigned to work on their behalf in Mexico?

Mr. Phillips.  I was, sir.

Mr. Sprague.  And what year did you commence working in
Mr. Phillips. The assignment was in September of 1961. I arrived in September or early August, as I recall.

Mr. Sprague. And how long did you remain on assignment with the CIA in Mexico?


Mr. Sprague. Now, commencing with your assignment in 1961 by the CIA to Mexico, what were your initial duties?

Mr. Phillips. During the first part of that four years, roughly, my job was that which involves propaganda and that sort of business.

Mr. Sprague. Could you explain what you mean by that?

Mr. Phillips. Mexico City has the Cuban embassy there which was active during the 1960s in attempting to assist Fidel Castro in exporting his ideas of revolution in Latin America, and it was the U.S. Government's policy and CIA's practice to counter that when they could. That was largely the extent of that.

Mr. Sprague. When you say counter that, what were the nature of the things that you did to counter it?

Mr. Phillips. By arranging, assisting journalists, for instance, to write the right kind of things about the United States, supporting groups who were in effect groups which might -- which were anti-Castro.

Mr. Sprague. Did any of that support involve those
groups committing acts of violence against the Castro regime?

Mr. Phillips. They did not, sir.

Mr. Sprague. Now, how long did you remain with this kind of duty that you have just described?

Mr. Phillips. Roughly two years, until about mid-1973.

Mr. Sprague. '63.

Mr. Phillips. I'm sorry, sir, '63.

Mr. Sprague. When you say approximately mid-1963, to the best of your recollection, what months are you talking about?

Mr. Phillips. I believe it was July or August. I'm not absolutely positive about that.

Mr. Sprague. Now, at that time you were given a different assignment?

Mr. Phillips. That is correct, sir.

Mr. Sprague. And what was the nature of the new assignment?

Mr. Phillips. I was asked to take over what were known as the Cuban operations of Mexico City Station.

Mr. Sprague. Now, how long did you remain in charge of the Cuban operation in the Mexican Station of the CIA?

Mr. Phillips. Until my departure in early 1965.

Mr. Sprague. Now, when you say you were asked in mid-1963 to take over the Cuban operation, who was it that made that assignment of you?

Mr. Phillips. A CIA officer who had recently been appointed
as the Chief of CIA Operations based with his headquarters in Washington, visited Mexico City, spoke to the Station Chief in Mexico, recommended that I be changed to the new job.

Mr. Sprague. And who was that?

Mr. Phillips. His name was Desmond FitzGerald, the Chief of Station was Win Scott.

Mr. Sprague. And would you explain what the nature of the new assignment was which, as I take it, then had -- you then had for the remainder of your tour in Mexico.

Mr. Phillips. It was to know what the Cubans were doing in Mexico City, specifically in their embassy, to try to obtain as much information as possible about their intentions in Mexico and Latin America, specifically, to know what was going on in and around the Cuban Embassy.

Mr. Sprague. Now, where was the Cuban embassy located?

Mr. Phillips. I believe I recall the name of the street as Calle Insurgantes, which was several blocks off of the main street in Mexico City.

Mr. Sprague. And what was its proximity to the Russian embassy?

Mr. Phillips. Rather close.

Mr. Sprague. When you say rather close, what do you mean?

Mr. Phillips. A few blocks, as I recall, though not many.

Mr. Sprague. Now, when you were put in charge of the
Cuban operation, who was your immediate supervisor?

Mr. Phillips. In the normal chain of command it would have been the Deputy Chief of Station and then the Chief of Station. In practice, it was more the Chief of Station himself.

Mr. Sprague. Who was the Chief of Station?

Mr. Phillips. Winston Scott.

Mr. Sprague. And who was the Deputy Chief who ought to have been the head man over you?

Mr. Phillips. When I was there, there was a man named [03] and I believe he was still there at the time of Oswald's visit.

He was replaced by a man named Allen White, and it is possible White was there, but I am almost sure it was [03].

Mr. Sprague. All right, but during your period of time on the Cuban operation, was it [03] and White who were nominally your supervisors?

Mr. Phillips. Yes, yes, nominally.

Mr. Sprague. And who in fact was the supervisor?

Mr. Phillips. The Chief of Station.

Mr. Sprague. Which was who again?

Mr. Phillips. Winston Scott.

Mr. Sprague. And was he the actual supervisor over you during the entire period you were in the Cuban operation?

Mr. Phillips. Yes. He dealt pretty much directly with
Mr. Sprague. Now, when you were assigned to this Cuban operation, was there anybody else who was assigned with you at that same time?

Mr. Phillips. Yes, sir.

Mr. Sprague. Who?

Mr. Phillips. Mr. Robert Shaw, a Mr. Joseph Picolo, a Mr. [o3].

Mr. Sprague. Now, were they all assigned to that operation at the same time you were?

Mr. Phillips. No.

No, there were three of us as a rule, and I believe that it was Mr.[o3] who replaced Mr. Picolo.

Mr. Sprague. Well, let's take this in order. When you were first assigned to the Cuban operation, did you succeed somebody who had been in charge of that?

Mr. Phillips. Yes, I did.

Mr. Sprague. Who did you succeed?

Mr. Phillips. A man named Tom Haslett, who went to another post overseas.

Mr. Sprague. And when you commenced this assignment, the Cuban operation, were there any aides or subordinates already on that station?

Mr. Phillips. Yes, sir, and as I recall, at the time that I took over, it was Mr. Shaw and Mr. Picolo. Then to
the best of my recollection, Mr. [03] replaced Mr. Picolo when he went out of town. Mr. Shaw remained and was there when I left.

Mr. Sprague. And how long was it, as best you can recall, that Mr. Picolo remained in that assignment until he was replaced by Mr. Shaw?

Mr. Phillips. I am sure that Mr. Shaw was there all the time and was there when I left. And I believe Mr. Picolo was there and left sometime when I was the Chief and was replaced by Mr. [03], but I cannot remember when, but they were not there simultaneously.

Mr. Sprague. Was there anybody else on the assignment in the Cuban station under you other than the people that you have mentioned during the time that that was your assignment?

Mr. Phillips. There was a secretary I believe we shared with some other offices.

Mr. Sprague. What was her name?

Mr. Phillips. I don't recall.

Mr. Sprague. Do you have any recollection as to nick-name, first name, last name?

Mr. Phillips. Not at the moment, sir.

Mr. Sprague. Now, would you first just explain to us the way in which your operation worked?

Mr. Phillips. The Cuban embassy had in it diplomats,
intelligence officers, consular officers. We had priorities; the intelligence officers, for instance, were at the top of the list, and the senior diplomats, and we tried to obtain information in every way that we could. That was by using the traditional techniques of espionage, which include, when you can, having an agent in place inside, which included knowledge of what was said on telephones, which includes knowledge of correspondence, and having people who worked for you who have reason to go in at those embassies and make observations, that sort of thing.

Mr. Sprague. Now, when you say intercept telephone conversations, were there wiretaps on the Cuban consul and embassy offices?

Mr. Phillips. There were, sir.

Mr. Sprague. And who was it that maintained those taps? Was it your operation?

Mr. Phillips. It was not my operation. It was an outside operation.

Mr. Sprague. Now, when you say an outside operation, you mean another assignment area of the CIA?

Mr. Phillips. Another physical area outside of the U.S. embassy.

Mr. Sprague. And who was in charge of that particular area?

Mr. Phillips. I believe the senior man in charge of
that was named [03]. In discussing this with your staff last night, I remembered [03] but now I remember the full name was [03].

Mr. Sprague. And would you just explain to us the way in which that operation worked?

Mr. Phillips. All right, sir. I never visited or saw it, but as I understood, telephone conversations were listened to. There was some selection there—because there were so many phones in the embassy, and the attempt to get them on the important lines, the ones where most information would be available. They were listened to and put on tape. Someone would have the responsibility of listening to that and deciding whether it was worth putting into a transcript, that is, if there was a telephone call about someone asking their wife about shopping, that might be something that would not be on there, but if there was anything that might be interesting—

Mr. Sprague. You say wouldn't be on there. You mean it would be a decision not to transcribe that portion of the tape.

Mr. Phillips. That is correct, sir.

Mr. Sprague. All right, go ahead.

Mr. Phillips. Otherwise, a transcription was made which was an effort to reproduce word for word what had been on that tape. The transcription then came into the station. In the
case of the Cuban embassy, in Spanish.

Mr. Sprague. And who was it that would make the decision in that particular area whether to transcribe a conversation or not?

Mr. Phillips. The person in that outside unit or the persons there in the outside unit. I do not know because I didn't visit it and didn't know people who were working there.

Mr. Sprague. Approximately how many people were on that assignment?

Mr. Phillips. I don't have any idea. I would guess a dozen, but I really don't know.

Mr. Sprague. Do you know the names of any of the people who were involved in that assignment?

Mr. Phillips. I do not, sir.

Mr. Sprague. Did you not tell us last night the names of some other people?

Mr. Phillips. I mentioned the name of Ms. Anne Goodpasture, an officer in the station, and the name of Mr. [03 ].

Mr. Sprague. And were they connected with that assignment?

Mr. Phillips. That is true, sir.

Mr. Sprague. Well, why did you just now say you didn't know anybody else?

Mr. Phillips. I'm sorry, sir, I thought you meant in the
Mr. Sprague. Well, what is their connection with that particular unit?

Mr. Phillips. Ms. Goodpasture, for instance, I remember actually went out and brought back tapes, and remembering our conversation last night, I remembered during the night last night that she came sometimes with suitcases that were heavy and really had tapes in them. So I am not positive where the Russian translations were made, but she brought them in, and I don't think they were probably in the station, but not out in that outside unit in any event.

Mr. Sprague. Are you saying it was up to her to go and pick up the tapes themselves?

Mr. Phillips. Yes, sir.

Mr. Sprague. And where would the tapes be transported to?

Mr. Phillips. To the CIA office.

Mr. Sprague. And that was located where?

Mr. Phillips. In the U.S. embassy.

Mr. Sprague. Now, at the time that this lady picked up the tapes, had they already been transcribed, do you know?

Mr. Phillips. I believe the situation was she was picking up only the ones in the Soviet language, and that she would be picking up transcripts of the ones in Spanish language.

Mr. Sprague. Now, when you say she was picking up only those in the Soviet language, do you mean she was picking up...
those on another intercept on the Russian embassy?

Mr. Phillips. As I understand it, it was an intercept from the outside unit on the Russian embassy simultaneous with the one on the Cuban embassy, but the outside unit had Mexican nationals in it and not people who had, as far as I understood it. They did the work out there in Spanish, but not, as I recall the work, in the Russian language.

Mr. Sprague. After these tapes were transcribed, what would happen with the transcriptions?

Mr. Phillips. They would go to the desk of Mr. Win Scott, the Chief of Station.

Mr. Sprague. And what then would happen?

Mr. Phillips. He would decide how they should be routed, to what officers, generally what action should be taken, and then they would be distributed and filed.

Mr. Sprague. Can you give us just the normal process of what would occur when something in fact was transcribed?

Mr. Phillips. Yes. If there was a transcript and it had only and solely to do with Cuban matters, it would generally come to me or to someone in my shop there for the action, if some was to be taken, or for an information before it went to the files. If it was something that involved more than one thing such as a combination of Cuban and Soviet matters, it would be routed through both persons involved, and sometimes three persons, depending upon what it was.
And so they would go to the officers who were concerned with these particular areas, and then they would also go to another officer that -- I didn't mention last night, the CIA station generally has a person called a Reports Officer. That is a person who is not assigned to Cuban things or anything but put together reports which are disseminated, and there was such a thing in Mexico, and some of the time, even a Reports Officer and assistant, because it was a large station, relatively speaking. So they would get nearly everything as well.

Mr. Sprague. When you say nearly everything, does that mean they did not get everything?

Mr. Phillips. Yes, because the Chief of Station at his discretion, if there was something he felt was very, very sensitive, and that some people did not need to know, in that case there were occasions when he would cut out one transcript or send it only to one person.

Mr. Sprague. You mean if it was perhaps extremely sensitive, it would not go just to the reports section?

Mr. Phillips. That is right.

Mr. Thone. Why did you report directly to Win Scott and not the Deputy, which was normal procedure?

Mr. Phillips. Sir, it was because of the personality of Mr. Scott. He was a very strong man, and he did not delegate, so I did have the obligation according to the system,
and the second man was my superior, but in fact, Mr. Scott would call me and say, Phillips, do this and do that.

Mr. Sprague. When these memos or the transcriptions were processed around, what would then occur with them, and what action would be taken?

Mr. Phillips. In some cases it was for information only and it went to the files. In other cases, there was action often indicated by Mr. Scott by writing on a piece of paper, please advise so and so, or to the reports officer, I believe this should be disseminated, a formal dissemination would be sent to the intelligence community, or any one of a number of instructions as a result of that. There might be a query of what information do we have on this subject or this person, and then they would go around and someone would usually have a specific responsibility to do that action.

Mr. Sprague. What was the procedure with regard to notification of other agencies of government?

Mr. Phillips. A report that is formally disseminated is one which is written in a certain manner to give the reader some idea of the validity of the source. It is then sent out to other agencies, locally as would be appropriate. That is that almost everything would go to the Ambassador's office, something that had to do with narcotics or smuggling or something like that, Immigration and Naturalization, the military attache's office sometimes would get them, the FBI
would get them. They always in the case of an American citizen. Those reports also would come to Washington and on occasion would be sent to other countries if there was another country -- something about an Equadorian who came to Mexico City and was doing so and so, and sent to other agencies in Washington.

Mr. Sprague. Who would make the determination as to what agencies were to be notified, or whether agencies were to be notified?

Mr. Phillips. The Chief of Station.

Mr. Sprague. Which was who again?

Mr. Phillips. Mr. Scott. He would generally depend on the recommendation of the reports officer preparing -- I am speaking now, sir, of formal intelligence reports as opposed to just sending some messages back and forth, and he would depend generally on the reports officer's suggestions. He might change it.

Mr. Sprague. But it was up to Mr. Scott to make the final decision whether other agencies of the Federal Government should be notified about information that had been obtained.

Mr. Phillips. Absolutely, sir.

Mr. Sprague. You mentioned notification to Washington.

Mr. Phillips. Uh-huh.

Mr. Sprague. By Washington you mean CIA headquarters in Washington?
Mr. Phillips. Yes, sir, I do.

Mr. Sprague. What would motivate, as far as you know, the decision to notify CIA headquarters in Washington?

Mr. Phillips. Because this was information of the kind that might be valuable, say, to policymakers or something like that. In nearly every one of these things, for instance, the formal disseminations would be sent to the Department of State here in Washington for their information.

Mr. Sprague. No, but I am talking about the decision to notify CIA headquarters in Washington, would it be a routine of each of these intercepts?

Mr. Phillips. No, not each of the intercepts. This is only a formal intelligence report, not in the case of the intercepts.

Mr. Sprague. What would occasion a decision to notify CIA headquarters in Washington with regard to an intercept?

Mr. Phillips. In the first case, something of enough importance that it would be turned into a formal report and would reach Washington not recognizable as coming from a transcript. Secondly, if it had information which was very useful to Washington or to some other country, in which case it would be sent not as a formal dissemination but simply for your information, here is what we have learned. And finally, if there were names that it looked like they should go in the record, or things that didn't seem terribly important,
they might come up in an informal manner in the diplomatic pouch in the form of papers themselves being sent up.

Mr. Sprague. Would you say of the total number of intercepts, that it would be a very small number where notification would be made to CIA headquarters in Washington?

Mr. Phillips. Relatively speaking, small, sir, quite small.

Mr. Sprague. Would it be accurate to describe those small numbers as being something more involved than the normal intercept, something of a little more importance?

Mr. Phillips. Yes, sir, that is true.

Mr. Sprague. Now, with regard to these tapes that were recordings of conversations, what was the procedure with regards to the tapes themselves?

You have said that there was the transcription, and I have heard you say that they were then carried from one place to another. What would end up, what would happen with these tapes?

Mr. Phillips. All right, sir, remembering last night, and the fact that these tapes were coming in, it is my best recollection now that Soviet tapes would come in to be translated actually in the station somewhere, and that there was a translator in the station for the Soviet business. I recall thinking last night, I remember the name of the translator, and we used to be in a poker club together, and I remember
he worked in the embassy office.

Mr. Sprague. And what was his name?

Mr. Phillips. His name was George Misco.

Mr. Sprague. Misco?

Mr. Phillips. Uh-huh.

Mr. Sprague. Do you remember whether Misco was married or not?

Mr. Phillips. I know that he was married. I understand that he was not in Mexico that Oswald was there, but I believe he was married, yes. I'm not positive.

