

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JEFFERSON MORLEY,

Plaintiff,

v.

Civil Action No. 03-02545 (RJL)

CENTRAL INTELLIGENCE AGENCY,

Defendant.

DECLARATION OF DAN L. HARDWAY

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1. My name is Dan L. Hardway. I am over the age of eighteen years; I am competent to testify in this matter; and I make this Declaration to the best of my knowledge and memory.
2. I am an attorney admitted to practice in the states of West Virginia, North Carolina, Indiana and Florida; and before the Supreme Court of the United States, the United States Tax Court, the United States Court of Appeals for the District of Columbia Circuit, and the United States Court of Appeals for the Fourth Circuit, and United States District Courts in the District of Columbia, North Carolina and West Virginia.
3. I am currently engaged in the private practice of law with my office located in

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Cowen, WV. I was clerk for the West Virginia Supreme Court of Appeals after graduating from Cornell Law School in January 1981. I have been continuously engaged in the private practice of law since 1982.

4. From July of 1977 until December of 1978 I was employed as a researcher on the staff of the United States House of Representatives Select Committee on Assassinations (HSCA). In that capacity I had a top secret security clearance and, during a major portion of my employment, had access to unredacted Central Intelligence Agency (CIA) records.
5. My primary area of responsibility in research for the HSCA was the possibility of any relationship of any nature between the CIA and Lee Harvey Oswald (LHO), with special focus on the CIA's awareness of, and reporting on, LHO's activities in Mexico City. Implicit in that focus was the issue of whether the evidence from Mexico indicated any operational connection between LHO and the CIA.
6. My research for the HSCA also covered areas related to people of interest, including David Atlee Phillips and William Harvey, among others, and CIA assassination programs. I was also tasked with research and analysis of the response of the CIA's Mexico City Station LHO's trip to Mexico City and to the assassination.

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7. My work for the HSCA resulted in many reports, memoranda, and other documents, some of which have been declassified in whole or in part and some of which have been, apparently, either lost or destroyed. My primary work product for the HSCA was as co-author, with Edwin Lopez, of a draft of a section for the HSCA's Final Report on the CIA and LHO in Mexico City which remained classified in full until 1996. The draft, after further declassification in 2003, was published by the Mary Ferrell Foundation Press as OSWALD, THE CIA, AND MEXICO CITY: THE LOPEZ-HARDWAY REPORT (AKA THE "LOPEZ REPORT") 2003 RELEASE.
8. After HSCA staff was provided with unexpurgated access to CIA documents in 1977, I spent many hours working with CIA files in a small office at CIA Headquarters in Langley, Virginia. Initially, we were provided with full access to every file that we asked to see in a reasonably prompt manner after we made the request.
9. Initially, Regis Blahut handled our requests for files at CIA Headquarters and we worked directly with him. When he was transferred to work at the CIA's room at the HSCA staff offices, we were assigned two clerks whose names I do not recall who were our primary face-to-face contacts at the CIA in requesting and reviewing files.

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10. Beginning in May of 1978, the CIA assigned George Joannides to handle liaison with Edwin Lopez and me. In the summer of 1978, Mr. Joannides began to change the way file access was handled. We no longer received prompt responses to our requests for files and what we did receive no longer seemed to provide the same complete files that we had been seeing. The obstruction of our efforts by Mr. Joannides escalated over the summer, finally resulting in a refusal to provide unexpurgated access to files in violation of the Memorandum of Understanding previously agreed to by the HSCA and the CIA.<sup>1</sup>
  
11. During the course of the spring and summer of 1978 I had been looking into several areas of research which were actively impeded under Mr. Joannides's direction. These included back channel communications methods used by the CIA's Mexico City Station, William Harvey's Office of Security files and his continuing relationship with certain Mafia figures, the use of an impulse camera to photograph the Cuban Consulate in Mexico City, missing production from one of the photographic installations that covered the Soviet Embassy in

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<sup>1</sup> Record No. 104-10472-100041, Record Series: JFK, Memorandum of Understanding Between the Director of Central Intelligence and the Select Committee on Assassinations (Aug. 19, 1977). Exhibit 1 Bates Page No. 000001-000003. Most documents referred to in the footnotes to this Declaration are included in the attached Exhibit 1 to the Declaration of Dan L. Hardway. Citation will be to the Bates Page number of the document as found in Exhibit 1.

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Mexico City as well as the impulse camera at the Cuban Consulate, and David Atlee Phillips's possible involvement in stories about LHO that appeared after the assassination of John F. Kennedy. It is this last area that is particularly relevant to the information sought by Mr. Morley in this case.

12. I did not do any research aimed at George Joannides, or his activities in 1963, because , while working for the HSCA in 1977-1978, I was not informed that he had had any involvement with any aspect of the Kennedy case and I had no basis to even suspect that he had. In researching possible connections between post-assassination stories about LHO and David Atlee Phillips, I did little, if any, research that I recall into the Directorio Revolucionario Estudiantil (DRE) because, among other reasons, *the CIA had firmly represented to the HSCA that all ties between the DRE and the CIA had been terminated prior to 1963.*
13. My research into what had happened to the photographs produced by an impulse camera aimed at the Cuban Consulate during the time LHO was alleged to have visited that institution in Mexico City led to a broader inquiry into back channel communications available to the CIA officers in Mexico City in 1963. I was, in particular, looking at possible communication methods between the CIA's Mexico City Station and its JMWAVE station in Miami, Florida, and possible records that may have been generated by such methods.

