

THE VIEW FROM THE TRENCHES: THE HSCA AND THE CIA

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Of all the people speaking at this conference, I am probably the least knowledgeable of all. And I say that in regard to the substance of the information available about the Kennedy assassination in all of its aspects, including Mexico City and what happened there in the fall of 1963. Since my time with the U.S. House of Representatives's Select Committee on Assassinations, I have not followed, in any great detail, the continuing developments in the case. Between 1979 and my first contact from Jeff Morley, I believe I only spoke to one author off the record, one on the record and the Assassinations Record Review Board folks under subpoena. My personal notes, diaries and records from the time I was with the HSCA were stolen from my apartment in a burglary in 1981. Nothing else was taken.

At this point, thirty-five years after my work for the Committee ended, I am not sure that I have a lot to contribute to the current knowledge base that has accumulated about the assassination. I have memories, but they are thirty-five years old. I have not had the time to really do a lot of research into the records, nor do I have the skill to do that research adequately, but I have done some research and to put my memories into some type of context.

I quickly learned that the information available today is much greater than it was when I last visited the subjects three decades ago. So, I am not going to try to comment too much on substantive areas of the investigation. But I do want to take you back a bit in time to what it was like when I first started filling in the redactions of the then available FOIA documents, up through drafting the HSCA Report, from the perspective of someone dealing with the CIA.

While waiting for negotiations between the Committee and the Agency to reach some kind of agreement on document access, my work was largely restricted to review of previously released information and the critic's theories and speculations. I recall one incident that occurred in this period very vividly. I was sent to Jacksonville, FL, with investigator Gaeton Fonzi, to interview Joseph Burkholder Smith, a retired CIA officer. Upon our arrival, we handed him our HSCA credentials, telling him we were there to ask him some questions on behalf of Congress. He flipped the credentials back at us and told us, "So you represent Congress, what the f\*\*\* is that to the CIA. You'll be gone in a few years and the CIA will still be here." That really sums up a lot of the problem that we had.

While we were waiting for Bob Blakey to negotiate access to CIA files, I reviewed all the public information about the Agency, and all the FOIA documents, I could find. I

read all the critics and familiarized myself with the speculations about what may have been redacted from the released FOIA documents.

Bob Blakey negotiated an agreement with the Agency that gave us what we thought was unprecedented access to their files. The deal was that we could see any file we requested so long as we saw it at Langley and nothing left Langley except what we could carry in our heads. Even our notes stayed. The Agency also retained a veto over what the Committee could ultimately disclose. At the time we did not worry about that because we perhaps, naively, thought that if we were to find important information, that there would have to be disclosure.<sup>1</sup> After all, despite what Joseph Burkholder Smith said, it was Congress we were working for. I had no understanding at that time about the political realities of the Committee, nor how intimidated the members were by the Agency.

Once we had access to unredacted documents under the working agreement, one of the first things that I did was review unredacted copies of the FOIA documents. Being able to fill in those blanks answered some questions, discredited a lot of speculation, but, over all, raised many more questions than were answered. It also gave us the starting point for our inquiries. At this point, so far as I know, we were the first people from outside the Agency to see some of these documents in unexpurgated form.

There is no question but that Ed Lopez and I were novices. We were rising second year law students. We had no intelligence background or training. We had to learn as we went. Once we had unexpurgated access to documents at Langley, we tried to quickly learn the cryptonyms, file designations and systems, and how to decipher routing slips. As we dug for documents we quickly learned that the routing instructions would often give us good clues about where to look next, that they could provide us with information in addition to that in the actual document. We ran a lot of rabbit trials that way, but we also learned how to use that kind of information as a check on what we were getting from the Agency in response to our requests.

Starting in September of 1977, I began to spend most days at the Agency. Initially, our minder was Regis Blahut, the Agency officer who was later fired for fingering the autopsy photos after a CIA safe was set up at the Committee offices. Regis, at one point early in the process, pitched me on a CIA career. I have no idea whether it was authorized, or his own idea, but he asked me if I had considered applying for employment with the Agency after I finished my law degree. He was complementary and told me he thought I could have a great career with the Agency, that I wouldn't have any problem getting a job

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<sup>1</sup> While we were wrong in the short-term, it actually has turned out in the long-run that most of our work has come to light.

there if I were interested. I told him that I was not interested and reported the conversation to Micky Goldsmith, my supervising attorney. I have not been able to find the outside contact report I wrote in the released documents. But I don't claim to know my way around the research sites very well or to have spent a lot of time looking.