Mr. Sprague. What gave you to understand that he was not in Mexico at the time that Oswald was there?

Mr. Phillips. Because I received a telephone call on the appearance of the Post story from the CIA asking me what I knew about the source of the information and so forth, and the translator and the secretary, and I said the only translator I can remember was George Misco. In a subsequent conversation, the fellow I talked to said by the way, we understand George was not in Mexico at the time. That's why I remember.

Mr. Sprague. Who was it that called you?

Mr. Phillips. Mr. John Waller.

Mr. Sprague. Would you spell that last name?

Mr. Phillips. W-a-l-l-e-r.

Mr. Sprague. And who is John Waller?
Mr. Phillips. He is an officer at the CIA, and I talked to him the same day about telling him that I was planning to come down and testify and that consequently I considered myself released from my security oath. He is now the Inspector General of CIA.

Mr. Sprague. John Waller is?

Mr. Phillips. Yes.

Mr. Sprague. And did Waller ask you questions with regard to the information in the Post story?

Mr. Phillips. He wanted to know if I knew where the information came from.

Mr. Sprague. Well, first answer my question. Did he ask you for information concerning what was in the Post story?

Mr. Phillips. Yes, sir, the first --

Mr. Sprague. What did he ask you?

Mr. Phillips. The first question was, is that story the testimony which you gave to the Senate Subcommittee of Senators Schwieker and Hart, and I said no, sir, and he said, do you know who the translator might be, and I said, the only name I remember of a translator is George Misco.

Mr. Sprague. What else did he ask you or say to you?

Mr. Phillips. That was it, sir.

Mr. Sprague. Were you advised by anyone from the CIA that the secrecy agreement was still binding on you?

Mr. Phillips. I was told that technically --

Mr. Sprague. Well, answer my question. Were you advised
by anyone from the CIA that the secrecy agreement was still
binding you?

Mr. Phillips. No, sir.

Mr. Sprague. What were you advised?

Mr. Phillips. I was told that technically it was, but
they left it up to me. And I said, well, I know what I
considered, but I was not told that it was --

Mr. Sprague. Now, when you say they, who else from the
CIA was in touch with you other than Mr. Waller?

Mr. Phillips. Mr. Lyle Miller. He is an attorney.

Mr. Sprague. And what is Mr. Miller's role with the
CIA?

Mr. Phillips. He is in the Office of the Legal Counsel,
I believe, or Legislative Counsel, one of the two, but he is
a lawyer.

Mr. Sprague. What happened thereafter with regard to
contacts by the CIA?

Mr. Thone. Mr. Sprague, I am very interested.

What do they mean when they say technically?

Mr. Phillips. The explanation was that technically,
because staff had not formally received security clearances,
that was the technicality.

Mr. Thone. I still don't understand.

Is there an implied threat when they say technically?

Mr. Phillips. Oh, no, sir.
Mr. Thone. None whatsoever.

Mr. Phillips. I had informed them of my intention to come down, and the answer was well, technically you are not to be released from your secrecy oath, but you do what you want to. I am not going to tell you what to do.

Mr. Thone. Why would they bring up the word "technically" if they did not have some concern?

Mr. Phillips. I don't know, sir, but I didn't feel that it was a threat or asking me not to speak or anything.

Mr. Thone. Why would it be mentioned at all, in your opinion? You are a veteran here. Were they cautioning you?

Mr. Phillips. I did not see it as caution. I just think, sir, that it was because I had said that I was going to go down and testify freely, and so they were responding as bureaucrats do, but I really don't know, sir.

Mr. Sprague. After these conversations with these two CIA agents, what occasioned the next conversation with a CIA agent?

Mr. Phillips. Are we speaking of yesterday, sir?

Mr. Sprague. Yes.

Mr. Phillips. There were two conversations, I believe.

Mr. Sprague. Didn't you say that the first person subsequently called you back to tell you that that person that you named was not there at the time?

Mr. Phillips. Yes. I made the first call to Mr. Waller.
A call came back from Mr. Waller, and there was the third and subsequent call from Mr. Miller who had been advised by Mr. Waller that I had called and said that I was coming down, so Mr. Miller, the lawyer, made the third call to me.

Mr. Sprague. You have got me mixed up. Now, let's take these in order. When was the first contact by anyone from the CIA with you with regard to the story in the Post and your testifying before the Subcommittee?

Mr. Phillips. I called the Subcommittee.

Mr. Sprague. When?

Mr. Phillips. Shortly before lunch, and asked for Mr. --

Mr. Sprague. When?

Mr. Phillips. On the day the story appeared.

Mr. Sprague. Yesterday.

Mr. Phillips. Yesterday.

Mr. Sprague. And who did you ask for?

Mr. Phillips. Mr. Waller.

Mr. Sprague. And why were you calling him?

Mr. Phillips. Because he is an old personal friend.

Mr. Sprague. And did you want to discuss with him the story and your possible appearance?

Mr. Phillips. No, I wanted to go onto the record that I, as I understood my duties, before a duly constituted Committee, that I was to come down, and that my secrecy oath did not apply in this case. And so I advised that to Mr.
Waller. He later contacted Mr. Miller, and that presumably triggered Mr. Miller's call to me to talk about the secrecy agreement.

Mr. Sprague. And who was it that said to you that this technically applies?

Mr. Phillips. Mr. Miller.

Mr. Sprague. And what else was covered in that conversation, if anything?

Mr. Phillips. That was it, sir, it was very brief.

Mr. Sprague. Well, that is what my question is. Was the whole content of that conversation Mr. Miller's telling you that technically that agreement still was binding on you?

Mr. Phillips. Yes, sir, and also to tell me something like they weren't going to tell me what to do or anything like that.

Mr. Thone. Excuse me, Mr. Sprague, but when they tell you technically, again, you are a thirty-year veteran of the CIA, aren't they cautioning you to be very careful in your choice of -- my language. Why would he bring up the language, well, no, it doesn't apply, but technically it does apply?

Mr. Phillips. Sir, I don't know, but it was in the context of letting me know that they were not saying to me don't go down and testify, and so that is why I did not see it as a threat.

Mr. Thone. I don't want to be argumentative, sir,
but if they were going to be freely telling you to come down and testify, why would they bring up that word, which frankly concerns me?

Mr. Phillips. Sir, I don't know.

Mr. Thone. To me it is a veiled caution that the secrecy technically still does apply to the testimony you are giving us this morning. Wouldn't that be a reasonable interpretation?

Mr. Phillips. Sir, I didn't take it that way, and I intend to testify fully, so I didn't read it that way.

Mr. Thone. Well, that of course, is all-important.

Mr. Phillips. Yes, sir.

Mr. Thone. And in no way, form, or shape is that admonition influencing anything you are telling us here today.

Mr. Phillips. Absolutely not, sir.

Mr. Sprague. How long after the call that you had with the first person was it before the call came from Mr. Miller?

Mr. Phillips. The first time I called for Mr. Waller, I asked for him and he was at lunch, and I asked for him to call me.

Mr. Sprague. How long after you spoke to Mr. Waller was it before you then spoke to Mr. Miller?

Mr. Phillips. I recall it being about 30 minutes.

Mr. Sprague. And when you spoke to Mr. Miller, did he at that time advise you that Mr. Waller had said that the person you thought was the translator or interpreter was
not the person, or was that yet another call?

Mr. Phillips. No, sir, that was Mr. Waller in the
conversation advising that.

Mr. Sprague. And that was in a third call.

Mr. Phillips. No, sir, that was the second call with
Mr. Waller.

Mr. Sprague. All right, now, when was the second call?

As I understand what you said, you called Mr. Waller. He was
not in. You left word and Mr. Waller then called you back.

Mr. Phillips. After lunch, I would say about a quarter of
3:00, 2:30, quarter of 3:00.

Mr. Sprague. And at that time you discussed this story
with Mr. Waller.

Mr. Phillips. Yes, sir.

Mr. Sprague. And he asked you at that time who did you
think was the interpreter?

Mr. Phillips. That is right, sir.

Mr. Sprague. And you gave him the name.

Mr. Phillips. That's right, sir.

Mr. Sprague. Now, was it in that same conversation that
he told you that they had checked and that person was not
down in Mexico then?

Mr. Phillips. No, sir. It was about 20 or 30 minutes
later.

Mr. Sprague. All right, that was my --
Mr. Phillips. He called, he called back to me.

Mr. Sprague. Well, that is what I want to find out.

After that conversation with Mr. Waller --

Mr. Phillips. Uh-huh --

Mr. Sprague. And prior to your conversation with Mr. Miller, had Mr. Waller called you back again?

Mr. Phillips. Yes, sir, he called twice.

Mr. Sprague. So after the first conversation with Mr. Waller, then in approximately 20 minutes Mr. Waller calls you again.

Mr. Phillips. Yes, sir.

Mr. Sprague. And what did Mr. Waller tell you at that time, and what was that conversation about?

Mr. Phillips. He called me to tell me -- during that conversation he mentioned a man's name that I had gathered was not stationed in Mexico, and he told me that he had passed on, I believe he said to Mr. Miller, the fact that I had called and said that I intended to testify because Mr. Waller was not necessarily the man that I would have called if I had known just the person to call, but I had known him. That person whom he notified, Mr. Miller, who is either the Legislative or Legal Counsel's office, called me, which was the third call in the series, and this all occurred in about an hour.

Mr. Sprague. All right, let's take now the second call
to Mr. Waller. Other than Mr. Waller stating to you that the
person you were naming he has checked on and that person was
not working in Mexico at that time --

Mr. Phillips. Yes, sir.

Mr. Sprague. And other than stating that he has referred
this matter or turned it over to Mr. Miller, was anything else
said by Mr. Waller in that conversation?

Mr. Phillips. I don't recall anything else, sir.

Mr. Sprague. Well, was he saying anything about not
mentioning another party, since he has just checked on one
name that you mentioned and found that that person you said
wasn't working there? Was there anything along that line?

Mr. Phillips. He did say one other thing, to continue
on that, which was we don't think he was working there. It
was another fellow but I won't say who that is because I don't
want to confuse you, or something like that. But I won't tell
you who that is, and he didn't.

Mr. Sprague. And was anything said about their
attempting to contact any of these other people?

Mr. Phillips. No, sir.

Mr. Sprague. He said to you in effect that your
information was incorrect, that he was not going to tell you
who the other person is, or another name, because it might
confuse you or would confuse you --

Mr. Phillips. I am not sure, sir, he used the word
"confuse". I do recall he said, but I won't tell you the other person's name.

Mr. Sprague. Well, didn't you just say that he said he didn't want to confuse you?

Mr. Phillips. I am not sure that is an accurate quote for that word.

Mr. Sprague. Well, let me ask you this. Did his call to you in the context of indicating that they had checked the name and that person appears not to have worked there, make you a little more questioning about your own recollection?

Mr. Phillips. No, sir, because my original thinking of the man's name was simply a translator who knew in Mexico, not in the context of the translator who -- not in the context of the Oswald translator.

Mr. Sprague. But did his call have any effect in making you a little more questioning about your entire recollection of this matter?

Mr. Phillips. No, sir, I think no.

Mr. Sprague. All right.

What else was then said in that call other than what you have just said?

Mr. Phillips. I don't recall anything else, sir.

Mr. Sprague. With regard to the Miller call, have you related it in its entirety?

Mr. Phillips. Yes, sir, it was brief.
Mr. Sprague. Well, I know what you have said. Is there anything you omitted from that call?

Mr. Phillips. Yes, there is another thing. He said something about contacting your staff.

Mr. Sprague. He said who was contacting the staff?

Mr. Phillips. He said something about he would be calling your staff or something like that.

Mr. Sprague. Did he say for what purpose?

Mr. Phillips. No, sir. He said he would be calling -- I don't think he mentioned a name, someone on your staff, and I presumed he was going to say, I spoke to Mr. Phillips and we know he is coming down. He said if I have anything else to tell you, I will call you before 4:00 o'clock, and he did not call.

Mr. Thone. You hesitated just a minute on that name of the staff member here. Can you give that a little bit more thought? Did he mention a name?

Mr. Phillips. I think he did, sir.

Mr. Thone. Can you give that a little thought?

Mr. Phillips. I had just shortly been contacted by Mr. Feeney. Mr. Feeney's name was the only one I knew. Sir, I will try to. I can't think of it. I am not positive that he did mention a name, but he said I will be contacting the staff.

Mr. Sprague. Other than news media, did anyone else
attempt to contact you and in fact contact you once this story broke in the Post, regarding the story and your appearance before this Subcommittee other than these people from the CIA?

Mr. Phillips. No, sir, other than the news media.

Mr. Sprague. Now, going back, when these intercepts occurred, who was it that was responsible for making the transcripts from the tapes?

Was it the same unit that was responsible for the intercepts?

Mr. Phillips. Certainly in the case of the Spanish ones, they were made in the unit where they were received, and those transcripts then came into the station, and in the case of conversations in the Russian language, as best as I can recall it, they came into the station, and I was wondering last night whether it was a little unit outside, but I don't recall that there was. There may have been a translator outside, and then they were once again taken out of the station to the Soviet translator, but as I understood it, there were no Soviet language experts in that unit outside, but in the station, yes.

Mr. Sprague. Just so I understand this, when you distinguish between Spanish and Russian --

Mr. Phillips. Yes, sir.

Mr. Sprague. You are not distinguishing in terms of the
place that is intercepted, but the conversation that is on that interception, is that correct?

Mr. Phillips. That is correct, sir.

Mr. Sprague. And this intercept operation, if I can use that word, was that not only intercepting the conversations that were at the Cuban embassy and consul, was that operation also intercepting conversations at the Russian embassy and consul?

Mr. Phillips. That is correct, sir.

Mr. Sprague. And so I understand it, in either situation, Spanish conversation would be translated and typed right there where that intercept operation was, wherever that may have been.

Mr. Phillips. That is what I understood it, but I never visited it.

Mr. Sprague. And the Russian conversation that was picked up, whether at the Cuban or the Russian embassies, was taken to somewhere in the embassy itself where it was then translated and typed up, is that correct?

Mr. Phillips. That is correct. It may have been that some of those Russian things then went out to a Russian translator who actually worked outside. I don't know that that was the case.

Mr. Sprague. All right, let's deal right at the moment with the Russian part of that.
Do you know who was the translator in the embassy to translate those intercepts that involved the Russian language?

Mr. Phillips. I do not recall, sir.

Mr. Sprague. Is that the name that you were stating yesterday, to whom Mr. -- the CIA agent --

Mr. Phillips. The name of Mr. George Misco I was stating was the only name of a Russian translator I remembered.

Mr. Sprague. Was that the name you were thinking, though?

Mr. Phillips. Yes, sir.

Mr. Sprague. When you were talking about the translator for the Russian conversation?

Mr. Phillips. Yes, sir, yes, sir.

Mr. Sprague. And what is that person's name?

Mr. Phillips. George Misco. That is the phonetic. I am not sure how it is pronounced.

Mr. Sprague. Do you know who was the typist for whoever was the translator of the Russian conversations?

First, do you know?

Mr. Phillips. The translator?

Mr. Sprague. Do you know who was the typist for that translator of those intercepts?

Mr. Phillips. I don't recall the names. I recall two women, American women who were local employees. That is, they were not sent from Washington but were hired locally. I didn't know them personally, but perhaps their husband was in
business or something like that, and since foreign nationals were not allowed into this office, they did come in and work on a contract basis, but not a regular U.S. Government employee, and I can't remember their names, but I recall two of them.

Mr. Sprague. Do you have any recollection of first names, nicknames, last names of any of these typists of the intercepts?

Mr. Phillips. Not at this time. I could recognize photographs, but I can't remember their names. I will try to.

Mr. Sprague. All right, now, going back to the Spanish intercepts, do you know who was the translator of the Spanish intercepts?

Mr. Phillips. No, sir.

Mr. Sprague. Do you know who any of the typists were there?

Mr. Phillips. No, sir.

Mr. Sprague. Now, let me ask you this. When a conversation is intercepted, was there any procedure for dealing more immediately with a conversation that the listener that was listening at the same time thought was a little more important than just the normal intercept?

Just answer first yes or no.

Mr. Phillips. Yes.

Mr. Sprague. And what was that procedure?
Mr. Phillips. As I recall it, a telephone call to someone in the CIA station from that place saying hey, we have something terribly interesting here.

Mr. Sprague. Now, would that be made by the monitor himself, or would he report that to somebody else who would then make the decision as to do something for more immediacy?

Mr. Phillips. Sir, I don't know.

Mr. Sprague. When the telephone call that you have alluded to was made, as far as you know, to whom would that be made?

Mr. Phillips. Customarily it would be made to Ms. Anne Goodpasture.