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My research into this area consistently met stone walls of denial of any information being available.

14. One way that communication can occur was by face-to-face meetings. I learned that David Atlee Phillips, contrary to his sworn testimony to the HSCA in his first Executive Session appearance, had not been in Mexico City at the time of LHO's alleged visit to that city. He had been on a temporary duty assignment at CIA Headquarters and at the CIA JMWAVE station in Miami. It was shortly before, or during, this trip that David Atlee Phillips was promoted from Chief of Covert Action in Mexico City to Chief of Cuban Operations. In both positions he was responsible for anti-Castro propaganda operations. I wanted to research the question of coordination of propaganda and disinformation operations between the Mexico City and Miami stations but did not make much progress in that area due to Mr. Joannides's lack of cooperation and responsiveness and the waning of time for the continued existence of the HSCA with its concomitant pressure to produce a final report. As I recall at this point my efforts to get the CIA to produce David Atlee Phillips's travel vouchers, operational files and expense reports also bore little fruit.
15. During the course of my research I was able, however, before my access was

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delayed, curtailed, and then cut off, to review CIA 201 files on many of the individuals who had been sources for stories that appeared in the immediate aftermath of the assassination tying LHO to Castro or the Fair Play for Cuba Committee. I was able to establish that most of the sources of the stories were, or had been, agents or assets used at one time or another by David Atlee Phillips.

16. Before our unexpurgated access was cut off by Joannides, I had been able to document links between David Phillips and most of the sources of the disinformation that came out immediately after the assassination about Oswald and his pro-Castro proclivities. I confronted Phillips with those in an interview at our offices on August 24, 1978. Phillips was extremely agitated by that line of questioning, but was forced to admit that many of the sources were not only former assets that he had managed, in the late 50's and early 1960's, but were also assets whom he was personally managing in the fall of 1963. Mr. Phillips was asked, but could not explain, why the information that came from anti-Castro Cuban groups and individuals pointing to Cuban connections all seemed to come from assets he handled personally, but acknowledged that was the case. Mr. Phillips also acknowledged that back-channel communication methods existed, but denied that any were used in Mexico City. An extensive

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collection of materials I used in preparation for this interview of David Phillips have not been found so far as I know. The memorandum on that interview has not been located in the official records of the HSCA, although a partial copy has been circulated in the JFK assassination research community. To the best of my knowledge, at the time I left the employment of the HSCA, both the preparation materials and the memorandum on the interview were in the possession of the CIA in their safe room located at the HSCA's offices.

17. Mr. Phillips was not questioned about any possible relationship, or work, with George Joannides because, at the time, I had no reason to think there could be any connection and had no information that they had ever worked together or in closely related areas of endeavor.
18. The CIA considered my research and requests to be "aggressive harassment."<sup>2</sup> The CIA worked hard to discredit me, and Edwin Lopez, with our superiors at the Committee. For example, on August 18, 1978, Scott Breckinridge, George Joannides's superior officer, met with Gary Cornwall and told him that Edwin Lopez and I "labored under a burden of credibility in the Agency and ... are so callow that we [the CIA] did not want to trust them with the kind of

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<sup>2</sup> Record No. 104-10304-1000, Record Series: JFK-MISC, Annual Fitness Report – George Joannides, Operations Officer (CIA, Jan. 8, 1979). Exhibit 1 Bates Page No. 000005.



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information that they were seeking.” When Gary indicated that the CIA should tell him what the source of their concern with us was, Breckinridge notes that he “replied that it was primarily their attitude and conduct and I did not feel it constructive to discuss it further.”<sup>3</sup>

19. G. Robert Blakey, the Chief Counsel of the HSCA, informed the members of the Committee about the CIA’s resistance to the research being conducted by me and Edwin Lopez not long after Scott Breckinridge’s conversation with Gary Cornwall. He said the kind of information the CIA was concerned about may have been either that “they are terribly concerned that we are looking into something and will find something wrong,” or “we are touching on very sensitive issues of Agency performance and sensitive sources and methods.”<sup>4</sup>
20. The area of our research that seemed to create the most concern for David Atlee Phillips was the research into his possible connections with the sources of stories about LHO’s pro-Castro activities after the assassination. I find it very interesting that the person the CIA brought in to curtail our investigation, as has now been learned, was probably the second most knowledgeable person

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<sup>3</sup> Record No. 1993.08.04.09:44:38:560060, JFK Box # JFK12, Discussion on Matters Affected by HSCA Subpoena (August 18, 1978). Exhibit 1 Bates Page No. 000019.

<sup>4</sup> Record No. 180-10124-10039, Record Series: Transcript of Executive Session Hearings, Record p. 17, Tran. p. 14 (Aug. 15, 1978). Exhibit 1 Bates Page No. 000025.