My primary assignment, on the HSCA Task Force assigned to investigate the intelligence agencies, was to research the CIA's awareness of and reporting Lee Harvey Oswald's activities in Mexico City. Implicit in that assignment was the issue of whether Mexico City indicated any operational connection between Oswald and the Agency. I also had an understanding with Bob that I could look into other matters, such as people whom I considered suspicious, like Bill Harvey and David Phillips, and other programs, like ZRRifle, Bill Harvey's Assassination Operation so long as I did the work on the CIA's Mexico surveillance and reports on Oswald.

From September of 1977 until at August of 1978, Eddie Lopez and I had a small inner office in the bowels of CIA headquarters in Langley. We were able to request access to any file which we could identify. When the Agency put a safe at the Committee offices and moved Regis there, we stayed at the little cubicle assigned to us and the Agency assigned two people to handle our file requests. The files were produced fairly quickly and we requested a lot of them. We were aggressive in the requests and in expecting the files to be produced quickly. At this stage, we rarely dealt with the higher ranking CIA employees. We had people assigned to work with us who, usually, did not even tell us their names, let alone their positions. They did, however, seem to be knowledgeable of the files and were able to produce something that they said was that for which we had asked.

If you have read the Lopez Report, you know that we did not always, or even usually, get what we were looking for, although we always, during this period, got something. This applied not just to the Mexico City inquiries we were digging into, but other areas as well. We often would find documentation in places other than where you would think that you would find it. In the initial stages of the investigation, when we were there most every day dealing directly with agency employees, we were going after files aggressively and I was able to ask for files in different areas of interest so that any concentration, other than on Mexico City, was probably not that easy to track. We were also getting files fairly quickly in response and I believe that that didn't really give them time to coordinate what they produced and to clear items out of the files that they did not want us to see.

The CIA vets files before release. They do not, however, always get everything out that they may have wanted to get out. The FOIA release to Jeff Morley that didn't expurgate Joannides's connection to DRE is one example of this. Another occurred when Charles Berk and I interviewed Barney Hidalgo. I reviewed his personnel file before the interview. My

memo on that is publically released.<sup>2</sup> He was interviewed in July, 1978, shortly after Gaeton Fonzi had interviewed Phillips's brother in Dallas and after we had learned that he claimed to know both David Phillips and Maurice Bishop, and that they were not the same person. None of us thought that Hidalgo's story was anything other than disinformation. But the thing I found most interesting about the interview did not make it into the summary. At the end of the interview, I asked him about the commendation that was in his file for handling a hard defection of an East German general – a “hard defection” was a kidnaping. He was furious. He hadn't been cooperative during most of the interview, but when I asked him that, he exploded. The first thing that he said was, “They assured me you would not see that. It has nothing to do with this.” Someone missed it when they cleaned his file up before letting us see it. I haven't found that document in the publically released files yet either although much about Barney has been released.

You can see another example how we found critical documents in the Lopez Report's discussion of the impulse camera that covered the Cuban Consulate. We had been given what we thought was unexpurgated access to the complete project file on the coverage. As a check on what we were given in the operational, file, we also requested the chronological dispatch file between Mexico City and Headquarters. Interestingly enough, the technician who covered the photographic operation filed monthly reports. While the project file had most of the monthly reports, the one covering the month of September, 1963, was missing. We found it in the dispatch chronology. The agency was not able to remove HMMA-22307 from the chronological file although a copy was not in the project file. If we had not asked for the chronological file, we probably would never have seen the dispatch that indicates that the impulse camera was tested for a period that was to last 4 to 8 days beginning on 27 September 1963. It promised that the film would be sent to the Headquarter's Technical Services Division. HMMA-22307 was dated 18 October 1963. The next dispatched monthly report sent in November, which we found in the project file, enclosed samples of the photographs taken by the impulse cameras.<sup>3</sup> It also reported that the impulse camera had generated 10 feet of 16 mm film. We never saw the 16 mm photos. A dispatch sent from Mexico to HQ in June of 1964 states that the negatives from the pulse camera were being sent to HQ along with five packages of undeveloped film. The dispatch reports that they were sent by a numbered transmittal manifest.<sup>4</sup> Our attempts to track that manifest were a dead end. The CIA flatly told us that manifests are unaccountable and unretrievable. I didn't