Mr. Sprague. And she again is whom?

Mr. Phillips. She was the woman inside the station who had the primary responsibility for this outside unit. Mr. [03] didn't come every morning to the CIA station but stayed outside.

Mr. Sprague. Now, you have talked about your Cuban assignment.

Was there similarly a Russian assignment?

Mr. Phillips. There was.

Mr. Sprague. And in 1963, while you were, let us say, on this Cuban assignment from mid-1963, who was the individual that was in charge of the counterpart to you with the Russian embassy assignment?
Mr. Phillips. Mr. [03]

Mr. Sprague. And do you know who were the people at that time who were working under Mr. [03]

First, do you?

Mr. Phillips. I know immediately one, sir.

Mr. Sprague. And what is that person's name?

Mr. Phillips. [03].

Mr. Sprague. [03] is [03]

Mr. Phillips. That is true, sir.

Mr. Sprague. And was she also an employee working on that assignment with Mr. [03]

Mr. Phillips. Yes, sir. She was a former staff employee of the CIA who had specialized in Soviet matters, and I believe was hired in Mexico I believe on a part time basis, but as the other locals were. In other words, she did not enjoy her staff -- she had resigned from CIA but was then hired again to work inside and to assist [03] in Soviet matters, because she knew the Soviet language, and had the background and so forth.

Mr. Sprague. Now, do you know anyone else who was working in the Soviet assignment other than [03], and I take it Mr. was the supervisor in charge of that.

Mr. Phillips. He was, sir.

There was -- I recall a man named Mr. Benjamin Pepper who worked for Mr. [03] and had responsibility for not
necessarily for -- not necessarily where Mr. [03] was concerned with Soviet matters. Mr. Pepper was concerned with Czechoslovakian matters, Polish matters and so forth, and then would assist Mr. [03] in the Soviet thing and that part of the shop.

Mr. Sprague. The United Press has a specific quotation of a statement which they say you made to a United Press International reporter named Daniel F. Gillmore, quoting in part as follows: "I have the recollection hazy after fourteen years that Oswald intimated that he had information that might be useful to the Soviets and Cuba, and that he hoped to be provided with free transportation to Russia via Cuba."

Did you make that statement to Mr. Daniel F. Gillmore of United Press International?

Mr. Phillips. I did, sir.

Mr. Sprague. Is that statement accurate?

Mr. Phillips. I think it is, sir, yes, it is.

Mr. Sprague. There is, in the Washington Post of yesterday's date, a story by Ronald Kessler in which he quotes you in part stating that you recall from a transcript Oswald telling the Soviet embassy, "I have information you would be interested in, and I know you can pay my way" into Russia, but that is not part of the quote.

Is that what you said in part to Mr. Kessler?

Mr. Phillips. I feel that I cannot answer that yes or
no without explaining that I met with Mr. Kessler on two occasions, once for a long lunch, once in a coffee shop, and he called me two or three times on the phone.

In these discussions with Mr. Kessler, I did -- he raised the subject of whether or not Oswald was offering information, was being paid, wanted to be paid to go to the Soviet Union, and wanted to know whether or not I could confirm that. I did confirm in the sense --

Mr. Sprague. My question is, I have read a specific quotation, Mr. Phillips. You are under oath at this time.

Mr. Phillips. I understand.

Mr. Sprague. And I will reread the quotation, because I do want to know, did you make this statement in part. I understand that there were other parts to the conversation, but did you make this statement to Mr. Kessler -- I'm not talking about you, I am talking about what Oswald allegedly said: "I have information you would be interested in, and I know you can pay my way."

Mr. Phillips. I think I may have said that or something near to it, but what I intended to convey was that Mr. Kessler was saying, well, is that the idea, and I said yes, that was the idea that we gathered.

Mr. Sprague. Okay.

Mr. Phillips. That was what I was trying to --

Mr. Sprague. I'm sorry. I did not mean to cut you off.
Is there something else you wanted to say on that?

Mr. Phillips. No, sir.

Mr. Sprague. All right, now, dealing specifically with these calls, were there intercepts made of telephone calls by Lee Harvey Oswald while in Mexico to the Russian embassy?

Mr. Phillips. Yes, sir.

Mr. Sprague. And do you know where the tapes of those conversations are?

Mr. Phillips. No, sir, I do not.

Mr. Sprague. Now, let me back up if I may, a second. When we were talking earlier about the taping and these intercepts, and then transcriptions being made, what was the procedure with regard to the tapes themselves?

Mr. Phillips. The procedure was that a transcript was to be made from them, and then the tapes would be erased.

Mr. Sprague. Now, let me ask you here, was that always the case. For example, let me throw out one. Let's suppose a conversation was picked up indicating that someone perhaps might be engaged in spying activity --

Mr. Phillips. Uh-huh.

Mr. Sprague. Would there not be anyone who would then want to keep that tape as possible evidence?

Mr. Phillips. Yes, sir.

Mr. Sprague. Who would that go to for the decision-making with regard to not destroying the tape?
Mr. Phillips. If a tape -- the first decision would be made by Mr. Scott when he saw the transcript. I don't recall a particular case, but he would write "Hold this tape" meaning don't destroy this tape, something like.

Mr. Sprague. Do I take it from that that the orders were to destroy or to reuse the tapes, if I can use that instead of the word "destroy tapes", to use them over and over I take it is what you mean.

Is that right?

Mr. Phillips. As I understood, sir, unless the people in the unit were so advised, they understood that they were to erase them and use them again.

Mr. Sprague. In other words, the basic order was that the tapes are not maintained after they are transcribed unless there was a specific directive order to the contrary.

Mr. Phillips. That is right, sir, and that might be by someone other than Mr. Scott. If it were a Cuban matter, I might say to someone, please have them hold that tape for a while, and I might speak directly to Ms. Goodpasture.

Mr. Sprague. Now, how long a time would normally occur before tapes were, let's say, destroyed, to allow for the decisionmaking process that somebody might decide that they want to keep the tape?

Mr. Phillips. To my personal knowledge, I don't know, sir. I heard other people's accounts of it, but to my
personal knowledge, I don't know how long.

Mr. Sprague. Well, let me press that a little further.

Obviously if there is an area that is going to involve somebody having the opportunity to make a decision not to destroy tapes, there has to be some timespan after a transcript is made, the minimal, whatever that length of time is, before any tape is destroyed. Otherwise you might have a tape destroyed and somebody, Mr. Scott or you, seeing the transcript maybe a couple of days thereafter and wanting the tape, and it would be destroyed.

That did not exist, did it?

Mr. Phillips. I understood it to exist in the form of, if I wanted a tape, that I had better ask for it before a week, say, had passed. A week is the time period that I recall. If you were to call up 13 days later that -- call Ms. Goodpasture and say hey, give me that tape, she would say, oh, it is gone, and that if you wanted to keep it, you should do it sooner, and roughly a week is the time.

Mr. Sprague. Well, let me ask you this. I mean, you are dealing with a spy, intelligence agency. Was there some set directive order of some type stating that tapes are not to be destroyed until a certain length of time, so that was definite policy, and that was not?

Mr. Phillips. Not to my knowledge, sir.

Mr. Sprague. And who was it that would destroy the tape?
Mr. Phillips. The tape, as I -- this would be in this outside unit -- as I understood, would not be destroyed, but they would simply be piled up, the ones that had conversations on it, and then as the cycle of conversations are to be taken care of, when they needed new tapes, they would simply reach over and get one of the old ones and start again, which automatically erased the recording of before, what was on there before, but I don't have personal knowledge of it.

Mr. Sprague. All right now, your decisionmaking, in terms of a decision to keep a take, what would be the guidelines that would exist for you in making that decision?
Mr. Phillips. The only thing that would be absolutely
definite as a guideline would be if the Chief of Station
wrote a note to me, "Keep this tape." It would certainly --

Mr. Sprague. Well, I understood when Mr. Scott or anybody
above you said that, but I am asking you what were your own
criteria for a decision on your part to keep the tape.

For example, if there were an intercept there and someone
was heard making a threat against a Congressman, would there
be a decision to keep that as possible evidence for a subsequent
prosecution?

Mr. Phillips. Yes, sir, I think that is a good example.

Another one is if there is a conversation between someone that
you recognized as really being a Soviet agent and pretending
to be someone else or a man who you thought was a Cuban
intelligence agent, something of a high priority where you
thought you might have to have it.

Mr. Sprague. Well, if you intercepted something that
would of itself indicate an illegal act for which there could
be prosecution under American laws, would there be a decision
to maintain that tape for possible evidence in a subsequent
prosecution?

Mr. Phillips. Sir, I think not, because what would
happen in such a circumstance I think was that an American,
information on an American would be passed to the Chief of the
FBI. The Chief of the FBI knew full well that they were
telephone transcriptions, that the information was coming to him from teletaps, so he could then say to Win Scott, I want you to save that. A CIA station, I think, would depend on whether he wanted to do it, if it's the case of an American in criminal prosecution.

Mr. Sprague. Well, maybe I'm jumping ahead here, but for example, if there is an intercept indicating that Lee Harvey Oswald is getting to Cuba -- attempting to get to Cuba, and you have his voice on that conversation, at that time it was against the law for Americans to go to Cuba, was it not? Am I correct on that?

Mr. Phillips. Yes, that's right. That's right, sir.

Mr. Sprague. Would not then the CIA, someone there at least put a hold on that tape for possible use as evidence?

Mr. Phillips. In that case that would not be the kind of thing that would merit calling someone and say, "Hold that tape," as long as you had the information.

Mr. Sprague. What would be the difference between that and intercepting a threat concerning your Congressman?

Mr. Phillips. Well, the dimension of the difference.

With every CIA station, contemplating using one of these tapes produced by Mexican nationals was one that I don't think Mr. Scott thought of a great deal, in other words, admitting it as evidence. So there was not a tendency to think of it in those terms, and I think the idea was you would depend on the FBI
to say that, because in 1962, at least, the thought of passing a tape to be used in a Court proceeding was — would have dismayed a lot of intelligence people.

Mr. Sprague. Well, let me ask you this then, this time span before a tape would be reused or destroyed, did it also allow not only for decision making within the CIA about maintaining that tape, but did it allow for notification to the FBI for their evaluation and a response back not to destroy the tape?

Mr. Phillips. My dealings with the FBI were so infrequent that I cannot answer your question exactly. It was my presumption that it certainly was.

Mr. Sprague. Well, this gets back to, wasn't there anything of any formality within the CIA about not destruction within a time to allow for these various things to occur?

Mr. Phillips. Certainly there was none I have ever seen in the sense of a guidance from headquarters to stations, if you have tapes, keep them so long. It was a local matter.

There was in the station a set of rules called Station Regulations. You cannot carry a gun. You cannot drink whiskey in your office, things like that. That would include some sort of operational directive, and that it the place there would have been a thing that says, we do not destroy tapes for, say, ten days. I never saw such a regulation nor heard of it in Mexico City Station.
Mr. Sprague. While you were on this Cuban assignment, did you ever have occasion to give an order not to destroy a tape?

Mr. Phillips. I don't recall the instance in doing it, but I must have done it a couple of times during the two years.

Mr. Sprague. Do you have any recollection as to what engendered that directive on your part?

Mr. Phillips. Yes. It's very hazy, but I believe I remember something like saying to Miss Goodpasture, will you please hold that 'til we find out if this guy might be so-and-so and then we found out that the fellow making the telephone call was not so-and-so, and then I said, okay, let it go, thinking he was an intelligence agent from another country.

Mr. Sprague. And do you remember, as best you can tell, what was the substance of that conversation that at least engendered your wanting to keep that tape?

Mr. Phillips. I only have the vague memory that it was something to do with kind of a significant espionage thing. It was an important man that was contacting the Cubans that we had heard some place might be a Soviet agent, and we wanted to know what that nexus was, but I don't recall, sir.

Mr. Sprague. Do you know once you give an order to hold a tape how long it is maintained in that hold status?

Mr. Phillips. My understanding was that it would not be reused until whoever you told, say Miss Goodpasture would
come back and say, "Do you still want that tape?"

Mr. Sprague. In other words, it would be held until there was then a specific order not to maintain it any longer?

Mr. Phillips. That is right, sir.

Mr. Sprague. During your assignment there, other than this one hazy hold order by you, do you recall any other hold orders by you?

Mr. Phillips. No, sir, I do not.

Mr. Sprague. Are you aware of hold orders by Mr. Scott?

Mr. Phillips. Yes, sir. I don't recall what they were, but I remember seeing written on a thing, "Hold this," on a transcript. "Hold the tape." I cannot recall the cases.

Mr. Phillips. Do you have any idea as to the frequency of hold orders on tapes by Mr. Scott?

Mr. Phillips. Infrequent. Not very often. Once every three weeks or something. I'm just hazarding a guess.

Mr. Sprague. And do you recall any hold orders by Mr. [03]

Mr. Phillips. No, sir, I do not.

Mr. Phillips. Now, getting to this transcript of Oswald, at the time we are talking about were there also bugging devices in each of these embassies, Cuban and Soviet?

Mr. Phillips. To the best of my knowledge there was not one in the Soviet Embassy. I was never aware of one being there during the time I was there. Over a period of years
there were several bugging devices in the Cuban Embassy. I am trying to recall whether one was operating at the time of Oswald's visit. And I am not absolutely positive, but what I am sure about is that we did not receive any information about Oswald because of an electronic bug.

Mr. Sprague. My next question is, to the best of your recollection, all conversations by Lee Harvey Oswald, were they as a result of these telephonic intercepts that you had any contact with?

Mr. Phillips. And how many, to the best of your recollection of these intercepts, did you have contact with?

Mr. Phillips. I am positive about one, and I am wondering about the possibility of one more or perhaps two little -- little things that might have come up later, but I cannot recall with clarity other than the one.

What I do seem to recall, if there was some little snippets later, they were not of importance. That is the one principal one that I recall and that is the only one that I can say for certain that I remember.

Mr. Sprague. All right, now, Mr. Phillips, I want you to relate to this Subcommittee your best recollection, and I understand that it is your recollection, of that first intercepted conversation that you saw in its entirety as you recall what it was saying.

Mr. Phillips. All right, sir. Now, Counsellor, am I
Mr. Sprague. I do not want you to give an answer based upon what anyone else says. I do not want you to give an answer trying to square your answer with what you believe is on somebody else's transcript or anything else. I want this to be your own answer as best you can recall, of what was the purport of that first intercept.

Mr. Phillips. Okay. All right.

显然是 after so long I can't remember it word for word, but I remember that the thrust of the conversation was Oswald saying to the Soviet he talked to in the Soviet Embassy, "What have you heard about my visa, what news do you have?" "What have you heard about my visa, what news do you have," something like that. I also recall that Oswald was kind of saying, "What's wrong, why don't you do this?" And I recall something in that conversation that I can only call an intimation that he said, "Well, you really should talk to me," or something like that. Now, it seems that I recall that, and that is all that I recall with absolute clarity.

In reviewing that statement, while I cannot recall exactly I feel sure that while the intimation of Oswald saying he wanted a visa, he said to go to the Soviet Union or Cuba or go to the Soviet Union via Cuba was the intimation that he...
hoped to obtain his expenses, something, but no statement, I
definitely do not remember that he said, "If my ticket is
paid."

Mr. Sprague. Well, this statement that you made to Mr.
Gillmore, "I have the recollection hazy after fourteen years
that Oswald intimated that he had information that might be
useful to the Soviets and Cuba and that he hoped to be provided
with free transportation to Russia via Cuba."

Mr. Phillips. Yes, sir.

Mr. Sprague. Does that accurately state what it is that
you recall of that transcript?

Mr. Phillips. No, sir. That states more accurately my
recollection of the transcript and then after the fact of the
assassination and the increased interest in talking with
people about this, including people for whom I was responsible
in the Cuban field, the total perception I had was that that
was the reason he was there. First of all, the thing --

Mr. Sprague. Mr. Phillips, are you telling this
Committee that when you made the statement yesterday, "I have
the recollection hazy after fourteen years that Oswald
intimated that he had information that might be useful to
the Soviets and Cuba and that he hoped to be provided with
free transportation to Russia via Cuba," that that statement
by you encompassed more than your recollection of the
transcript and included what you say is subsequently acquired
information after the assassination?

Mr. Phillips. I think that it has been colored by the things I heard after the assassination.

Mr. Sprague. Well, what part here was colored? When you responded to Mr. Gillmore were you trying to tell him what your recollection of that transcript was?

Mr. Phillips. No, sir, I was not trying to explain to him that the transcript said that.

Mr. Sprague. Was there a part of that transcript that indicated that Oswald would be of value to the Soviets?