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in the CIA about the CIA's 1963 anti-Castro propaganda and disinformation operations, George Joannides. The CIA has acknowledged that George Joannides was serving undercover in his assignment to work as a liaison with the HSCA.<sup>5</sup> In other words, the CIA has acknowledged that they hid their HSCA liaison's true identity, and experience as a seasoned disinformation officer, from the HSCA which was investigating the CIA and assigned him, undercover, to work with the primary researchers who were looking into the area about which he was most knowledgeable.

21. We have, since 1978, learned that George Joannides was running the propaganda shop at the CIA's Miami JMWAVE Station in 1963. It is extremely unlikely that Mr. Joannides could have occupied that position and not have known, and worked with, David Atlee Phillips. In addition, in 1963, we now know, George Joannides was the case officer handling the DRE. In 1977 the CIA specifically denied that DRE had a case officer assigned when asked that question by the HSCA. The Chief Counsel for the HSCA, requested all the Agency files on the DRE and its members as early as March

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<sup>5</sup> *Morley v. CIA*, Civ. Act. No. 03-02545, Docket No. 89, Declaration of Delores M. Nelson, Chief, Public Information Programs Division, Central Intelligence Agency, p.9 ¶ 16 (D.C. Dist. Court, Nov. 21, 2008) [Emphasis added]. Documents cited from the docket in this case are not included in the index. Subsequent citations will be to "Morley, No. 03-02545, Dock. No."

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of 1978. That request included a demand that the CIA identify any employees who had, in the period from 1960 to 1964, worked with the DRE.<sup>6</sup> After that initial request for records, at least two additional requests were made in May and July of 1978. The CIA repeatedly assured the HSCA that they had no contact with the DRE in 1963, having severed all contacts in April of that year. Contrary to the CIA's representations, the leaders of the DRE, in interviews with HSCA staff, indicated that they worked with a CIA case officer in 1963. The CIA assured the HSCA they would search their records to try to identify such an officer. The CIA employee who advised the HSCA Chief Counsel that they could find no record of any such case officer was George Joannides.<sup>7</sup>

22. One possible inference from the known data, at this point, is that the CIA brought someone out of retirement who knew where to not let us look and he impeded and, eventually, shut down our research. His specific work in regard to my research was commended by his superior in his annual performance review from 1978. In that review, Joannides was commended for "the firm position he [Joannides] took with the young investigators" that "if the peculiar

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<sup>6</sup> Letter from G. Robert Blakey to Patrick Carpenter, CIA Office of Legislative Counsel, 03/22/1978, RIF 180-10140-10065. Exhibit 1 Bates Page No. 000035-000036.

<sup>7</sup> Blakey, The HSCA and the CIA: The View from the Top, 9/26/2014, Bethesda, MD. Exhibit 1 Bates Page No. 000042.

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nature of the work did not call on Mr. Joannides for all the talents of his wide experience, it nonetheless was his experience and quick perceptions that ensured a superior performance.”<sup>8</sup>

23. That Mr. Joannides’s primary task was to deal with the research being conducted by me and Edwin Lopez was confirmed by G. Robert Blakey, former Chief Counsel to the HSCA who said, in 2015, “George Joannides was brought out of retirement by the Agency to specifically work as a liaison with our Committee. He was specifically tasked with dealing mainly with Dan Hardway and Edwin Lopez. But he also lied directly to me.”<sup>9</sup>
24. In addition to being a primary source of stories about LHO in the days after the assassination, the DRE also had a highly visible encounter with LHO in New Orleans in September 1963. George Joannides’s performance evaluation dated July 31, 1963, reports that Joannides has “done an excellent job in the handling of a significant student exile group which hitherto had successfully resisted any important degree of control.”<sup>10</sup> Anyone who is familiar with intelligence

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<sup>8</sup> Record No. 104-10304-1000, Record Series JFK-MISC, Annual Fitness Report – George Joannides, Operations Officer (CIA, Jan. 8, 1979). Exhibit 1 Bates Page No. 000005.

<sup>9</sup> Blakey, The HSCA and the CIA, 9/26/2014. Exhibit 1 Bates Page No. 000042.

<sup>10</sup> Record No. 104-10304-1000, Record Series JFK-MISC, Annual Fitness Report – George Joannides, Operations Officer (CIA, Jan. 8, 1979). Exhibit 1 Bates Page No. 000011.

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agency's disinformation operations and the details of LHO's encounter with DRE in New Orleans cannot help but see the similarities between the two, raising even more serious questions about Mr. Joannides and his role in anti-Castro and anti-Cuban disinformation and propaganda operations in 1963.

25. David Phillips recruited a group of students in Havana to work against Castro while Phillips was serving under deep cover in Havana in the late 1950's. At the time, the group was known as the Directorio Revolucionario, or DR. Phillips was the DR's first case officer.<sup>11</sup> When the DR's leadership fled Cuba in 1960, William Kent, who was very close to Phillips and worked with him, organized them into an effective organization in Florida, known as the Directorio Revolucionario Estudantil, or DRE.<sup>12</sup> The DRE was headquartered in Miami but had branches in other places, including New Orleans.
26. The week after the Cuban missile crisis ended in October, 1962, an article appeared in the Washington Evening Star newspaper alleging there were still Russian missiles hidden in Cuba. The story ran with a front page headline. The DRE was the source of the story. Shortly afterward the leader of the DRE appeared on NBC's "Today Show" and claimed to have seen, with his own

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<sup>11</sup> Bayard Stockton, *FLAWED PATRIOT: THE RISE AND FALL OF CIA LEGEND BILL HARVEY 210* (Potomac Books 2006). Exhibit 1 Bates Page No. 000048.