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<sup>2</sup> Record No. 180-10142-10076, Record Series: CIA Segregated Collection, Summary of HSCA Interview of Balmes Nieves (8/7/78).

<sup>3</sup> HMMA-22433, 11/7/63.

<sup>4</sup> MEXI-9440, 6/19/64.

believe it then and still don't.

The monthly report for December,<sup>5</sup> 1963, on this operation was not provided to us until November 16, 1978, as we were trying to finalize the report. It had not been in either the project file or the dispatch chronology but this one came to light as we fought with the Agency about the content of the Report. The Agency was trying to discredit our work with members of the Committee. CIA Director Stansfield Turner had admitted, in a letter to Chairman Stokes on 25 October 1978, that on September 27 “or at some time not long afterwards, there was test photography of the entrance [of the Consulate].” He went on to claim that we had seen the production from the testing of the camera. That was not true.<sup>6</sup> I have not been able to find Director Turner’s letter of 25 October. I wrote a memo to Chairman Stokes rebutting the claims in that letter.<sup>7</sup> Chairman Stokes respond to the 25 October letter on the basis provided by my memo, raising concerns about our access to production from the coverage of the Cuban Consulate and the Soviet Embassy.<sup>8</sup> Admiral Turner responded on 30 November 1978 and addressed only the coverage at the Consulate. In that letter, he told Chairman Stokes that I had seen HMMA-22726 on 31 October 1978, but that I acknowledged that I “could not recall seeing some of [of the dispatches].”<sup>9</sup> Admiral Turner closed his letter by expressing his “hope... that you can accept this letter as the final assurance” of the Agency’s integrity in cooperating with the committee.

I responded in a memo to the files which is worth quoting at some length to illustrate how things went when we tried to tie down CIA documents, especially after we no longer had unexpurgated access to files:

Generalities are often misleading. I stated that I did not recall seeing one dispatch concerning the pulse camera. That dispatch, HMMA-22726, 1/16/64, was definatly not in the unexpurgated project files or dispatch chronologies

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<sup>5</sup> HMMA-22726, 1/16/64.

<sup>6</sup> He also claimed there was no weekend coverage of the Soviet Embassy, a claim that was also not true.

<sup>7</sup> Record No. 104-10428-10029, Record Series: JFK, Memo: Lee Harvey Oswald in Mexico (10/27/78).

<sup>8</sup> Record No. 104-10428-10028, Record Series: JFK, Letter from Chairman Stokes to Director Turner (11/16/78).

<sup>9</sup> Record No. 104-10150-10027, Record Series: JFK, Letter from Turner to Stokes (11/30/78).

that I reviewed. I did not see that dispatch in any of the files that I reviewed after Mr. Breckinridge began giving them to us in an expurgated form either. But, as I pointed out at the time, I cannot say what was in those files because I only saw what Mr. Breckinridge or one of his functionaries deemed I should see. I have no way of knowing what was in the sealed envelopes in those files. Hence, it is possible that there is a cover sheet with my signature on the file that contained this dispatch but I did not see the dispatch. It should be noted that I pointed out that just such a possibility was inherent in the situation when Mr. Breckinridge reneged on the Memorandum of Understanding's provision for unexpurgated access. It should also be noted that the two dispatches which I discovered that deal with the pulse camera were in two separate files: one was located in the project file and the other was in the dispatch chronology.<sup>10</sup>

My response to the October letter had been directed to the members of the Committee. This memo was to the files. I am, actually, surprised that it has survived. This was close to the end. Admiral Turner's response to Chairman Stokes letter of November 16, 1978, didn't even bother to address the issues related to the coverage of the Soviet Embassy. The Committee decided they could not negotiate even a revised and redacted version of the Lopez Report with the CIA and the effort was abandoned. The report remained completely classified until 1993 and is still only released in a redacted format. By the time of my last memo on that issue, I was fully disillusioned, which comes through in the memo. As reflected in that memo, at that time Bob Blakey and Scott Breckinridge had formalized the process of vetting our report and it was obvious that it was not going to go anywhere. Shortly after this memo was written, I left Washington to return to law school.