Mr. Phillips. I have the recollection somewhere, possibly in that transcript, was a statement that went something like this, Counsellor: "You should really talk to me," or something like that. Yes, there was something like that and I can't recall what words were said.

Mr. Sprague. Were the words there such as for you to state that they were words which Oswald was stating to the Soviet Embassy, whoever he was talking to there, that it would be to the benefit of the Soviets to be talking to him?

Mr. Phillips. In the sense that Oswald, in his conversation, was sort of making a pitch, trying to get what he wanted.

Mr. Sprague. I am not talking about what his motivation may have been. I am just trying to find out were the words such as to indicate that Oswald, whether he was tooting his own horn or otherwise is not important, but was he indicating
to them that it would be to their benefit or advantage to be talking to him?

Mr. Phillips. I only recalled it in the sense that "You fellows should talk to me," or something like that.

Mr. Sprague. And was he indicating in that conversation that he was looking or urging them to aid him in getting out of the country?

Mr. Phillips. Yes, sir.

Mr. Sprague. All right.

Mr. Phillips. But not with money, not saying, "Will you pay for my ticket."

Mr. Sprague. Well, what, as best you can recall, was it that he was saying for them to aid him in getting out of the country?

Mr. Phillips. I only recall that he was reaching them to give him the visa so that he could indeed leave the country.

Mr. Sprague. With regard to his indication that they ought to be in touch with him or talking to him, was anything said about where or anything like that?

Mr. Phillips. No, sir.

Mr. Sprague. What else was said in this conversation, as best you can recall? How did he start the conversation as best you recall?

Mr. Phillips. "I am calling about my visa. Have you
heard word about my visa. I want to go to the Soviet --"

Mr. Sprague. Well, did he not identify himself?

Mr. Phillips. Well, yes, he did.

Mr. Sprague. What did he say?

Mr. Phillips. He did identify himself.

Mr. Sprague. As best you can recall, what was said?

Mr. Phillips. He introduced himself by saying something like, "My name is Lee Harvey Oswald." That's not the way I first saw it, but that was subsequent. He introduced himself and in the transcription, as I recall, it read "Lee Henry Oswald."

Mr. Sprague. Is that your recollection, that in that first transcript he said, as you saw it, he used the middle name -- now, Mr. Phillips, are you trying to conform your recollection to what you believe is some other evidence?

Mr. Phillips. Sir, I am trying to be as honest as I can.

Mr. Sprague. Well, I am asking you again.

Mr. Phillips. I remember distinctly that the cable that went out said "Lee Henry Oswald."

Mr. Sprague. I'm not asking about that. I am asking whether or not you have a recollection as to how he identified himself in that transcript of that intercepted conversation?

Mr. Phillips. I do not remember that he gave his name.

Mr. Sprague. Do you know whether or not he in any way
identified himself as an American citizen in that conversation?

Mr. Phillips. I do not recall it, sir.

Mr. Sprague. All right.

Now, tell the Subcommitteee — by the way, when was this

as best you can recall?

Mr. Phillips. In very early October.

Mr. Sprague. Was it October or September of '63?

Mr. Phillips. Sir, I believe it was October.

Mr. Sprague. If I were to state to you that records

indicate that intercept was picked up in September of '63,

would you quarrel with that?

Mr. Phillips. No, sir. My recollection was that this

was toward the end of the week and because it was Saturday and

Sunday, it wouldn't have been worked on until Monday, but no,

I wouldn't quarrel with that. I can't be sure.

Mr. Sprague. Well, when you say this was the end of

the week, are you stating that it's your recollection that

this intercept was made on a Thursday or a Friday of a

particular week?

Mr. Phillips. It was my recollection that it was made

on one day and that on a — I don't remember how many days

it was, and I don't remember the exact date that I saw it

the first time.

Mr. Sprague. All right.

Now, tell us the circumstances if your seeing the intercept
transcript. How did it come to your attention?

Mr. Phillips. This was a matter which was largely of interest to Mr. [03] because it pertained to a Soviet intercept, but it was also of interest to people working on Cuban matters because of the fact that Oswald wanted to go to the Soviet Union via Cuba. As I recall it, that was treated in the normal way, then, of the information, the transcript being routed to Mr. [03] and then later to me, or perhaps a copy being routed to me, but in one way or another, that transcript was brought to my attention because of the Cuban mention in it.

Mr. Sprague. Upon your seeing this transcript, what did you do about it?

Mr. Phillips. When I first received it, I didn't do anything about it at all because it was Mr. -- it was the responsibility of Mr. [03] or someone else under his urging to take care of the matter.

Mr. Sprague. Do you recall whether or not there was any notation by Mr. Scott on the transcript?

Mr. Phillips. No, sir, I do not. I suspect there would have been, but I don't recall that there was.

Mr. Sprague. Do you recall whether there was any indication about holding the tape here?

Mr. Phillips. No, sir, I do not.

Mr. Sprague. Did you make any determination to hold the tape?
Mr. Phillips. I did not, sir.

Mr. Sprague. Did you know when you saw that transcript that this person who was identified as Oswald was possibly an American citizen?

Mr. Phillips. Yes, I think so, because there was something about a transcriber's note of he's speaking in very bad Russian, or something like that, or sounds like an American accent in Russian, or yes, I definitely had the understanding he was an American citizen.

Mr. Sprague. Where did you get that from?

Mr. Phillips. I don't recall. I don't recall whether there was something in the body of it or whether it said a man outside who sounds like an American is speaking. I don't recall because it was -- I don't recall.

Mr. Sprague. Would there be notations attached to these transcripts by the monitoring group?

Mr. Phillips. No, sir, not attached to it, but in the body of the manuscript itself, of the transcript itself, there was sometimes indications.

Mr. Sprague. You mean little scribbles?

Mr. Phillips. In parentheses. For example, in a case where they were listening to a voice but didn't know who it was on the voice, there would be a couple of letters like MI, man inside, an unidentified voice, to let you know. In the cases where they did know, they would put down the name.
Mr. Thone. Mr. Phillips, you said you had a discussion
with someone who said that Mr. Oswald talked in bad Russian or
so.

With whom was that conversation?

Mr. Phillips. No, sir. I recall that in this transcript, in just the situation we are talking about now, there was a
statement by the transcriber, speaking in very bad Russian. So I saw it on the piece of paper itself.

Mr. Sprague. So just so we are clear here, then, the transcript that you saw had notations on that transcript by
someone in the CIA commenting, it was just, as was suggested here, that it was bad Russian. There was somewhere an
indication that they spoke in English in some part, is that correct?

Mr. Phillips. Certainly I remember the part about speaking in bad Russian.

Mr. Sprague. You do have distinct recollection that on this transcript there were notations, however, by some people
from the CIA.

Mr. Phillips. My recollection is certainly not distinct, but I think what I recollect is typed along with all the rest of the typed message, in parentheses, was the notation that he was speaking in poor Russian.

Mr. Sprague. There were comments added to the transcript, that is what I am trying to find out.
Mr. Phillips. Yes, sir. In the body of the transcript.

Mr. Sprague. All right.

Now, by the way, in that transcript that you saw, was there any indication by Oswald that the things that the Soviet ought to perhaps talk to him about was information that he had from Washington, D.C.?

Mr. Phillips. No, sir, I don't recall that. I don't recall that -- any citing of an example, you should talk to me about such and such. I don't recall that.

Mr. Sprague. Just that it would be to their advantage to talk to him, or they ought to talk to him.

Mr. Phillips. Something like that but not because I have information about a certain subject.

Mr. Sprague. Not anything as to his source of information.

Mr. Phillips. No, sir, no, sir.

Mr. Sprague. Now, my question is then to you, dealing with the transcript, it is your testimony that from that transcript or the notations added to it, you ascertained that this person Oswald was possibly an American.

Mr. Phillips. That is my best recollection. I am sure that what happened, I don't recall the circumstances, in a case like this, Mr. [03] would have walked into my office or I would have walked into his, and he would say, what do you think about this, and we together might have said, this
is an American or come to the conclusion he was an American for some reason or another, or it might have been Mr. Scott calling the two of us and saying, what do you all think? I am sure in this situation, there must have been a conversation. These occurred frequently. I don't recall it.

Mr. Sprague. Well, when you say these occurred frequently, were you picking up much in the way of taps from possible Americans giving some indication that perhaps the Soviets ought to be in contact with them to try to get to Cuba and then to Russia?

Mr. Phillips. No, sir, not to that degree. There were a number of cases that were more --

Mr. Sprague. Well, I am talking about that degree which is what you have indicated was on that intercept. Is that correct?

Mr. Phillips. Yes, but it was not rare or unique by any means.

Mr. Sprague. Well, is it enough of a situation to make you feel that something ought to be done about this particular intercept?

Mr. Phillips. Yes, sir, definitely, sir.

Mr. Sprague. And what was to be done about that particular intercept?

Mr. Phillips. To find out if we knew anything about this man. I don't know what steps Mr. [03] then took. I did
not take the action, nor did anyone working for me, Mr. [03]

Mr. Sprague. Did you remain interested in this, however?

Mr. Phillips. I remained interested I recall.

Mr. Sprague. Why -- well excuse me. Go ahead.

Mr. Phillips. I recall on at least one or two occasions saying to Mr. [03] where is the cable.

Mr. Sprague. And when you say where is the cable, what do you mean?

Mr. Phillips. The cable that in such an instance I would expect to go to headquarters telling them about this.

Mr. Sprague. This was at least important enough of an intercept that you felt it was in the area of a cablegram going to CIA headquarters in Washington, D. C., is that correct?

Mr. Phillips. Yes.

Mr. Sprague. I take it that being because on the surface here you have an American contacting foreign Soviet embassy?

Mr. Phillips. Yes, sir.

Mr. Sprague. Indicating he was trying to get out of the country, with the other things that you have said, and at that time it was against the law for Americans to go to Cuba, is that correct?

Mr. Phillips. That is correct, sir.

Mr. Sprague. Why did you not make your decision at that time to hold the tape with that narration of events that I
Mr. Phillips. It didn't occur to me that we would need a tape, having the information that we had.

Mr. Sprague. Do you know whether or not this tape of this conversation has been destroyed?

Mr. Phillips. I do not, sir.

Mr. Sprague. Do you have any understanding that it has been destroyed?

Mr. Phillips. My understanding is that it went with the other tapes back to the outside unit and was reused.

Mr. Sprague. Now, do you know, since this was at least in a situation of some importance, that it necessitated a cablegram to CIA headquarters in Washington, D. C. --

Mr. Phillips. Yes, sir.

Mr. Sprague. Whether somebody at least gave an order to hold the tape pending subsequent determination? Do you know whether that occurred?

Mr. Phillips. I know of no order from anyone saying hold it at any time.

Mr. Sprague. All right, now, who had the responsibility for sending this cablegram to CIA headquarters in Washington, D. C.?

Mr. Phillips. Because it was identifiable, an identifiable Soviet operation which produced the information, so it was his responsibility.
Mr. Sprague. Now, do you know whether or not Mr.[03] sent such a cablegram?

Mr. Phillips. He did send one.

Mr. Sprague. Was this enough on your mind, of enough importance, that you made some inquiries whether a cablegram had been sent?

Mr. Phillips. I did, sir.

Mr. Sprague. Would you tell the Subcommittee what was occurring there and what you were doing since you thought of it as of enough import to check that a cablegram was being sent?

Mr. Phillips. Mr.[03] was a busy man, sometimes procrastinating.[03] was working for him, and on one or two occasions I spoke to Mr.[03] kiddingly saying, hey, where is the cable about this fellow, or something like that, or maybe to [03] I am not sure.

In any event, what happened was a few days passed and [03] prepared a message -- she was working for [03] and as I recall it, she typed it herself, but I am not positive on that point, but in any event, she prepared the cable and took it in to Mr.[03], at which time he signed off on it.

During that process, it did come to me, also to sign off on, because it spoke about Cuban matters, and then went to the Chief of Station and was released.
Mr. Sprague. Now, as best ask you can recall since you saw this cablegram, would you tell the members of the Subcommittee what was the content of that cablegram?

Mr. Phillips. We need your information, want your -- maybe they used the word traces, but your information asking Washington about a man named Lee Henry Oswald. It then gave a physical description --

Mr. Sprague. Are you sure that in the cablegram you sent, referring to, you had the middle name Henry?

Mr. Phillips. That is certainly my best recollection.

Mr. Sprague. Okay, go ahead.

Mr. Phillips. Lee Henry Oswald, he's heavy set, gave a physical description which did not fit Oswald, and said this man is in touch with the Soviets. He wants a visa. He wants to go to the Soviet Union via Cuba and so forth, in essence what had been learned from the first transcript, but gave a physical description.

The physical description was of a photograph taken at the Soviet embassy on or about the same time -- I suppose I have to speculate, but I believe had two pieces of information which she put together, which turned out to be put together inaccurately. The first, the transcript of a man calling and asking for a visa, the second, of a man who appeared to be an American at about the same time. So she put this one and one together and came up with an incorrect...
two. So she was not giving the physical description of Lee Harvey Oswald, but a man who did indeed go to the Soviet Union during this period, and he is the man that some people now call the mysterious stranger. We never found out who he was. He, in his physical appearance, he could have been an American, he could have been a Soviet or Nordic from a ship, but she put these two things together.

Mr. Sprague. Now, this was a picture of a man entering where?

Mr. Phillips. The Soviet embassy.

Mr. Sprague. Did you not have surveillance at that time on the Cuban embassy?

Mr. Phillips. Which type of surveillance, sir, the telephones?

Mr. Sprague. Personal observation.

Mr. Phillips. We had an observation post which took photographs of the Cuban embassy, of people going in and out.

Mr. Sprague. Was not this intercept to which you have been making reference a call by Oswald from the Cuban to the Russian embassy?

Mr. Phillips. Yes, sir, it was from the Cuban to the Russian embassy, but as I recall, the tap was picked up on the Russian end.

Mr. Sprague. I understand that, but with regard to that first intercept, what was it that led you to believe that --
shouldn't say you because you had no part of it -- that the
described picture of the person entering the Russian embassy was the
person who was involved in that intercept since at that moment
Oswald had entered the Cuban embassy?

Mr. Phillips. Well, I can only presume [03] that
action. I believe what she was saying was she had put togethe-
here was a telephone call, and here was a picture of an
identified man, and she assumed that there had been a
conversation about a visa, and sure enough, off you go into
the Soviet embassy.

Mr. Sprague. Were there any photographs of Oswald
entering the Cuban embassy?

Mr. Phillips. There were not.

Mr. Sprague. Was there any observation and recording of
people who entered the Cuban embassy, and a list which we
could examine and see the description of people that entered
the Cuban embassy at or about the time of this intercept?

Mr. Phillips. Yes, there was a photographic coverage
of the Cuban embassy, and this did not work on weekends, and
sometimes the camera had to be pulled out. The camera was
pulled out either because of malfunction or something. It
was not there on the day that that intercept indicated
Oswald was in the Cuban embassy, and consequently, there was
no picture of Lee Harvey Oswald that we ever saw in Mexico.

Mr. Sprague. Well, let me ask you this.
When this intercept was picked up, this first one which caused the action that you have said, was it also determined to check on the sightings of people who entered the Cuban embassy in order to get a description, perhaps, of this person?

Mr. Phillips. No, sir, it was not.

Mr. Sprague. Why was that not done, if you know?

Mr. Phillips. It was simply not a part of the priorities in a case like this, to do it on that basis. The only time we really looked for the pictures of Oswald was after the assassination.

Mr. Sprague. But if in the cablegram that was being sent to the CIA headquarters in Washington, D. C., you were to get information back and you are given a description, and you know the call that was intercepted at the Russian embassy end originated in the Cuban embassy, would it not stand to reason for someone to check within your own CIA agency who were observing what is going on at the Cuban embassy, whether they have a description of this person?

Mr. Phillips. No, sir, and the reason being that the number of people who would be going into the Cuban consul on any day might be anywhere from 150 to 500.

Mr. Sprague. Well, what is the purpose of getting a description of someone whom I assume a great number of people went into the Russian embassy, when this call did not originate in the Russian embassy?
Mr. Phillips. I am sorry, I didn't understand the last one.

Mr. Sprague. What is the purpose of getting a description of an individual who entered the Russian embassy on that date when the knowledge was that this call originated at the Cuban embassy?

Mr. Phillips. I presume it was because [03.] simply had before her a photograph of an unidentified man who looked like an American, but I can only presume that.

Mr. Sprague. Does that make sense to you?

Mr. Phillips. It makes sense from the standpoint that it was a logical conclusion that they might be the same person, and this is a quick way to find out.

Mr. Sprague. But didn't you on this intercept know that the call that you have intercepted came from a person who entered the Cuban embassy, not the Russian embassy, is that correct?