<sup>12</sup> Email, John Newman to Dan Hardway, 9/9/2014. Exhibit 1 Bates Page No. 000050.

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eyes, nuclear missiles still hidden in caves and hills in Cuba.<sup>13</sup>

27. Most of the funding for the DRE, in the 1960 to 1964 period, was provided by the CIA, but the organization resisted Agency control. Richard Helms, the then-head of the Agency's covert action arm, met with the leader of the DRE in 1962 after the missile crisis. Helms promised the DRE that he would appoint a case officer who would be personally and directly responsible to him. Helms appointed George Joannides. Joannides's work with DRE was considered to have been very good and successful. He began working with the group in late 1962 as case officer for a "student project involving political action, propaganda, intelligence collection and hemisphere-wide apparatus" – the DRE.<sup>14</sup> By January of 1963 he was commended for "resolving complicated problems involving control of an unruly group."<sup>15</sup> In July of 1963, his fitness report noted that Joannides "has done an excellent job in the handling of a significant student exile group which hitherto had successfully resisted any

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<sup>13</sup> Morley, "Revelation 19:63," Miami New Times, 4/12/2001, available at <http://www.miaminewtimes.com/2001-04-12/news/revelation-19-63/>. Exhibit 1 Bates Page No. 000056.

<sup>14</sup> Joannides, George, "Fitness Report," 01/19/1963, RIF 104-10304-1000. Exhibit 1 Bates Page No. 000014.

<sup>15</sup> Id.

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important degree of control.”<sup>16</sup> He was promoted to take over as head of the Political Warfare branch of the CIA’s Miami station – in other words, he became the manager of the propaganda operations and the only organization that we know of that he retained under his direct control was DRE.<sup>17</sup>

28. Joannides’s fitness report dated May 15, 1964 covering the period from April 1, 1963 to March 31, 1964, reveals that in that time frame he had been promoted to head the Covert Action branch of the Miami Station, while remaining the senior case officer for DRE. The Report praises Joannides for the quality and quantity of his propaganda and political action programs and his “ability to translate policy directives into meaningful action by all of his assets.”<sup>18</sup>
29. In August, 1963, LHO had an encounter with DRE representatives in New Orleans. That encounter resulted not only in widespread publicity in New Orleans at the time, including newspaper articles, television coverage and radio interviews, it also resulted in the first reports trying to tie LHO to Castro after

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<sup>16</sup> Joannides, George, “Fitness Report,” 07/31/1963, RIF 104-10304-1000. Exhibit 1 Bates Page No. 000011.

<sup>17</sup> Id.

<sup>18</sup> Joannides, George, “Fitness Report,” 05/15/1964, RIF 104-10304-1000. Exhibit 1 Bates Page No. 000008.

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the assassination of John Kennedy. DRE released their information the day of the assassination and it was covered in both the Miami Herald and the Washington Post the next day.<sup>19</sup>

30. The CIA never told the Warren Commission about their support of, and work with, the DRE in 1963. The CIA never told the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the "Church Committee") about it. The Assassinations Record Review Board (ARRB) asked the Agency about DRE. The CIA initially told the ARRB the same thing they told the HSCA: the Agency had no employee in contact with DRE in 1963. The ARRB, however, in examination of Joannides's CIA personnel file discovered its clear indication that Joannides was the DRE case officer in 1963.<sup>20</sup>
31. In the early 1960's, David Phillips was working at Headquarters where he, along with Cord Meyer, developed the first disinformation operations aimed at the Fair Play for Cuba Committee.<sup>21</sup> During the Bay of Pigs, Phillips was in

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<sup>19</sup> Morley, Revelation 19:63, *supra*. Exhibit 1 Bates Page No. 000065.

<sup>20</sup> Blakey, The HSCA and the CIA, 9/26/2014. Exhibit 1 Bates Page No. 000041.

<sup>21</sup> John Newman, OSWALD AND THE CIA 240-241 (Skyhorse Publishing 2008). Exhibit 1 Bates Page No. 000073.



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charge of anti-Castro propaganda operations at Headquarters.<sup>22</sup> As such, he worked closely with William Kent, who was his counterpart at JMWAIVE in Miami.<sup>23</sup> Phillips described their working relationship as very close.<sup>24</sup> Kent acknowledged that when he was running propaganda operations in Miami, David Phillips had been his immediate supervisor.<sup>25</sup> He said he was in contact by telephone with Phillips while in that position and that Phillips visited Miami “quite often.” He kept Phillips informed of the propaganda operations he was running in Miami.<sup>26</sup> Phillips’s work on Cuban disinformation continued after his transfer to Mexico City in 1961 until he left Mexico City in 1965.<sup>27</sup>

32. In the fall of 1962, when Joannides was hand picked by Richard Helms as the DRE case officer, he replaced Ross Crozier in Miami. Crozier had been brought in earlier as the DRE case officer to assist Kent. Joannides reported

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<sup>22</sup> Phillips, Executive Session Testimony, HSCA, p.3 (4/25/1978). Exhibit 1 Bates Page No. 000080.