My disillusionment with the Committee's support for our work, or even interest for that matter, had started to set in when we started having executive session hearings. David Phillips and Anne Goodpasture both lied through their teeth in their sworn testimony. But they never received Helm's badge of honor of being convicted of lying to Congress. Our – mine, Eddie's and Micky Goldsmith's – strong recommendation of referring Phillips to the Justice Department for prosecution went nowhere even though we had demonstrated, in his second executive session appearance in April, 1978, that he had knowingly lied in his first sworn testimony. As far as I can remember, we didn't have as strong a case to prove that Anne was lying and we didn't even bother to ask that she be referred for prosecution. It has since become clear from her ARRB testimony that we were right: she lied to us.

When the CIA reneged on the memorandum of understanding, I was looking into

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<sup>10</sup> Record No. 104-10406-10396, Record Series: JFK, Memo: Re: Commentary on Turner Letter of 30 November 1978 (12/4/78).

some matters in addition to the Mexico City issues. I believe it was these areas that resulted in the CIA mounting a covert operation against us, something they have admitted in a sworn affidavit filed by the CIA in a federal court.<sup>11</sup>

The Agency claimed was untraceable. I believed that it was likely that both the Agency and individual officers, such as Phillips and Goodpasture, probably used back channel communication methods when they wanted something done off the record. My suspicion of back channel communications was also reinforced by the “Sloman cable.”<sup>12</sup> I had begun to press the Agency representatives with inquiries about back-channel communication methods, practices and records between D.C., Mexico City and Miami. I wanted records of what the Station put into diplomatic pouches. I believe that I asked whoever was working on the staff in connection with the State Department to see if State had records of what went into the pouches. I was cut off before I got far into that with the CIA. I do not recall whether an inquiry was even made with State, but if it was it did not produce any information.

One obvious way that back channel communication could occur was if the individual involved was traveling. The expansion of Phillips’s duties in fall of 1963 when he promoted from Chief of Covert Action to Chief of Cuban Operations, and the documentation that Phillips had not been in Mexico City while Oswald was there but had been TDY at HQ and Miami,<sup>13</sup> aroused my curiosity about coordination of anti-Castro operations JMWAVE between Mexico City and the CIA’s station in Miami and elsewhere, especially in his areas of specialization: disinformation and propaganda. So, I began pressing for David Phillips’s travel vouchers, operational files and expense reports. I identified the sources of disinformation stories coming out of Miami and New Orleans in the days following the

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<sup>11</sup> *Morley v. CIA*, Civ. Act. No. 03-02545, Declaration of Delores M. Nelson, Chief, Public Information Programs Division, Central Intelligence Agency, p.9 ¶ 16 (D.C. Dist. Court, Nov. 21, 2008).

<sup>12</sup> Record No. 104-10075-10179, Record Series JFK, WAVE 66857 to Mexi (22 Nov. 63).

<sup>13</sup> See Record No. 104-10050-10077, Record Series JFK, MEXI-3??54 to Dir (1 Oct. 63); Record No. 104-10529-10290, Record Series JFK, DIR 74234 to MEXI (8 Oct. 63). Wouldn’t you like to know what was in TN 251905, Pouch Number 4083, that was sent to HQ on 10/1/63 and was to be held until picked up by David Phillips? From the chronology of these cables, along with Record No. 104-10086-10003, Record Series JFK, DIR 73214 (? Oct. 63), it appears that Phillips was headed to DC, or was in DC on 10/1/63 when an untraceable package was sent to them to hold for him to pick-up. While there, he was promoted to Chief of Cuban Operations. He apparently arrived back in Mexico City on October 7, 1963.

assassination and started asking for 201 files on the sources to see if I could link those sources to Phillips. I went back through my previous research on him, looking for such connections.