Mr. Phillips. Yes, and so her judgment would have been based on the fact that presumably he then went -- at one time must have gone to the Soviet embassy, and that is why she thought it might be the same man.

Mr. Sprague. But not to even make an attempt to find out from your own surveillance observation team who was entering the Cuban embassy on that very day.

Mr. Phillips. That would have been a good thing to do.
I don't recall that it was. It may have been, and sir, I am sure you understand, I have to speculate about [03] and why I think she put it together.

Mr. Sprague. This cablegram that was then sent on to Washington, did that contain within it information that -- well, did it have with it the intercept? Did it have a transcript of the intercepted conversation?

Mr. Phillips. No, sir, it was a cable which -- it was not a repeat, as I recall it, word for word, of the transcript, but a new message which said we need your information on Lee Henry Oswald.

Mr. Sprague. Was there anything in that cablegram indicating CIA -- to CIA headquarters in Washington that this person Oswald was attempting to get a visa to go to Cuba and then Russia?

Mr. Phillips. As I recall, that was in there, sir.

Mr. Sprague. Was there anything in this cablegram indicating that he, Oswald, had at least in some manner indicated that the Soviets might find it to their advantage to talk to him?

Mr. Phillips. I don't recollect that at all, that it was in the cable. I don't think it was.

Mr. Sprague. Do you have an explanation of why that would not have been in there?

Mr. Phillips. No, sir.
Mr. Sprague. Was there in this cablegram anything indicating that Oswald was indicating to the Soviets that he would like their aid or help or assistance in getting out of the country?

Mr. Phillips. I don't think -- I don't recollect there was anything of that kind in the cable, sir.

Mr. Sprague. I am going to show you a document which I will ask to be marked subsequently, but may I first ask you if you can identify this document, which really has parts of it excised, but can you identify that copy I have just shown you?

Mr. Phillips. Sir, I believe this to be the copy of the message I have been trying to describe.

Mr. Sprague. May that, Mr. Chairman, be marked as Exhibit No. 1 for the purpose of this hearing?

Mr. Preyer. Without objection, this will be marked Exhibit 1 and entered into evidence in the testimony.

(The document referred to was marked Phillips Exhibit No. 1.)

Mr. Sprague. Now, reading from this copy which has been excised in many parts, and which you have said appears to be the cablegram to which you have made reference, it reads: blank "1 October '63, American Mail", and then blank, "name: Lee Oswald." Then blank, "at" -- and I will ask you to tell me what this is.
Mr. Phillips. Soviet Embassy, SovEmb.

Mr. Sprague. S-o-v-E-m-b has the meaning of Soviet Embassy, and then you have on --

Mr. Phillips. 28.

Mr. Sprague. 28, and then we don't see what the next word is, probably September would be the guess.

Mr. Phillips. S-e-p-t, I would guess.

Mr. Sprague. It then says, "then spoke with consul whom he believed to be," and the name V-a-l-e-r-y, that is the first name, V-l-a-d-i-m-i-r, and then some other, either part of a name or some other word.

Is that correct?

Mr. Phillips. Yes, sir. It is a continuation of the Russian name.

Mr. Sprague. And then it says "Subject asked Soviet" -- which I assume is Soviet guard, "Ivan," and then 0-b-y-e-d-k-o-v-r-y blank, "if there anything new re telegram to Washington," and then blank. "Thing received yet but request had been sent."

Is that correct? Have I read it right?

Mr. Phillips. Unless -- nothing is cut off of "thing received yet," but I don't know, "but request had been sent."

Mr. Sprague. And then under that we have paragraph 2, "Have photos. Male, appears be American," then blank,
"apparent age 35, athletic build," and I'm not sure what the next word is.

Mr. Phillips. I can't either, sir.

Mr. Sprague. Unclear what the next word is, maybe five feet --

Mr. Phillips. That's just a mistake.

Mr. Sprague. "receding hairline, balding top, wore khakis sportshirt," and then I guess there is a place for signatures.

Is that correct?

Mr. Phillips. Yes, sir.

Mr. Sprague. Have I read it right?

Mr. Phillips. Yes, sir.

Mr. Sprague. I am curious, at least in what appears here, that is not -- there is not anything indicating that this person was trying to get into Cuba or Russia, is there?

Mr. Phillips. No, sir.

Mr. Sprague. Do you have any explanation as to why that would be omitted since obviously an American attempting to get into Cuba, is just by that act alone violating criminal laws, is he not, or was he not?

Mr. Phillips. Yes, sir.

Mr. Sprague. Why would he be just even not putting that information in?

Mr. Phillips. I don't know, sir.
Mr. Sprague. Does that kind of surprise you when you see that at this point?

Mr. Phillips. Yes, because I didn't recall it that way, and it certainly surprises me that it didn't say Lee Henry Oswald.

Mr. Sprague. Well, that is my next question to you. When you say you did not recall it that way, what I have just shown you and we have gone through it, as I have just said, are you prepared to say that this in fact is the cablegram that was sent to Washington, or is what you remember somewhat different than what appears to be in what I have shown you here?

And let me repeat, I do not want you giving testimony just conforming to what you believe others say. We want your own testimony.

Do you want me to repeat that question?

You have been telling us what the intercept was, you have been telling us what clearly was part of a cablegram that was sent to CIA headquarters in Washington. I have shown you what you have first said appeared to be the cablegram that you have been talking about, and I am asking you now does this appear to be different than the cablegram that you saw when it first passed your desk going from 03 back to Scott?

Mr. Phillips. This is different from my recollection.
of it, that is, as I have put together my remembrances of the
cable, yes. There is no question about that.

Mr. Sprague. I assume that assuming what you have said
is correct, there certainly would have been no reason to --
in fact, there would have been every reason to mention that
this supposed American was trying to get to Cuba and Russia,
wouldn't there?

Is that correct?

Mr. Phillips. (Nods in the affirmative.)

Yes, sir, it seems that should be in there.

Mr. Sprague. All right, now, let me ask you this.
Regardless of what cablegram was sent to CIA headquarters
in Washington, do you know what date, do you know, not what you
have been told here, that the cablegram that you saw and
assented to was sent?

Mr. Phillips. No, sir, I do not. I have an approxi-
mation.

Mr. Sprague. Do you know approximately how long was it
after the first time you saw the intercept that you saw
the cablegram that was coming back across your desk for
transmission to Washington, approximately?

Mr. Phillips. Approximately three days, three or four
days, something like that.

Mr. Sprague. Now, I notice that in this cablegram, which
has been marked Exhibit 1, they refer to an intercept on
28 September. You had said earlier that you thought you were talking about an intercept that was the early part of October, and I asked you would you quarrel with or disagree if it was the latter part of September.

Would you quarrel with the fact that it may have been on the 28th or even on the 27th of September?

Mr. Phillips. No, sir, I think it was on that date, on an intercept of the 28th. I do not quarrel with that. I think it was that time.

Mr. Sprague. Could it have been the 27th, as a matter of fact?

Mr. Phillips. My recollection was that Oswald arrived on a Wednesday or a Thursday and visited the Cuban embassy the next day. I thought it was Friday, perhaps, or Thursday. I thought it was the 28th, but it certainly could have been the 27th. I don't remember.

Mr. Sprague. All right, let me ask you this.

Upon obtaining the intercept initially, and whatever the date was, and being struck that this is a matter of some importance that would involve notifying Washington, was a decision made to advise the FBI, at least there in Mexico, since there was an indication here that you have an American attempting to get some sort of contact with the Russians?

Mr. Phillips. My recollection is that there was.

Mr. Sprague. And when?
Mr. Phillips. I do not remember, sir, whether it was before the answer came to this cable -- came from this cable, in other words, whether they waited to get details to then advise the FBI, or whether possibly 'there were two memos. I didn't see them.

Mr. Sprague. Who would be the decisionmaker about notification to the FBI?

Mr. Phillips. In the case of an American, it would automatically be Mr.\[03\] That was standard procedure, that the FBI should know information about Americans. That would be his responsibility.

Mr. Sprague. All right, then, stop right there.

If that was Mr.\[03\] responsibility, automatically when it involves, I guess, any American, what would be a reason for Mr.\[03\] holding up notification to the FBI and even a more important case, when there is a decision being made that this is of enough importance to notify CIA headquarters in Washington.

Mr. Phillips. All right, sir.

For clarity I will try to divide the responsibility into two parts. It was very clearly Mr.\[03\] responsibility to get off this message to Washington and see that it was done right in his shop. The second responsibility, to see that the FBI should know, it still would have been his responsibility, but a number of people might have actually prepared that little
report.

I remember when I was talking with your staff last night I was trying to recall the people who might do this, and I had forgotten the reports officer, and if I recall correctly, an assistant. They sometimes had the instruction, "advise the FBI," and so forth.

Mr. Sprague. Do you know whether or not a copy of the transcript in this case went to the reports officer, or was this considered enough of an important matter, as you related, sometimes the report officer was bypassed by Mr. Scott in this and that category?

Mr. Phillips. No, it definitely was not.

Mr. Sprague. Now, do you know that this went to the reports officer as well?

Mr. Phillips. I don't know. I know that this kind of subject would routinely go to the reports officer, so it is possible that that person participated in whatever memorandum advised, and also the --

Mr. Sprague. Go ahead.

Mr. Phillips. Also the two American contract women that I talked about that worked there, this was the sort of thing that Mr. [03] might say to one of them, would you please do a little thing for the Bureau, or something like that. So any one of a number of people could actually have prepared that, but Mr. [03] was the one that had to see that that
message went out of his office.

Mr. Sprague. In any event, would there be more than a three or so delay before notification or five day delay before notification to the FBI?

Mr. Phillips. I think if you wanted to establish what a station chief would consider as responsible, he would say two days would be all right on a routine case. He would like to see it go more rapidly, depending on what other work went along. This was delayed longer than that.

Mr. Sprague. This was a little more than just a routine case, was it not?

Mr. Phillips. Yes.

Mr. Sprague. Do you know what the reason was for a delay longer than what would have been in the routine case?

Mr. Phillips. No, sir, I do not.

Mr. Sprague. Did you take as part of, let's say, your duties, to see that the FBI was promptly notified?

Mr. Phillips. In the sense that if I thought it hadn't been done, I would certainly have said, even though this is your case, what happened, and in a similar case of mine I would do that, and it was routine in the case of an American.

Mr. Sprague. Well, when you were pushing about the cablegram to Washington, D. C. and finally pushed -- when did it, were you also pushing to see that the FBI was notified?
Mr. Phillips. No, sir, I don't recall that I was.

Mr. Sprague. Why not?

Mr. Phillips. I don't know why I wasn't. Perhaps I did and I just don't remember.

Mr. Sprague. Did a response come to whatever cablegram was sent to CIA headquarters in Washington?

Mr. Phillips. To Mexico. Yes, sir, a response came.

Mr. Sprague. And how long after the cablegram that you had described was sent?

Mr. Phillips. I cannot recall.

Mr. Sprague. Do you have an approximation?

Mr. Phillips. Four or five days. That's a guess.

Mr. Sprague. Did you see that response?

Mr. Phillips. Yes, sir.

Mr. Sprague. And would you tell the members of the Subcommittee what was that response from Washington, as best you can recall?

Mr. Phillips. The thrust of the message was something like this. Your man that you asked about is Lee Harvey Oswald. I believe it said that he had been in the Soviet Union and was married, and married to a Soviet woman, something about the Navy, the Marines, he had been in the Marines, but it was biographical business that identified him as Lee Harvey Oswald. I just can't remember the details.
Did this response indicate that this person, that
they believed was the same person named Oswald, had been in
the United States Navy?

Mr. Phillips. I seem to recall that. No, I --

Mr. Sprague. I am asking you on the basis of what you
told me last night.

Mr. Phillips. U.S. Marines, I think the Navy advises,
something about the Navy.

Sir, may I make a parenthetical observation?

Mr. Sprague. Sure.

Mr. Phillips. You asked me last night in the subpoena
to bring any documents that I have and so forth. I have no
files or documents, but I do have the draft pages of a book
of mine which is going to be published shortly indicating
the deletions that the CIA asked for, which I did bring down
in response to the subpoena. It is about six or seven pages,
and it is a wrap-up of all of the things -- not all, but of
the things we have been talking about today.

As I recall then, in writing this some months ago -- and
so I wanted you to know that I do have it here.

Mr. Sprague. Okay, we will get to that but what I am
asking you now is what is your recollection as to that cablegram
that CIA headquarters in Washington sent in response to whatever
cablegram was sent to them from Mexico?

Mr. Phillips. The name is Lee Harvey Oswald and he is
married to a Soviet, he has been in the Soviet Union, he was in the U.S. Marines or in the Navy --

Mr. Sprague. Did it not also, according to what you have said previously, indicate that he had defected to the Soviet Union?

Mr. Phillips. Yes.

Mr. Sprague. What?

Mr. Phillips. Of course I said that, and I think I recall that.

Mr. Sprague. And that is my question, is that part of what was in that response, responding cablegram from CIA headquarters in Washington, D.C.?

Mr. Phillips. I think I remembered something like that, yes, but I cannot be absolutely positive. I realize that I am saying that I don't remember what I said last night, but I think it was there.

Mr. Preyer. All right, we will take a break.

We will take a ten minute break. The Committee will stand in recess for ten minutes.

(Whereupon, a brief recess was taken.)

Mr. Sprague. Mr. Phillips, continuing after the recess, I had been asking you about that responding cablegram from CIA headquarters in Washington, D.C., and my question was, 'did that response from headquarters indicate that this Lee Oswald, or whatever the middle name was that was there,
had defected to the Soviet Union and that he had married a Russian woman.

Mr. Phillips. I am not positive that that is the case. I cannot say that it is. That was my recollection, but it may have been that I learned that at a later date, but I recall it as sort of a message, definitely describing the man so there was no question about who he was. But I just cannot recall the details.

Mr. Sprague. Let me show you a document which I do not believe is the response, responding cablegram, but maybe upon looking at it, it will refresh your recollection as to what may have been in the responding cablegram from CIA headquarters.

(The Witness inspected the document.

Mr. Phillips. No, sir. This is a cable, a communication sent by CIA headquarters in Washington to the Department of State, the FBI, and the Department of the Navy. It is not the response to Mexico City.

Mr. Sprague. I know that, and I said that was not the responding cablegram. I just wanted you to look at that and see if that helped refresh your recollection as to what was in the responding cablegram that did come from Washington, CIA headquarters.

Mr. Phillips. Yes. It makes me think that I am correct in remembering that the one that finally did come
mentioned for the first time I think to Mexico that he had
defected to the Soviet Union, and his wife was there and so
forth.

I recall that the one that went from CIA headquarters to
Mexico straightened the record about the name, rather than
the way it is here.

Mr. Sprague. Before we continue with that, let me show
you another memorandum which I will request be marked Exhibit
2 and see if you can identify that. Forget any of the
notations on the side of it.

(The Witness inspected the document.)

Mr. Phillips. I am finding it a little difficult to
read.

Mr. Sprague. Can you identify that memorandum?

Mr. Phillips. It is an internal memorandum in the Mexico
City embassy which I gather, because it says for the ambassador,
so it was something prepared in CIA headquarters in Mexico
and sent to the ambassador and perhaps others. I do not
know.

Mr. Sprague. Now, if I may, just reading this, this is
headed 16 October 1963, is that correct?

Mr. Phillips. I didn't notice that, sir?

Yes, sir.

Mr. Sprague. Memorandum for, and then it is blank, the
ambassador, from, and then it is blank, but you indicate this
is probably from CIA to the American ambassador in Mexico, and then there is some wording, subject looks like Lee Oswald, contact with the Soviet embassy, and then under that, ambassador notified, and see, printed. The following information was received, and then blank space, on October 1, 1963, an American male contacted the Soviet embassy and identified himself as Lee Oswald. This office determined that Oswald had been at the Soviet Embassy on 28 September 1963 and talked with, and then a name, Valery, and then the rest of it, Kostikov, a member of the Consular Section, in order to learn if the Soviet Embassy had received a reply from Washington accompanying his request.

We have no clarifying information with regard to this request.

And let me just stop there.

Can you explain why the CIA, on the 16th of October, 1963, is advising the United States ambassador in Mexico that they have no clarifying information on this request when, according to you, the intercepted conversation spelled out a number of other things?

Do you have any explanation as to that?

Mr. Phillips. If my recollection of the intercept is correct, no, I have no explanation.