<sup>23</sup> Id. at p. 73. William Kent used the cover name “Doug Gupton” in the field. Exhibit 1 Bates Page No. 000085.

<sup>24</sup> Id.

<sup>25</sup> Notes, CIA, Files, Veciana, Antonio, Phillips, David Atlee, RIF # 180-10141-10491, p. 7. Exhibit 1 Bates Page No. 000091.

<sup>26</sup> Id. at 8. Exhibit 1 Bates Page No. 000092.

<sup>27</sup> Phillips, Executive Session Testimony, HSCA, p. 3, 35, 59 (4/25/1978). Exhibit 1 Bates Pages No. 000080, 000081, 000084.

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directly to Helms.<sup>28</sup> Joannides's registered pseudonym was Walter D. Newby. His supervisor was Kent.

33. At some point between July 31, 1963, and May 15, 1964, Joannides replaced Kent as chief of covert operations at JMWAVE. While the scant release of documents on Joannides makes it impossible to pinpoint the time of this, Kent references in JMWAVE files end after 7/25/63. By October, 1963, the files currently available indicate that Kent was then working at the Covert Action desk of the Western Hemisphere division at CIA headquarters.<sup>29</sup> It is reasonable, therefore, to presume that Joannides became the director of covert operations at JMWAVE sometime between the end of July and the beginning of October, 1963.<sup>30</sup> As that director, he is said to have had "a distinct flair for political action operations and can translate policy directives into meaningful action programs...."<sup>31</sup> As director of covert action, Joannides only retained

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<sup>28</sup> *Id.*; Stockton, p. 221. Exhibit 1 Bates Page No. 000049.

<sup>29</sup> See Newman email, *supra*; RIFs: 104-10100-10329; 104-10100-10216; 104-10100-10210. Exhibit 1 Bates Pages No. 000106-000114.

<sup>30</sup> This is supported by the next fitness report available for Joannides covering the period 1 April 1963 and 31 March 1964. This report states that the "period covered by this fitness report represents [Joannides's] initial Agency exposure to those first echelon management responsibilities which are implicit in a branch chief's assignment...." Fitness Reports, RIF 104-10304-10000. Exhibit 1 Bates Page No. 000008.

<sup>31</sup> *Id.*

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direct responsibility for one operation: the student project involving “distribution of printed propaganda, production of radio programs, and the development of political action programs.”<sup>32</sup>

34. To summarize what we now know: the DRE originated as the DR under the tutelage of David Phillips in Havana in the late 1950's. William Kent took over running the group, now known as the DRE, once they had fled from Havana to Miami. In his position, he was responsible to Phillips. Crozier came in to assist Kent with his workload. Kent and Crozier were not too successful with the hard to control group and Richard Helms gave the DRE an officer responsible directly to him which officer was Joannides. But Joannides's performance evaluations indicate that his immediate supervisor, prior to October 1963, was Kent. We do not know what working relationship Joannides had with Phillips either directly, or indirectly through Kent. It is unlikely that Phillips did not continue to be involved in, or at least kept apprised of, operations of a group that he had started and nurtured, both directly and indirectly which continued to be directly active in his primary area of responsibility: anti-Castro propaganda. Indeed, it would be in keeping with what is known if he used that group in operations against the Fair Play for

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<sup>32</sup> Id.

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Cuba Committee, or that he continued to be involved in disinformation operations aimed at the group, having designed the first one.

35. On September 16, 1963, the CIA informed the FBI that it was considering action to counter the activities of the Fair Play for Cuba Committee (FPCC) in foreign countries.<sup>33</sup> In New Orleans, on September 17, 1963, Oswald applied for, and received, a Mexican travel visa.<sup>34</sup> On September 27 Oswald arrived in Mexico City. On that day, and the following day, Oswald, or someone impersonating him, may have visited the Cuban Consulate. On those same days, the Mexico City CIA Station was testing an impulse camera in their photo surveillance operation aimed at the door of the Cuban Consulate. Sometime in late September Phillips left Mexico City on a temporary duty assignment at CIA Headquarters.<sup>35</sup> It is at this time that Phillips was promoted to chief of anti-Castro operations in Mexico City – the Cuba desk.<sup>36</sup> On October 1 the Mexico City Station sent “bulk materials” to Headquarters by an

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<sup>33</sup> Church Committee, Vol. 5, p. 65

<sup>34</sup> Interestingly enough, the person in line in front of Oswald to apply for a visa was William Gaudet, a known CIA agent. Gaudet claimed that this was merely a coincidence. HSCA Report, pp. 218-219.

<sup>35</sup> We do not know the date he left Mexico City. A cable from Headquarters to Mexico City, dated September 30, 1963, indicates that Phillips was, on that date, TDY at HQ. Phillips, Executive Session Testimony, p. 50 (4/25/1978). Exhibit 1 Bates Page No. 000082.

<sup>36</sup> Id. at 51. Exhibit 1 Bates Page No. 000083.