There is one thing I will note there, as a possibility to explain something ambiguous. It was sometimes the
custom, and Mr. Scott requested it, that when something like
this went on paper to another part of the embassy other than
the FBI office, specifically, the ambassador's office, that
the sources were fudged, in other words, they were rewritten,
so that the people in the ambassador's office, and I am
thinking particularly of an ambassador's aide, that Mr. Scott
didn't have complete confidence in, and these papers not only
go to the ambassadors but the secretaries, he would sometimes
have them rewritten to protect the source. So when they say
visited, it could mean really that he is referring to a
telephone thing and so forth.

But I do not know the answer to the first part of your
question.

Mr. Sprague. And the second part of this memorandum
says, headquarters has informed us that Oswald above is
probably identical with Lee Henry Oswald, born on 18 October
1959, in New Orleans, Louisiana, a former radar operator in
United States Marine Corps who defected to the Soviet
Union in October 1959. This office will advise you if
additional information on this is received.

Now, does that help refresh your recollection as to that
responding cablegram from Washington to CIA headquarters there?

Mr. Phillips. It helps, and I believe what may have
appened is that this message, sent to agencies in the United
States, was sent, and an information copy was sent to Mexico
City, and without waiting for the answers from the agencies in the United States, someone in the CIA station went ahead and sent out this memorandum based on this information copy. Actually, this copy is asking information from U.S. agencies, and it looks like someone may have gone ahead, taken material out of there to prepare that.

(The document referred to was marked Phillips Exhibit No. 2.)

Mr. Sprague. All right, and just for the record, the other document that I have had you look at, which I will ask be marked for identification as Exhibit No. 3, Mr. Chairman.

Mr. Freyer. Without objection, so ordered.

(The document referred to was marked Phillips Exhibit No. 3.)

Mr. Sprague. Has a heading and it appears to be from CIA to Department of State, Federal Bureau of Investigation, Department of Navy, headed Secret, Subject: Henry Oswald. It says Lee Henry Oswald.

One, on 1 October 1963 a reliable and sensible source in Mexico reported that an American male who identified himself as Lee Oswald contacted the Soviet Embassy in Mexico City inquiring whether the embassy had received any news concerning a telegram which had been sent to Washington. The American was described as approximately 35 years old with an athletic build, about six feet tall, with a receding hairline.
Two, it is believed that Oswald may be identical to Lee Henry Oswald, born on 18 October 19 -- looks to be 39 here. Maybe this other one was '39 -- in New Orleans, Louisiana, a former U.S. Marine who defected to the Soviet Union in October 1959 and later made arrangements through the United States embassy in Moscow to return to the United States with his Russian-born wife, Marina, and it goes on with the name, and their child.

Three, the information in paragraph 1 is being disseminated to your representatives in Mexico City. Any further information received on this subject will be furnished to you. This information is being made available to the Immigration and Naturalization Service.

Now, does that help refresh your recollection as to the responding cablegram that you got from CIA headquarters in Washington?

Mr. Phillips. It makes me believe, Counsellor, that I recall a cablegram coming from Washington as a CIA cable answering the cable when in fact I may recall this information which came down in an information copy, or one way or the other. I would still have thought that there would have been a regular response following the answering of this.

Mr. Sprague. Well, if in fact there was no responding cablegram, would you be surprised at that?

Mr. Phillips. Yes, sir, I would.
Mr. Sprague. Now, in any event, whether a responding
cablegram or the information in the document I have just read
to you, it is correct, I gather, that at some point shortly
after the cablegram had been sent to Washington, that the
Mexico CIA operation now had advice that Oswald, the person
who perhaps was Oswald, had been in the service, had defected
to Russia, had come back to the United States, is that correct?

Mr. Phillips. Yes, sir.

Mr. Sprague. Now, with that additional information, plus
the fact of your having seen an intercept, that this American
was saying what you said you saw in that transcript and had
been trying to get out of the country with whatever the
arrangements the Soviets would make to Cuba and to Russia, did
this now become a most unusual situation?

Mr. Phillips. Yes, sir, it escalated the importance of
it.

Mr. Sprague. All right, now, upon gathering that
information, what did the CIA -- what did you do? Let me
put it that way first.

Mr. Phillips. I did not do anything unusual such as
mounting a new technical operation or anything because of
this. I believe --

Mr. Sprague. Well, was anything done right then and there
to find out where is Oswald?

Mr. Phillips. On the side, as far as the Cuban embassy
was concerned, as I recall it, we then tasked our agents what
do you know about a man named so and so with this and that
and the other, and asked them if they knew about his visit
or something like that.

Mr. Sprague. But you know something about him.

My question now is, having first had your suspicions
excited enough to send a cablegram to Washington in a situation
that you say was somewhat unusual, you now reach the most
unusual, do you not, of finding out that this person who was
trying to get to Cuba and Russia and whatever places that you
said, turns out to have been a defector to Russia who was --
who had returned and come back to the United States.

Now, is that not unique, really?

Mr. Phillips. It is.

Mr. Sprague. And was there not a thought then by CIA,
let's find out where is this man right now?

Mr. Phillips. Okay, sir.

I recall that any actions I took were simply routine
ones, and the reasons would be these. These, at this stage,
is an FBI operation.

Mr. Sprague. Do you know whether the FBI had been
notified at that point that this individual in the intercepted
phone call was alleged to have said the things that you have
told us appeared in that intercepted transcript?

Mr. Phillips. I do not, sir. I don't know that they
Mr. Sprague. If in fact the FBI had not been told that this individual was doing other than just going to contact the Russian embassy to inquire about a telegram from Washington and had not been told that he had been talking to them about trying to get to Cuba and to Russia, and talking about it being worth their while in some way if they contact him and that they ought to help him get out, how would the FBI then know of the uniqueness of the situation?

Mr. Phillips. They would not know, sir.

Mr. Sprague. Who would be responsible for seeing that that information is given to the FBI?

Mr. Phillips. Mr. [03] shop, but with the escalating importance, that sort of responsibility would go right to the Chief of Station as well.

Mr. Sprague. Do you know what Mr. Scott or the people who were in line command, even, did upon getting this information and tying this with that information in the transcript?

Mr. Phillips. No, sir, I cannot recall.

My vague recollection, or perhaps I am remembering what I think must have been, was that at some stage here we were advised by the FBI or found out that Oswald had left the country, but I do not recall, I do not know.

Mr. Sprague. Well, while he was still in Mexico, would
the CIA have wanted to find out his whereabouts and start
some sort of surveillance or check on him?

Mr. Phillips. Yes, sir.

Mr. Sprague. Did the CIA -- would the CIA lose interest
in the potential threat by this person just because he was
then no longer in Mexico?

Mr. Phillips. Yes, sir, it would become someone else's
case if he had returned.

Mr. Sprague. Well, whose obligation was it to make
sure that that someone else had all of the information that
now made this a unique case for the Mexican operation of CIA?

Mr. Phillips. Mr. [03] Mr. Scott, and myself as well.

Mr. Sprague. Did you?

Mr. Phillips. I did not. I don't want to say I did not.
I do not recall doing it.

Mr. Sprague. But Mr. Phillips, I am sure that you would
have wracked your brain may times, and it seems to me you
obviously did not, and my question really gets back to why
not, and that perhaps gets back to an earlier question, to
some degree you have slithered around what are quotes of you
by people in the news media.

Mr. Phillips. Yes, sir.

Mr. Sprague. And you end up making a statement here
to this Subcommittee that, well, part of that statement was
what I learned then and what I learned subsequently, which
in my view just does not make sense at all, and I am putting
to you really whether you are being totally candid with the
Subcommittee.

Mr. Phillips. I am trying to be totally candid. One
of my principal problems, Counsellor, is that since this
event took on such magnitude because of the assassination, these
tings that we are talking about today I have heard in so
many varied forms on talk shows and magazine articles, and I
find it terribly difficult --

Mr. Sprague. Mr. Phillips, you made statements to a man
from UPI, you made statements to a man from the Washington
Post. I can't speak for the Subcommittee, but I find it
inconceivable that in relating that statement to Mr. Gillmore
that you are relating that what you heard Oswald say is that
he had information that might be useful to the Soviets and
Cuba, and that he hoped to be provided with free transportation
to Russia via Cuba, that in summary, you were adding in there
information subsequent to the assassination? Do you think
that makes sense?

Mr. Phillips. Counsellor, I stand by what I said. I
still recall that my perception of that first knowledge I
had of him. Perhaps to some extent, based on the very fact that
he as seeking a visa was, here was a man who wanted to go to
the Soviet Union and was projecting himself with some importance
to try and get it.
Mr. Sprague. By projecting himself with some importance, you mean he was then indicating to them, he was tooting his own horn, that he could be of some value to them. Is that what you mean?

Mr. Phillips. Yes, sir.

Mr. Sprague. Well, if that is what you mean, then say so.

Mr. Phillips. All right, sir.

Mr. Sprague. I do not want to say it. It is you. Is that what you mean?

Mr. Phillips. Yes, sir.

Mr. Sprague. When you get this response from CIA headquarters in Washington making this a unique situation which would have called for surveillance of Oswald while he was in Mexico, do you know what steps were taken to ascertain whether or not he in fact was still in Mexico?

Mr. Phillips. No, sir, I do not recall. I do not recall why all of a sudden there was no action. The logical reason would have been -- and I don't recall it -- was that we found out he had returned to the United States. In that case the interest would have been dropped, and that would have been that.

Mr. Sprague. The interest by whom?

Mr. Phillips. By the CIA.

Mr. Sprague. You mean the CIA would not have an interest
in this American who was trying to offer things to the Soviets and get out of the country through Cuba?

Mr. Phillips. Well, yes, certainly they would have an interest. On the list of priorities that were tasked that would go down in Mexico, at least certainly the step would have been taken that he would have been put on what was known as the watch list so that if his name ever popped up again in Mexico, somebody said this is the man --

Mr. Sprague. Did you ever have there in Mexico another American citizen who you were aware of giving an implication, an offer of some information to the Soviets and wanted to get to Cuba and Russia, who had been a defector to Russia before?

Mr. Phillips. Not a package of this kind and a double header of the Soviet Union. They were extremely unusual cases.

Mr. Sprague. Did you ever have a case that had all of those in it?

Mr. Phillips. No, not all of that combination.

Mr. Sprague. Why do you say this would have been a lesser priority situation?

Mr. Phillips. Well, I meant, Counsellor, if he had left Mexico, and when we learned that he was no longer in Mexico, it would have become low priority while he was -- unless he came back to Mexico, not necessarily to CIA headquarters
should he show up elsewhere.

Mr. Sprague. Well, of course, aren't you also assuming in here that other agencies who had been notified had been advised of the information that you say was on that intercepted telephone call, is that correct?

Mr. Phillips. I'm sorry, sir.

Mr. Sprague. Aren't you making an assumption that when the CIA Mexico Division lets up because he has gone out of the country, that other agencies of the Federal Government are taking up their proper duties, but contingent upon them having all of the information that the CIA had?

Mr. Phillips. Yes, sir, I think that is an assumption on my part.

Mr. Sprague. And you say that was [03] obligation, to see that that information was given to the other agencies?

Mr. Phillips. As you described, it was a case of sufficient importance that it was Mr. [03] and Mr. Scott's and I would have to share some responsibility as well. At the very best, it is not professional, at the best.

Mr. Sprague. How would you explain if in fact no other agency of government was advised that in this intercept Oswald had been attempting to -- had spoken of attempting to go to Cuba, to Russia, and was indicating that he had something to offer the Soviets, and he wanted them to help him get out
of the country, how do you explain if in fact that information was not communicated to any other agency of government, how do you explain that?

Mr. Phillips. I can't explain it, and I would call it a grievous omission, and the dimension of the gravity of it depending upon the motive for it.

Mr. Sprague. Well, I guess my question ends up, would that just be an omission or would that be more likely a decision by someone not to have that information in the context of what I just said given to the other agencies of government?

Mr. Phillips. It is possible that it could be an omission in the sense of someone waiting to wrap up another package, and they are going to produce a nice round report that they could be proud of. We covered this man all the time, and here are the stories. That is possible.

However, I tend to agree with your implication that serious enough, it certainly could be somebody decided not to do it for one reason or another, but of course, that is an assumption.

Mr. Sprague. Now, where would decisionmaking like that come from, not to notify other agencies of the United States government?

Mr. Phillips. I can tell you that precisely, sir, Win Scott. No one else would dare make that decision without Win Scott's knowing about it and approving it.
Mr. Sprague. And would he do that strictly on his own?
Or would he discuss that with anyone in a superior position to
him?

Mr. Phillips. If he were to do that without some
logical explanation of why he was doing it, he wouldn't
discuss it with anyone, because if he were to do that, and to
let someone know that he wasn't getting this information out,
all sorts of things could -- somebody just might go to the
IG, the Inspector General or something like that.

Mr. Sprague. Well, let me ask you this, and maybe this
gets back to the earlier part of the question.

These cablegrams that get routed from your Mexico
station, let's say even the one that prepared for
Mr. and then you saw, did they go immediately from
Mr. out for dissemination, for transmission? Did they
go immediately from you? Did these always get routed from
each of you back to Mr. Scott, and it is Mr. Scott who then
sees that they are transmitted?

Mr. Phillips. The final signature, the release, is
Mr. Scott's, and it goes directly from his office to the
Communications Section, and he is the last one.

Mr. Sprague. And is the first time, in looking at that
excised copy that we have of what appeared to be a cablegram
to Washington, that you were aware that, assuming that that
is the one that was sent, that there appears to have been
Mr. Phillips. Well, I might qualify it by saying as of yesterday and today it is the first indication that I have had that this information might have been held back from other agencies and from the Warren Commission. The possibility is a surprise to me, yes.

Mr. Sprague. Between it being an omission, when we consider you, Mr. Scott, and it being a deliberate decision not to give this information, which is the more likely in your opinion, from having worked there?

Mr. Phillips. In my opinion, sir, it is more likely that it would have been an omission rather than an act of that kind. That is my opinion.

Mr. Sprague. And why do you say that, because you think the other is just too terrible to contemplate?

Mr. Phillips. That is certainly one thing, but the main thing is, I wasn't aware of a similar action taken by Mr. Scott or other people and I just —

Mr. Thome. Mr. Phillips, for the record, Mr. Scott is deceased.

Mr. Phillips. Yes, sir.

Mr. Thome. And when did he die?

Mr. Phillips. He resigned from CIA in Mexico where he had been a long time, and he died in — I have it written in
here.

Mr. Thone. Approximately.

Mr. Phillips. About 1970 or '71. '71 or '72, after
the retirement, he stayed right in Mexico, had a heart attack
and died.

Mr. Thone. A heart attack.

Mr. Phillips. Yes, sir.

Mr. Sprague. Mr. Phillips, you said that there may be
one or two other intercepts after this intercept that you have
been discussing.

In any event, is the intercept that you have been
discussing the first intercept that you were aware of of
Oswald?

Mr. Phillips. Yes, sir, I believe that to be true.

Mr. Sprague. Did you have any more information concerning
the first intercept, in the whole sequence of events that we
have gone through and the response from Washington, other than
what you have testified to now?

Mr. Phillips. I'm sorry, sir, I didn't --

Mr. Sprague. Do you have any other information concerning
that first intercept other than what you have now testified
to before this Subcommittee?

Mr. Phillips. I do not.

Mr. Sprague. And the last you had any knowledge about it
was upon the response from Washington.
Is that correct?

Mr. Phillips. It is the last that I recall, sir.

Mr. Sprague. Let me see if there is anything else.

Do you know, of your knowledge, whether with regard to that first intercept, the Immigration Department was notified?

Mr. Phillips. About that first intercept, I don't know. My recollection was that in the embassy in Mexico City, the facts were Oswald being there. I presume that must be the first intercept was sent out to the State Department, FBI and Immigration and Naturalization, or at some time they were advised, but --

Mr. Sprague. Was the Secret Service advised at any time?

Mr. Phillips. Not to my knowledge, sir. First, one, there is no Secret Service in Mexico.

Mr. Sprague. Now, with regard to each of the notifications of any agencies, you do not know, I take it, whether that notification contained the information you have told us about.

Mr. Phillips. No, sir, I do not.

Mr. Sprague. All right, now, the second intercept, what is it that you saw and recall about that, and how long was that after the first, as best you can recall?

Mr. Phillips. Okay.

I believe that after the assassination, with the interest that we were able to go back over the transcripts, that I recall something about Sylvia Duran and some longer information
about her conversation. In other words, I recall the
intercept, not just the shortie that was the first one, but
one that had more substance, about this guy is over here and
what about it --

Mr. Sprague. This is a conversation by Oswald?

Mr. Phillips. No, sir, but it was about Oswald.

Mr. Sprague. No, I am talking now about conversations
by Oswald, after the first intercept, which is a conversation
by Oswald. When is the next intercept of Oswald that you have
any recollection about?

Mr. Phillips. I don't recall, sir. Like I said last
night, I am not absolutely positive. I have this feeling
there was another one or two, and I do not -- I cannot be
positive about that.

Mr. Sprague. What is your best recollection about this
other one or two as to what the content was, regardless whether
it is one or two?

Do you have any recollection?

Mr. Phillips. A second query about whether his visa
has come? I don't remember, sir. I don't remember.

Mr. Sprague. All right, now, do you recall any conversation
that were intercepted about Oswald?

First, yes or no?

Mr. Phillips. Yes, sir.

Mr. Sprague. And how many do you recall?
Mr. Phillips. If I can limit it to before the assassination --

Mr. Sprague. Well, I am only talking about before the assassination.

Mr. Phillips. I believe I recall the one I am calling the long one, Sylvia Duran.

Mr. Sprague. All right, that is one.

Do you recall any other intercepted conversations about Oswald?

Mr. Phillips. No, I do not.

Mr. Sprague. All right.

In that conversation, can you tell us as best you can recall when that was intercepted, and you saw the transcript in relationship to that first Oswald transcript that you have been telling us about.

Mr. Phillips. My best recollection is that that was there on the record, but what it was -- it didn't identify Oswald, but somehow after the assassination, when we went scrambling back through records, ah, that must be about Oswald. That is my best recollection.

Mr. Sprague. In other words, you are saying the first you are aware of that you can recall of this intercepted transcript about Oswald, you first saw after the assassination.

Mr. Phillips. That is what I recall, sir, yes, sir.

Mr. Sprague. You have no recollection of seeing it
prior to the assassination, or being marked for attention or anything like that?

Mr. Phillips. No, sir. My recollection is that it was afterwards.

Mr. Sprague. Let me back up one second, getting back again.

After you got that response from Washington, from CIA headquarters, the additional information about Oswald is a defector, all of that, without repeating it, and recognizing that the situation now is unique, did anyone then give an order to save that tape?

Mr. Phillips. Not that I recall.

Mr. Sprague. I assume the tape, though, from what you said earlier, must have been at least held up since you were -- and the destruction of the tape, since a cablegram was going to Washington for information.

Mr. Phillips. That would not necessarily be true, and my recollection is that it was not held up. Once the information was taken off of it, it was once again sent back for reuse.

Mr. Sprague. Immediately? I thought you said earlier that there was a period of time for the tape to be held for the decisionmaking process to at least work on whether to keep the tape.

Mr. Phillips. Yes, sir, but not in the office of the decisionmakers in the embassy. The tape would return to the
outside unit, as I understood it, and it was there that you
would say -- that the message would go eventually, hold the
tape.

Mr. Sprague. When you saw this response from Washington,
did you think anything of let's get that tape?

Mr. Phillips. No, sir, I did not.

Mr. Sprague. Did you discuss it with anybody?

Mr. Phillips. No, sir, I did not.

Mr. Sprague. All right.

Getting back to this conversation about Oswald which you
do not recall seeing prior to the assassination, but, you got your
say, afterwards, do you recall when that intercept had occurred?

Mr. Phillips. To preface the remark, after this whole
thing was over, I noted certain weaknesses in my performance,
one of them being, damn, why didn't I know more about this
before the assassination?

So I think what may have happened is I did indeed see
the transcript and didn't recognize that it pertained to the
other transcript. So it went back into the files. After
the assassination, let's look at everything, my goodness,
that's talking about Lee Harvey Oswald.

So it is quite possible that I saw it and didn't recognize
the value or the connection with Oswald because it was just
a case -- well, that is possible.

My recollection is that it meant nothing to us until after
the assassination.

Mr. Sprague. But my question still is, Mr. Phillips, when you did see it after the assassination, do you have any recollection now as to when that intercept had been made?

Mr. Phillips. No, sir, I do not.

Mr. Sprague. In late September, early October '63?

Mr. Phillips. It would have had to have taken place at the very end of September or early October, because Oswald went back soon, but I don't remember which of those days it was on.

Mr. Sprague. And can you summarize for us what was the substance of that conversation about Oswald, and between what parties was that conversation?

Mr. Phillips. Sylvia Duran, somebody in the Soviet embassy.

Is that the first time I read about -- I think it was -- obstreperous character over here, acted badly, had to call the consul down, an explanation, he got mad when we told him that we weren't going to get you a visa until the Soviets did, something -- Sylvia Duran talking with someone. I am not sure whether it was a Soviet, but that's the general kind of thing, a description of Oswald and his actions toward Sylvia Duran when he found out he wasn't going to get a visa.

Mr. Sprague. Are you saying that if you had seen this
transcript shortly after it had been made, that you would not
have connected that with the transcript of Oswald that you
have just told us about, if this Duran thing was again a
call from the Cuban embassy to the Russian embassy, it is
involving someone wanting visas to Cuba and Russia, which is
the very thing --

Mr. Phillips. Well, I certainly would have, so I think
that it must have been vague enough that I didn't note that
or didn't see it until after the assassination.

Mr. Sprague. Is there any other conversation concerning
Oswald that you are aware of?

Mr. Phillips. No, sir, I don't recall any other.

Mr. Sprague. At any time, was there an effort made to
go over with the surveillance team that was on the Cuban
embassy, not the Russian, as to who were the people observed
going into the Cuban embassy between September 28th and
October 3, 1963, that you know of, and you were there at least
at that station for another two years.

Mr. Phillips. You are speaking after the assassination
as well? Yes. The photographs, all the photographs that were
available from the coverage of the Cuban installation were
inspected by Mr. Shaw and by me. They were in long strips, and
we went over every single one, seeing if we could find a picture
of Oswald.

Mr. Sprague. But did you not also say that the camera
Mr. Phillips. We knew -- how did this work, now? We knew that we wouldn't find a picture of him on the day of the intercept. Nevertheless, we wanted to look back -- and I think we looked back for 30 or 45 days.

Mr. Sprague. My question was, did anybody go 'over the descriptions, what the surveillance team observed of people entering into the Cuban embassy, and who, between September 27th and October 3, 1963?

Mr. Phillips. No, sir. There would have been the -- there was no team in there. It was just a place where the camera was with an operator and so forth, and he would --

Mr. Sprague. But if the camera wasn't operating, isn't there somebody making notations? I thought you said that earlier?

Mr. Phillips. Everything before -- later the camera, as I recall, became an automatic model that worked, and then there would be people taking down license plates and that sort of thing, but there was no material available to indicate a man looking like this walked in on this day. There was nothing like that, and I believe the reason was that there was no operative in there.

Now, certainly we looked for the other days to see if there was anything. I remember, for instance, that we wrote down every single license plate that was from the United States,
thinking maybe this will be connected with Oswald, and that
sort of thing.

Mr. Sprague. Do you know of a Russian agent named
Kosta, K-o-s-t-a?

Mr. Phillips. I have heard of that name, but I don't
know what the case is.

Mr. Sprague. Did you ever in any of your CIA work
come across that name as a Russian agent?

Mr. Phillips. I don't recall it. It is familiar.

Mr. Sprague. What about the name Kostikov?

Mr. Phillips. No, I don't relate that to it.

Mr. Sprague. I have no further questions at this time,
Mr. Chairman.

I think Mr. Brooten may have some.

Mr. Preyer. Would you prefer to ask a few, Mr. Thone,
or shall Mr. Brooten?

Mr. Thone. I will be very brief. I think Mr. Sprague
has been very comprehensive.

Mr. Phillips, there is one link here that doesn't ring
ture to this Nebraska farm boy. Maybe I am just way off
base.

Stop me if I don't recite this little part here -- it is
no big deal, but stop me if I am not correct factually.

The visit of Lee Harvey Oswald in your area there was
about eight weeks before the assassination. I think your
best recollection was September 28th or something, but I think there are some other indications that might have occurred on the 27th, which I don't think is that important, and that he was down there for four or five days. At the time, you had the chief responsibility for the Cuban, what do you call it?

Mr. Phillips. Well, Cuban targets is what you call it.

Mr. Thone. Cuban targets. And the testimony, I think, is pretty extensive that in the intercept there, that he, Mr. Oswald, talked about wanting to go to either Russia or Cuba.

Mr. Phillips. Uh-huh.

Mr. Thone. Not necessarily through Cuba to Russia.

Am I correct there, so far, that he might just want to go to Cuba?

Mr. Phillips. Yes. There was the possibility that he would go to Cuba and/or. In other words, I don't recall anything that said I must go to Cuba in order to get to the Soviet Union. I think maybe it was the Sylvia Duran conversation or something.

Mr. Thone. My point here only is this is your area of responsibility.

Mr. Phillips. Uh-huh.

Mr. Thone. The thought that this person might only be going to Cuba, so of course, you are real interested in it.

Mr. Phillips. Uh-huh.
Mr. Thone. You responded to Mr. Sprague that until yesterday, I assume that was from some of these articles or so, you weren't aware of the fact that the Warren Commission did not know about this particular intercept.

Mr. Phillips. That's true, sir, or at least if the Warren Commission had not been advised that he wanted to go to the Soviet Union and Cuba.

Am I correct, Counselor?

Yes, I had always thought that they had been advised of that. I presumed it because I didn't see the papers which went from CIA to the Warren Commission, but I would presume that --

Mr. Thone. That is what stumbles this little mind of mine. As close as you were to this particular incident, your area of responsibility, a 25 year veteran in this whole area, and as I understand, you had been in Cuba yourself some years before this.

Mr. Phillips. Yes, sir.

Mr. Thone. That you weren't aware that the Warren Commission had not been advised of this intercept.

Mr. Phillips. No, sir, I was not.

Mr. Thone. And that the Schweiker Committee was not advised of it, that the Church Committee was not advised of it, and that until now, this key intercept was not made available by the CIA to any of these investigatory agencies, or inquiries, I should say?
Mr. Phillips. No, sir, I was not aware that it was not passed to them. I had certainly presumed and thought that it was.

My personal involvement with the Warren Commission was limited to Mexico, where I believe there were four gentlemen who came down to Mexico from the Warren Commission and they talked to us about this, that and the other, and I find it absolutely incredible to believe that we talked to those gentlemen from the Warren Commission and didn't tell them about this information.

So the fact --

Mr. Thone. Well, it is my understanding from the newspaper accounts -- and you can read lots of things in the newspapers, of course -- that you are now the President of the CIA Retired Association. I assume you are still pretty loyal to that organization.

Mr. Phillips. This is an organization composed of intelligence officers from all services, but I still believe that intelligence is necessary.

Mr. Thone. So does this Congressman. I think a lot of that agency.

But do you think your agency then has been candid with these official inquiries after the discussion that you and I have just had here?

Mr. Phillips. No, sir.
Mr. Thone. And what would you attribute that to?

Mr. Phillips. I would have no explanation or justification for it.

Mr. Thone. I would like to pursue that some more. I don't want to impose on the time of the other people here. Maybe later on we can.

A couple of quick other things.

On this cablegram that Mr. Sprague showed you, and I think is included as Exhibit 1, the original of that that you said that you signed off on, where would that be?

Mr. Phillips. At CIA headquarters there should still be a copy always there.

Mr. Thone. Always.

Mr. Phillips. Yes.

Mr. Thone. With your initials on it.

Mr. Phillips. No, because the initials would of course be only on the original copy in Mexico City.

Mr. Thone. That is the one I am getting to.

Mr. Phillips. But it would be transmitted, sir, telegraphically, so Washington would have a telegraphic copy which does not have initials put on in the field.

Mr. Thone. But I am getting to that original work copy prepared by [O3].

Mr. Phillips. Uh-huh.

Mr. Thone. And you said you remember signing off on it.
Where would that be?

Mr. Phillips. That should still be in Mexico if it were not brought to the United States because of its importance in this case, but it certainly should still exist, must exist.

Mr. Thone. During the period that you had the surveillance over the Cuban embassy, I understand you took pictures and everything else, I understand that is pretty routine, were photographs being taken at the same time of the Soviet embassy?

Mr. Phillips. Yes, sir, yes, sir.

Mr. Thone. Maybe that is another inquiry or so.

Do you know whether or not the camera was working?

Mr. Phillips. It was working, sir.

Mr. Thone. The camera was working during the entire period. You know that of your personal knowledge.

Mr. Phillips. No, I don't know of my personal knowledge.

Mr. Thone. But you know that it was working, that particular day that it wasn't working over at the other place, the Cuba.

Mr. Phillips. Yes, sir, and I base it on the fact that that picture of that mysterious stranger, as I understand it, was taken on the day of the intercept.

Mr. Thone. And it is also, as I understand it -- correct me if I am wrong here -- that Mr. Oswald also visited the Russian embassy during this period that he was down in Mexico City.
Mr. Phillips. I do not recall, but I have heard since many times that he made a physical visit to that embassy, but I did not remember that.

Mr. Thone. Lastly, this -- I have got a one track mind, I guess -- you mentioned that Mr. Miller of the CIA called you yesterday and frankly, I am a little upset that the CIA would talk about this technically or not under your secrecy charge or so, because I think it is a chilling aspect to your testimony, if nothing further.

You are a quality person. I am sure it would have no effect on you. I am not sure that would be true of the average person. You almost remembered the name of the staffer he said he was going to call to talk to this about.

If I reviewed some here, would it refresh your memory? Was it Mr. Akers, Mr. Brooten?

Mr. Phillips. I am sorry, sir, that who was going to call now?

Mr. Thone. Mr. Miller suggested that he was going to call somebody from this staff here and talk about this thing.

Mr. Phillips. Yes.

Mr. Thone. Would it have been a Mr. Akers, Mr. Brooten, Mr. --

Mr. Sprague. Could we get responses, Mr. Thone, instead of just shaking his head?

Mr. Thone. Yes, if you would.
Mr. Phillips. I don't recognize any of those as the names.

Mr. Thone. Caroline Hansen?

Mr. Phillips. No, sir.

Mr. Thone. Jacqueline Hess?

Mr. Phillips. No, sir.

Mr. Thone. Joe Kiehl?

Mr. Phillips. No, sir.

Mr. Thone. Billie Gay Larson?

Mr. Phillips. No, sir.

Mr. Thone. Vivian McFerferson?

Mr. Phillips. No, sir.

Mr. Thone. Patricia Orr?

Mr. Phillips. No, sir.

Sir, I don't believe he gave me a name. I think he told me he was contacting, he was going to try to contact someone on Mr. Sprague's staff. He didn't say --

Mr. Thone. I thought you almost had the name on the tip of your tongue.

Mr. Phillips. What I was thinking was, I have been talking for the first time with someone on the staff, with Mr. Feeney.

Mr. Thone. I remember that, but I think you also indicated that you knew the other name that he had in mind.

Mr. Phillips. Sir, I don't, and I don't believe he mentioned the name, and I think he said I am trying to contact someone on the staff. I don't believe he mentioned it.
Mr. Thone. You are sure about that.

Mr. Phillips. If he did, it was a name that meant nothing to me, and I just let it pass.

Mr. Thone. Would it have been a man or a female?

Mr. Phillips. I don't recall that it was either, sir. That is why I am beginning to be quite sure that he said I am trying to contact Mr. Sprague's staff now, or something like that.

Mr. Thone. Thank you.

Mr. Preyer. You mentioned the four members from the Warren Commission came down to talk with you in Mexico after the assassination.

Mr. Phillips. Yes, sir.

Mr. Preyer. Did they talk with anyone else of the station down there.

Mr. Phillips. Yes, sir, they came and of course were received by Mr. Scott and those people, and they had most of the talking, but then there was fanning out, and someone would go to -- one of the persons would talk to someone and someone to someone else, yes, sir, they did talk to sort of a cross section of people asking their questions.

Mr. Preyer. And you don't recall whether you told them about the intercept or not?

Mr. Phillips. No, sir, I don't. At that time I was convinced, and up until today, it never occurred to me that this
information was not passed on. I can't figure out why it shouldn't be.

Mr. Preyer. Did you say anything to them about only learning of Oswald's activities in Mexico after the assassination?

Mr. Phillips. In the sense of from my own operations, yes.

Mr. Preyer. The newspaper article here implies the CIA withheld the knowledge from the Warren Commission that it, the CIA, had any knowledge about Oswald until after the fact of the assassination.

Did you say anything to the Warren Commission people along that line, in short, denying the intercept?

Mr. Phillips. No, sir, because I know that we told other people in the embassy before the assassination, asking what I now see is the simple business, that we just know that a man named Lee Oswald, but my recollection is after the assassination, when I was talking with Clark Anderson, the FBI Chief, and later, when we went to the Dominican Republic and served together for over a year, and saw each other and some rather interesting times, never was there anything from Clark Anderson to me of gee, now that the Warren Commission is -- now that this is all over, you have never told us the important thing. I never had any -- I saw him only a few weeks ago, so this whole concept that this information was withheld in anything other than omission is a little bit more
than I can handle. I certainly can't explain it.