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untraceable transmittal manifest<sup>37</sup> in a diplomatic pouch<sup>38</sup> "to be held in registry until picked up by Michael C. Choaden presently TDY HQS."<sup>39</sup> The HSCA was not able to find out what was in the pouch. On October 8, 1963, HQ sent a cable to JMWAVE advising them that Phillips would arrive there the following day for a two day visit.<sup>40</sup> So, in the fall of 1963, Kent was promoted from JMWAVE to WH/CA in HQ, Joannides was promoted to Kent's old position in JMWAVE, and Phillips was promoted to the Cuban desk in Mexico City. In August, LHO and DRE had had their encounter with its resultant publicity in New Orleans. In September the CIA notified the FBI about exporting their successful, but unspecified, domestic anti-FPCC operation overseas. The day after the CIA notice, Oswald applied for a Mexico visa in New Orleans, standing in line behind an acknowledged CIA agent. Oswald, or someone impersonating him, visited, or at least appears in the CIA telephone

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<sup>37</sup> TM 251905 referenced and named in Record No. 104-10500-10077, Bulk Materials Being Sent Under Transmittal Manifest (CIA, Oct. 1, 1963). Exhibit 1 Bates Pages No. 000114-000115. To my knowledge, no copy of the actual TM has been produced by CIA.

<sup>38</sup> Diplomatic pouch No. 4083 referenced and named in Record No. 104-10500-10077, *supra*, n. 37.

<sup>39</sup> Record No. 104-10500-10077, Bulk Materials Being Sent Under Transmittal Manifest (CIA, Oct. 1, 1963). "Michael C. Choaden" was David Atlee Phillips's registered CIA pseudonym. Exhibit 1 Bates Page Nos. 000114-000115. "TDY HQS" means he was temporarily assigned to duty at CIA Headquarters in Langley, Va.

<sup>40</sup> Phillips, Executive Session Testimony, p. 50 (4/25/1978). Exhibit 1 Bates Page No. 000082.

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tap records as visiting, the Cuban Consulate on September 27 and 28. Those days are the days that the CIA Mexico City Station tested an impulse camera to photograph people using the door of the Cuban Consulate that Oswald would have had to have used. The impulse camera generated over ten feet of 16 millimeter film that has “disappeared.”<sup>41</sup> Phillips was TDY at Headquarters where the Mexico Station sent him an untraceable transmittal manifest with unspecified bulk materials – to be delivered to him personally. From HQ Phillips arrived in Miami on October 9 where he spent two days TDY at JMWAVE in Miami, Florida, the CIA’s large covert action station, on his way back to Mexico City.

36. These now known facts lead to inevitable questions: Were the promotions rewards for a successful disinformation operation aimed at the FPCC in New Orleans, an operation that the Agency thought it could export to Mexico? While TDY, did Phillips meet with Kent at HQ? Did he meet with Joannides in Miami? Did they review the results of a disinformation and dangle<sup>42</sup>

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<sup>41</sup> Record No. 104-10054-10023, Use of the VLS-2 Trigger Device at the Basehouse, CIA Dispatch HMMA-22433 (11/7/63). Exhibit 1 Bates Pages No. 000116-000122.

<sup>42</sup> A “dangle” is an operation run by an intelligence agency where a controlled agent or asset is offered to a foreign intelligence service as a potential recruit of the foreign service. If the dangle is taken and the person recruited, then the original intelligence agency can use the agent as a double agent to feed disinformation to the foreign intelligence service. A dangle, structured such as Oswald’s visits to the Soviet and Cuban facilities, can also serve the purpose of allowing the first intelligence service to monitor the reaction of the foreign service to the person presenting

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operation they had just run in Mexico City – their first attempt to export the successful domestic anti-FPCC disinformation operation? Did they review the production from the impulse camera? Was that camera's production the "bulk material" in the pouch? We don't know the answers because the questions were never asked; George Joannides shut down the HSCA investigation into this area before this level of detail could be discovered and connected. Given all this, a reasonable researcher has to ask whether the Oswald visit in Mexico City was part of an intelligence operation that had both counterintelligence and propaganda purposes? It also, in this context, becomes appropriate to ask whether there has been an active cover-up and whether George Joannides undercover assignment to work with the HSCA was part of that cover-up.

37. I believe that what I learned in my work for the HSCA, and the additional

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himself by using other agents already in place, electronic surveillance, etc., so as to facilitate understanding of the foreign services processes and to facilitate planning of future operations. While Phillips frequently lied about Oswald and Mexico City, in a footnote in a little known book he self-published, he once said: "I was an observer of Cuban and Soviet reaction when Lee Harvey Oswald contacted their embassies." David Atlee Phillips, *SECRET WAR DIARIES: MY ADVENTURES IN COMBAT, ESPIONAGE OPERATIONS AND COVERT ACTION* 166 note (Stone Trail Press 1988), Exhibit 1 Bates Pages No. 000125-000127. The chapter of the book in which the footnote occurs was first published in an article, which did not include the quoted footnote, about Allen Dulles, "The Great White Case Officer," in the first issue of the *International Journal of Intelligence and Counterintelligence* (Spring 1986), Exhibit 1, Bates Pages No. 000128-000134. The article is available at <http://www.tandfonline.com/doi/abs/10.1080/08850608608435002>. It is particularly interesting, on many levels, that Phillips here phrased his involvement as observing the Cuban and Soviet reactions to Oswald's visit; exactly what you would expect him to be doing if Oswald was a counterintelligence dangle.