Mr. Preyer. Let me yield to Mr. Brooten now.

Mr. Sprague, you mentioned that you might want to ask
him about these documents that he brought with him.

Mr. Sprague. I was going to wait until the end of the
questioning.

Mr. Brooten. Mr. Phillips, if you don't understand any
question I ask, just tell me you don't understand it and I
will rephrase it, because we don't want any mistakes about
it.

With respect to your, or prior to your taking over the
Cuban desk of the CIA station in Mexico, what prior official
involvement had you had with Cuba as an agent or a contractor
for the Central Intelligence Agency?

Mr. Phillips. I served in Cuba in 1955 and '56 under
deep cover. That is, I pretended to be in business there. I
left Cuba and returned and served there from the middle of
1958 through '59 to '60, until I left in rather a hurry.
After Mexico I went to the Dominican Republic, and when I
went to the Dominican Republic, I became the Chief of Cuban
Operations in Washington.

Mr. Brooten. Now, prior to Mexico you had been in Cuba.

Where had you been, specifically, in Cuba?

Mr. Phillips. In Havana in both locations.

Mr. Brooten. And what specifically were your duties?
Mr. Phillips. I was on the outside, and I was involved in what was, until I became -- until I went inside to the official cover, as a propaganda specialist.

Mr. Brooten. Now, you testified, I believe, that you had certain wire intercepts to the Cuban consulate and Cuban embassy, is that correct?

Mr. Phillips. Wire intercepts.

Mr. Brooten. Wire, telephone intercepts.

Mr. Phillips. Yes. We are speaking in Mexico City.

Mr. Brooten. Yes.

Did they monitor both incoming and outgoing telephone calls?

Mr. Phillips. Yes, sir.

Mr. Brooten. Did the Soviet wiretaps monitor both incoming and outgoing telephone calls?

Mr. Phillips. Yes, they did.

Mr. Brooten. With respect to this specific transcript, would there not have been two transcripts, then, one a call going out of the Cuban embassy, and one, a call coming into the Soviet embassy?
Mr. Phillips. As I recall, there was one transcript, an incoming telephone call, and then on the same sheet of paper, outgoing telephone calls. I don't recall that there were two, one for outgoing and one for incoming.

Mr. Brooten. Well, if you had a tap on all incoming calls and all outgoing calls for both places, why didn't you have two transcripts?

Mr. Phillips. Because it was on a single line. You don't tap inside the Embassy; you tap outside the Embassy, and so you are literally on the line, and you've got what's coming both ways.

Mr. Brooten. But if a call went out of the Cuban Embassy to Point A, you would have that call intercepted, would you not?

Mr. Phillips. Yes.

Mr. Brooten. And if the call came into the Cuban Embassy from anywhere else, you would have that call intercepted, would you not?

Mr. Phillips. Yes, sir, if it was one of those phones that was tapped.

Mr. Brooten. All right.

Now, here you have a situation in which you have a call being placed from one tapped phone to another tapped phone, and my question is why --

Mr. Phillips. In that case there would be two intercepts
if it went to another telephone.

Mr. Brooten. And there should be transcripts of the
two intercepts?

Mr. Phillips. Yes.

Mr. Brooten. And if there were two intercepts, and your
responsibility was for the Cuban intercept, why then did you
not receive and have primary responsibility for that?

Mr. Phillips. Because it was translated from the
Russian, thus putting it into the Soviet area.

Mr. Brooten. All right, sir.

You stated that one of your duties was to know or you
had a priority, and you testified in response to Mr. Sprague's
question that you wanted to know who the intelligence agents
were, the diplomats and then went on down to the consulars,
you set up a protocol for that, is that right?

Mr. Phillips. Yes.

Mr. Brooten. All right.

As part of your duties, was it part of your responsibility
to know who the Cuban intelligence agents were?

Mr. Phillips. Yes.

Mr. Brooten. And with respect to Mr. [03], was it his
responsibility to know who the Soviet intelligence agents were?

Mr. Phillips. Yes.

Mr. Brooten. And did you know who the Cuban intelligence
agents were?
Mr. Phillips. Yes, I think our score was probably 90 percent.

Mr. Brooten. All right, sir.

In addition to the wiretaps going both in and out of the Cuban Embassy, in addition to the photographic surveillance that you related, how many cameras were there surveilling the Cuban Embassy and the Cuban Consulate offices?

Mr. Phillips. I never visited this outside installation, but I recall that there were at least two going at the same time on some occasions, the Consulate and the Chancery, the main building, and I believe at one time there might have been as many as three, but I'm not positive about that.

Mr. Brooten. All right.

Mr. Phillips. But ideally at least the two, the two places to cover the two entrances.

Mr. Brooten. On September the 27th and 28th, 1963, do you have any personal knowledge of how many cameras were surveilling the Cuban Embassy and Consulate in Mexico City?

Mr. Phillips. I know that one was not surveilling the Cuban Consulate, and to the best of my recollection one was still working -- no, Saturday -- no, to the best of my recollection, one was working that day on the Chancery, but I'm not positive.

Mr. Brooten. All right.

Mr. Phillips. I'm not positive perhaps because the other
camera had been pulled out -- I don't know.

Mr. Brooten. Now, do you know, of your own personal knowledge, that the camera was not working, or did you arrive at the conclusion that the camera was not working because you did not find pictures for that day?

Mr. Phillips. We arrived at that because when we said where are the pictures, there was a -- there was some -- there was a technician who was responsible for things like that, and said why wasn't it working; well, it was malfunctioning, I had to pull it out or something like that. He said it was routine and we accepted that.

Mr. Brooten. Now, you stated that [03] was in charge of the intercepts.

Mr. Phillips. As I recall, he was the "outside man" who was in charge, yes.

Mr. Brooten. How long had [03] worked for the Central Intelligence Agency, sir?

Mr. Phillips. Not too long, because he had retired from the FBI in Mexico, so three or four years.

Mr. Brooten. Do you know where [03] is now?

Mr. Phillips. The last I heard, he was in Mexico.

Mr. Brooten. Did you also testify that it was [03] decision to transcribe or not transcribe intercepts?

Mr. Phillips. If I am correct in assuming that [03] kind of sat in there during a good part of the day,
certainly he is the one they would go to.

Not knowing the operation, it's possible he left it in charge of one of the Mexican nationals and they decided. But if there was one of any real importance, certainly it would be 03 and they would await his decision.

Mr. Brooten. All right, sir.

Now, in addition to the telephone interceptions and in addition to the photographing surveillance, did you have any other types of surveillance inside, any operatives inside the Cuban Embassy in September of 1963?

(Pause.)

Mr. Phillips. Yes, we had 24.

Mr. Brooten. What areas did they work?

Mr. Phillips. 24 in the administrative area and 24 in the 24.

Mr. Brooten. All right.

To whom did they report?

Mr. Phillips. To Bob Shaw. Either directly or indirectly Mr. Brooten. And Mr. Shaw worked for you?

Mr. Phillips. Yes.

Mr. Brooten. Can you identify those people?

Mr. Phillips. Counsellor, may I ask if -- it's the hardest thing in the world to ask an ex-intelligence officer is to identify people who really, in the Mexican climate, might have a terribly difficult time if their identities were known. Do
you feel, gentlemen, that --

Mr. Sprague. Are they still on duty in this assignment?

Mr. Phillips. I don't know, sir.

Mr. Sprague. Well, I am willing, at the moment, to pass

that question up, and if we need it we can get back to that.

Mr. Preyer. I think that would be the wise way to

handle it, since Mr. Phillips would remain under subpoena.

Mr. Phillips. Thank you.

Mr. Brooten. Now, Mr. Phillips, you stated you had

conversations with Mr. Waller, the Inspector General of the

Central Intelligence Agency, yesterday, November the 26th,

1976?

Mr. Phillips. Yes.

Mr. Brooten. Did you record those telephone conversations?

Mr. Phillips. I did not, sir.

Mr. Brooten. Do you know whether Mr. Waller or anyone

at the Central Intelligence Agency recorded those telephone

conversations?

Mr. Phillips. I do not, sir.

Mr. Brooten. Now, you also stated that he said that

Mr. Miller, Lyle Miller, the Legislative Counsel, cautioned

you about technical violations of your security agreement, is

that correct?

Mr. Phillips. No, sir, that is not completely accurate.

He advised me that I was right, except from the technical
Mr. Brooten. Do you know what the sanctions are for violation of that security agreement?

Mr. Phillips. As I understand it, there are no enforceable laws.

Mr. Brooten. Now, with respect to [O3], you stated that she had a previous background in Soviet work.

Do you know what her prior posts were?

Mr. Phillips. No, I do not.

Mr. Brooten. Do you know what Mr. [O3] prior posts were?

Mr. Phillips. I don't recall. [O3] worked for me again -- worked for me when I became [27] in [16-17] at a later date, but that was subsequently.

Mr. Brooten. Do they have a background in Soviet intelligence?

Mr. Phillips. Yes, they did.

Mr. Brooten. Did [O3] ever tell you that she had any contact, either directly or indirectly with Marina Prusakova, the wife of Lee Harvey Oswald, while they were in the Soviet Union?

Mr. Phillips. No, she did not.

Mr. Brooten. Did [O3] ever tell you that?

Mr. Phillips. No, he did not.
Mr. Brooten. Do you know whether either [O3] had any contact, either directly or indirectly, with either Lee Harvey Oswald or his Russian wife prior to their entry to the United States?

Mr. Phillips. No, I do not.

Mr. Brooten. You stated that Robert Shaw worked for you —

Mr. Phillips. Yes.

Mr. Brooten. — at that time.

That Joseph Picolo worked for you and he was replaced by [O3]

Do you know the whereabouts today of Robert Shaw?

Mr. Phillips. He was in the Washington area the last I heard.

Mr. Brooten. Is he still with the Central Intelligence Agency?

Mr. Phillips. Yes.

Mr. Brooten. Do you know the whereabouts of [O3]

Mr. Phillips. He is in Washington at the Washington headquarters.

Mr. Brooten. Do you know the whereabouts of Joseph Picolo?

Mr. Phillips. I do not.

Mr. Brooten. Do you know the whereabouts of [O3]

Mr. Phillips. He has retired from the CIA and lives in
the Washington area.

Mr. Brooten. Do you know the whereabouts of Allen White?

Mr. Phillips. He is retired from the CIA and lives in the Washington area.

Mr. Brooten. Do you know the whereabouts of [03, 03, 03]

Mr. Phillips. No.

Mr. Brooten. Do you know whether or not they are still in the Central Intelligence Agency?

Mr. Phillips. I believe that they still are. I heard that he was talking about retirement, but I believe that they still are.

Mr. Brooten. Do you know the whereabouts of Ann Goodpasture?

Mr. Phillips. Yes. She is retired and living in Dallas, Texas.

Mr. Brooten. Now, you stated that the information was circulated to the local FBI agent.

Who was that person?

Mr. Phillips. Mr. Clark Anderson.

Mr. Brooten. Was Mr. Clark Anderson a Legal Attaché at the American Embassy at that time?

Mr. Phillips. He was.

Mr. Brooten. You stated he worked with you in the Dominican Republic in 1965, is that correct?

Mr. Phillips. Yes.
Mr. Brooten. And that he did not mention to you that you had withheld any information from him?

Mr. Phillips. No. Of course, if it had been successful, he wouldn't have known that it would have been withheld.

Mr. Brooten. That's my point.

Mr. Phillips. Also, it's inconceivable to me that we didn't talk about Oswald, but it's possible.

Mr. Brooten. Do you know his whereabouts today?

Mr. Phillips. Yes. He's retired in San Antonio, Texas.

Mr. Brooten. And when did you last see him?

Mr. Phillips. Oh, two and a half months ago, two months ago.

Mr. Brooten. Mr. Chairman, I have no further questions at this time.

Mr. Preyer. All right, Mr. Brooten.

Mr. Sprague.

Mr. Sprague. Mr. Phillips, you mentioned that you had a document with you, and I think the question has to be asked since we only learned last night that apparently you were working on a book, a question obviously arises when people are working on books, whether they are attempting to do something to get themselves in the public limelight to aid in the sale of that book. So there are a couple of questions I would like to ask you if I may.

Mr. Thone. I think it's most appropriate.
Mr. Preyer. Sure.

Mr. Sprague. You have the transcript of that portion of the book with you that refers to the area we have been talking about.

Mr. Phillips. Yes, sir.

Mr. Sprague. Would you be willing to turn that over to us so that we can examine it? We will not at this time delay this hearing. If we decide to put it in the record, we will put it in the record and we will get it back to you.

Is that all right with you?

Mr. Phillips. Yes, sir.

In addition, I have the deletions as requested by the CIA when the book was cleared.

Mr. Sprague. Now, that is the question I wanted to start asking.

Now, this book that you are talking about, can you just describe in general what it encompasses?

Mr. Phillips. Well, it is a chronological and geographical story of 25 years of my intelligence career.

Mr. Sprague. And when did you commence writing this book?

Mr. Phillips. In June of 1975.

Mr. Sprague. Have you ever written any books previous to that?

Mr. Phillips. I haven't written any books, though I
have written a number of plays, stories.

Mr. Sprague. Is this book now completed?

Mr. Phillips. It has been completed for some time, sir.

Mr. Sprague. And do you have a publisher for it?

Mr. Phillips. Yes, sir. It is being actually printed now.

Mr. Sprague. When did you submit this to the CIA for apparently clearance?

Mr. Phillips. I submitted some of the chapters very early. I wanted to send two chapters and an outline to New York so that the publishers could decide whether they wanted the book. So there is a total of ten chapters, and I sent two, and then three, and then it was finally only cleared about three months ago.

Mr. Sprague. When was it that you commenced your interviews with Mr. Kessler of the Washington Post?

Mr. Phillips. About a month ago.

Mr. Sprague. What initiated those contacts that gave rise to the story?

Mr. Phillips. He called me.

Mr. Sprague. Do you know how that came about at all?

Mr. Phillips. I don't know. I can surmise that perhaps he saw me on a television show or was aware -- I give lectures around the country frequently, and there is often newspaper publicity. Some of that may have reached him.
But I can only surmise.

Mr. Sprague. With regard to the book, when you commenced this book, was it part of your arrangements to get CIA clearance on the book?

Mr. Phillips. Well, I didn't say anything to them and it never occurred to me that I wouldn't. I planned to do it.

Mr. Sprague. We will look at those chapters.

I take it that the CIA, going through your book, asked you to excise certain parts of it.

Mr. Phillips. Yes, sir.

Mr. Sprague. Which you then did, and you have for us those things that they have requested you to excise.

Mr. Phillips. That is correct, sir.

Mr. Sprague. You know, the question does arise as to whether or not it is some advantage to you to be getting the kind of publicity that emanates by this kind of story appearing in the Post and media out there.

Now, could you give me some comments about the sort of change in terms of the comments to the media and what you say here. Has this thing somewhat for your part been thought of for purposes of the advantage to you?

Mr. Phillips. I was formerly an actor before I was a playwright, and there is no question that I have some sense of publicity. Having sold this book, I obviously want it to
be successful, the reason being that I have five more kids to send through college. So there is no question that I am looking for an opportunity to get publicity, which will help with the book.

There is absolutely no question, at the same time, that I wish that this publicity would not be a part of it. The inference that can be drawn by some readers that I might have played a role in a coverup of the murder of one of my Presidents disturbs me a great deal, and my children. So I assure you that this publicity was spontaneous and unwelcome.

Mr. Sprague. I assume we are about to adjourn shortly. You understand that testimony in executive session is not to be discussed anywhere.

Mr. Phillips. I do understand, sir.

Mr. Sprague. There can be no direction to you not to discuss whatever you want to, however, with others, the news media, with friends and others, but I would like to make the request — it is not official from the Committee — that while we are investigating this matter, and hopefully at some point promptly we can have an appropriate public hearing, I request you not to discuss anything with anybody.

I also request, Mr. Chairman, that this witness remain under subpoena until further call of the Subcommittee.

Mr. Freyer. Yes, Mr. Sprague, the Chairman agrees with your request of the Witness, and will repeat that as coming
from the Committee, and I take it that Mr. Thone agrees with me on this, that matters discussed in Executive Session should not be discussed.

And you will consider yourself as remaining under the subpoena until further notice.

Is there anything further that we need?

I want to thank you, Mr. Phillips, and I thank all of you members of the staff, working well beyond their lunch hour on a Saturday, which I hope the record would duly note.

The Committee stands adjourned.

(Whereupon, at 1:52 o'clock p.m., the Subcommittee recessed subject to the call of the Chair.)
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