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information released in the years since that is related to that work, puts me in a unique position in evaluating the relevance, importance and potential public value in the information sought by Jefferson Morley in his Freedom of Information Act (FOIA) request which led to this litigation. I believe that the information in the preceding paragraphs provide context helpful to the evaluation of the potential public benefit of the information sought by Mr. Morley.

38. Within the context of these now known facts, the potential public benefit of the information sought by Jefferson Morley's FOIA request should be clear and obvious. We live in a time when there is great controversy about the role of intelligence agencies in our society, where Congressional oversight of those agencies is subject to conflict and debate about their effectiveness, and where questions linger in regard to the assassination of a popular president fifty-three years ago.
39. In regard to the issues of 1963 there would be great public benefit to knowing whether LHO had been involved, wittingly or unwittingly, in an intelligence operation. Even without settlement of that ultimate question, additional information about what George Joannides was doing in 1963, in particular with the DRE in New Orleans, would go a long way to providing insight into that



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ultimate question. Similarly, being able to explore the relationship between David Atlee Phillips and George Joannides would benefit the public by either confirming or disproving vital aspects of the events of 1963.

40. Issues relating to the use of George Joannides in an undercover operation, assigned as liaison to the HSCA, were also addressed in Mr. Morley's FOIA request. Disclosure of that information would be of extreme public benefit on several grounds. The CIA recently was accused of spying on the Senate Intelligence Committee. In this case, the CIA has admitted to running an undercover agent in an investigation of the CIA by a Congressional committee. Any details released about the nature of that operation would be great public benefit. Given the subjects the committee researchers were looking into, and the hidden background of George Joannides in those events, any revelation of details regarding either what Mr. Joannides did in regard to the HSCA investigation or what he was doing with David Atlee Phillips in 1963, would benefit the public by clarifying major issues that remain open in regard to the Kennedy assassination and by either alerting the people of this country that the CIA has subverted Congressional investigations or by helping to assure them that it has not. The CIA recently admitted in a declassified historical article that they participated in a "benign" cover-up of facts during the Warren

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Commission investigation of the assassination of John F. Kennedy, resulting in extensive traditional and internet press coverage. Similar public interest abides in whether there was also a cover-up of facts involving the CIA's work with the HSCA. Disclosure of the information requested by Mr. Morley would also benefit the public by leading to disclosure of information contributing to an understanding of whether the CIA similarly covered-up information in the investigation conducted by the HSCA. Confirmation of such a cover-up would benefit the public by providing, at least, a basis for strengthening oversight of intelligence agencies. Confirmation that there was not such a cover-up could work towards restoration of trust in both the intelligence agencies and our government and its democratic institutions.

41. The documents sought by Mr. Morley in his FOIA request had the potential for benefit to the public in all the ways discussed above as well as in other unenumerated ways. Specifically, documents that could have provided such potential beneficial information should have been provided in response to the requests set forth in items numbered 7, 9, 10, 11, 12, 13, 14, and 15 of his FOIA request of July 4, 2003. Had these requests yielded documents, they would have been of great public benefit in clarifying issues in regard to the Kennedy assassination, especially the roles and possible relationships of LHO

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and the CIA and the facts about what actually happened in New Orleans and Mexico City in the late summer and fall of 1963. Documents that could have provided such potential beneficial information should have been provided in response to Mr. Morley's July 4, 2003, request for the records described in requests number 7, 8, 10, 16 and 17. Had these requests produced documents, those documents could have been of great public benefit in resolving issues about whether the CIA subverted the HSCA investigation into the events in New Orleans and Mexico City and the possibility that there was a relationship between the CIA and LHO.

42. Further examples of the possible public benefit of the documents sought by Mr. Morley's request can be seen, from my perspective, from some of the information provided by the CIA's Vaughn index. While most, if not all, of the documents summarized in the index indicate they would have information relevant to the issues discussed above, of particular interest from my perspective are documents numbered 1199978, 1161490, 1153249, 1161488 and 1153248.
43. Document number 1199978<sup>43</sup> is an 8/17/1978 Memo for the Record Reinvestigation of Third Party. The date of the document indicates that it was

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<sup>43</sup> Morley, No. 03-02545, Dock. No. 45, Exh. No. 3, p. 25.

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generated between the time I interviewed Barney Hidalgo on 7/28/1978 and David Atlee Phillips's second appearance before the HSCA in executive session on 8/10/1978. Barney Hidalgo was interviewed because he had said that he personally knew Maurice Bishop, whom he said worked for the CIA but was not David Atlee Phillips. The memorandum is also dated shortly before my last interview with Phillips on 8/24/1978. A major issue I was addressing, along with other staff members, was whether David Atlee Phillips, who was under active investigation by the HSCA staff, used the name Maurice Bishop either as a pseudonym or as an operational cover name. The Vaughan Index Document Description indicates that the document was denied in full because it "contains information about Joannides' (sic) interaction with a third party who was under investigation."<sup>44</sup>

44. Document number 1161490<sup>45</sup> is George Joannides 9/20/1978 Fitness Report which was withheld in full. We know that CIA Fitness Reports routinely contain detailed descriptions of the employee's specific duties and activities during the covered period. This fitness report is written in September of 1978, not long after Mr. Joannides began his job undercover as a liaison with the

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<sup>44</sup> Id.

<sup>45</sup> Morley, No. 03-02545, Dock. No. 45, Exh. No. 3, p. 140.

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HSCA, a matter of extreme public interest, and very shortly after the staff wrapped up its investigation into David Atlee Phillips. The Vaughn Index Document Description indicates that the document was denied in full because it “is an evaluation of Joannidies’ (sic) job performance during a certain Agency assignment.” This document is, in my opinion, one of the most vital withheld documents in the JFK case and is of incredible potential public significance. The document, if released, should shed light on the issue of whether the CIA actively sought to subvert the HSCA investigation and help to answer the pressing public question of whether Joannides’s “certain Agency assignment” at that time was to subvert the HSCA investigation.

45. Document number 1153249<sup>46</sup> is a Form Discussing Intelligence Methods re Joannides dated 2/9/1978. This document is particularly interesting because, allegedly, at this point Joannides was in retirement. According to the CIA’s version of events, Joannides was brought out of retirement in mid-May of 1978 to serve as liaison with the HSCA. If that is so, then what intelligence methods regarding Joannides were discussed or detailed on this form? The document’s public significance is in addressing the CIA’s use of Joannides in an undercover operation while he served as liaison to the HSCA.

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<sup>46</sup> Morley, No. 03-02545, Dock. No. 45, Exh. No. 3, p. 135.

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46. Documents numbered, respectively, 1161488<sup>47</sup> and 1153248<sup>48</sup>, are another George Joannides Fitness Report (1161488), and another Form Discussing Intelligence Methods re Joannides (1153248), but in the case of these two documents, even the date of the document is withheld. Given that the CIA has not released Mr. Joannides's Fitness Report that would have covered the period when Lee Harvey Oswald was in New Orleans interacting with the Joannides run DRE, the document becomes of extreme public interest and import. If this document is not the Fitness Report for that time period, then it is still of significance in that it would detail additional information about Mr. Joannides's role and duties in the CIA and his potential involvement with other persons of interest in the Kennedy investigation. Similar considerations apply to Document number 1153248.
47. Documents in the Vaughn index that are dated in 1963 and 1964 have similar indicators of significant interest.
48. The photograph of George Joannides that Mr. Morley did obtain through his FOIA request would have been invaluable had it been available to the HSCA staff in 1977 and 1978. The CIA repeatedly told the HSCA that they had no

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<sup>47</sup> Morley, No. 03-02545, Dock. No. 45, Exh. No. 3, p. 134.

<sup>48</sup> Morley, No. 03-02545, Dock. No. 45, Exh. No. 3, p. 133.

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contact with DRE in 1963. The leaders of the DRE, however, told members of the HSCA staff, that they had an CIA case officer in 1963 who went by the name of "Howard."<sup>49</sup> Had the HSCA staff had that photograph in 1978 it would have led to an identification of George Joannides then. Jefferson Morley, after obtaining the photograph through his FOIA request, showed the photograph to three surviving members of the DRE, Luis Rocha, Jose Antonio Lanuza, and Manuel Salvat, who each, individually and separately, identified the photograph as the CIA case officer known to them as "Howard" in 1963.<sup>50</sup> The identification of the photograph provides independent confirmation of Joannides's assignment in 1963 and prevents further prevarication on the issue by the CIA thereby settling an issue of significant public interest in the JFK investigation.

49. After David Atlee Phillips testified a second time before the HSCA in Executive Session on April 25, 1978, several staff members, myself included, sought to have the Chief Counsel recommend to the Committee that it refer Mr. Phillips to the Justice Department for prosecution for lying to Congress. That

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<sup>49</sup> Blakey, *The HSCA and the CIA*, 9/26/2014, Exhibit 1 Bates Page No. 000042; *Morley v. C.I.A.*, 508 F. 3d 1108, 1113 (D.C. Cir. 2007).

<sup>50</sup> Email from Jefferson Morley to Dan L. Hardway, 4/13/2016. Exhibit 1 Bates Page No. 000123.

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was not done. While recommendations were made to the Justice Department at the close of the Committees work regarding further investigations, none of the recommendations referred to Mr. Phillips or his activities. Had we known then what we have learned since 1978 about Mr. Phillips's and Mr. Joannides's activities, I firmly believe that the results would have been much different than they were. I believe that, at a minimum, the information would have led to a Lying to Congress charge against David Atlee Phillips and a strong recommendation that the activities of the CIA, George Joannides, David Atlee Phillips and Lee Harvey Oswald in New Orleans, Dallas and Mexico City be subjected to further, additional, intense investigation. Such is the nature of the information. Consequently, I think it should be clear that the information sought by Mr. Morley in his July 4, 2003, FOIA request that specifically dealt with the underlying facts from 1963 and the CIA's active cover-up of that information in 1978, are of the greatest possible public interest. While revelation of that information cannot have the same effect it would have had in 1978, or 1963, it continues to be of great historical interest as well as being of great practical and political import to the nature and functioning of our democracy.

I declare under penalty of perjury that the foregoing is true and correct..



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Executed this 25<sup>th</sup> day April, 2016.

S/Dan L. Hardway/S

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Dan L. Hardway