I believed then, and still do, that the assassination bore earmarks of an intelligence operation. Looking at it that way, I thought that a way to try to unravel the operation was to look at the disinformation portion of the assassination and work back from that. I expected compartmentalization, but I suspected that identifying an actual officer who tied the disinformation efforts together would at least show operational coordination. If most of the disinformation came from identifiable intelligence sources, and those sources were accountable to one officer, I felt that it would be hard for nay-sayers to use the opportunistic excuse for the disinformation. In other words, if it was that coordinated, that quick and as detailed as it was, it would be reasonable to infer that it had to have been laid on in advance. I identified the sources of the stories that came out immediately after the assassination with detailed information about Oswald and his pro-Castro activities. I started asking for CIA files on them and had seen quite a few files before we lost access.

In that same period, I had also found a reference to a CIA debriefing of Johnny Roselli after Drew Pearson published his piece about Castro turning assassins sent to kill him around and sending them back to kill Kennedy. I asked for the records of the debriefing. I very clearly remember some details about this. The debriefing happened at a CIA safe house over a period of two weeks. Sheffield Edwards was one of the debriefers. Of those three facts, I have a clear memory. I also believe, but am not as certain of the memory, that the safe house was in Maryland and that Sheffield Edwards had come out of retirement to participate.

It was in the midst of these inquiries that the CIA changed the procedure on us. They brought George Joannides out of retirement to be the new liaison with me and Ed. He closed our office at Langley. The Agency, at the same time, set up a new safe room for us to use at the Committee offices. I no longer had direct contact with any CIA employees to request files. All further requests for documents or files had to be in writing through official channels. Files were not produced for weeks after being requested. My whole inquiry into areas outside and inside the scope of my portfolio ground to a halt. We soon thereafter lost unexpurgated access entirely.

The first expurgated document I saw was a copy of the Roselli debriefing file. I was called and told that I could see it at Langley, that it would not be delivered to the HSCA safe room. When I got there, both Joannides and Breckinridge were present to hand me the file in the little room where I had worked back when I had first started. They were smiling. I blew up when I discovered the file was both expurgated and re-typed. They told me that was all I was going to get. I went back to the Committee offices and pitched a fit, so to speak.

I remember that there were negotiations about this file, that they eventually agreed to show the unexpurgated file to Gary Cornwall. Gary finally went to Langley one afternoon with about ten things on his agenda, including seeing this file. He was there a couple hours and, when he returned, he told me to drop it: it was not relevant to what I was doing for the final report.

If you had told me in 1978 that the CIA could make all references to a document totally disappear, I would not have believed it, after going through the records we went through and finding things that I think they tried to hide from us, like the impulse camera dispatches. It seemed that I could always find a reference, in another document, or on a routing slip, for example, such as that to the numbered transmittal manifest, that showed that the document existed even if they stonewalled me on seeing the actual document itself. But when I testified before the ARRB, when they were done asking me their questions, they asked if I could tell them about anything they had not asked about that they should look for. I told them about the Johnny Roselli debriefing file. They told me that they would look for it. Later, they let me know that they could not find the file or any reference to it.

For a while, that really made me doubt my own memories. I talked to Bob Blakey and Gary Cornwall. Neither of them remembered the file or any controversy about it. But Ed Lopez, Leslie Wizelman and Gaeton Fonzi remembered the incident and how upset I was about it. I've spent most of the time that I've spent in the internet searchable archives looking for some reference to this missing file. I haven't found any, but I do think, however, that I may have found an oblique reference in some memos. The Committee issued a subpoena to the Agency on August 15, 1978, for certain documents to which the Agency was, at that point, refusing to give us access. While I have not found the actual subpoena, the Executive Hearing transcript where the subpoena was issued indicates that it covered "all files and file references to a man named William Harvey.... and they have declined to allow us to see his personnel and *security* files." [Emphasis added].<sup>14</sup>

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<sup>14</sup> Record No. 180-10124-10039, Record Series: Transcript of Executive Session Hearings, Record p. 15, Tran. p. 12 (Aug. 15, 1978). In presenting the issues to the Committee, Bob outlined how the Agency's recalcitrance on documents centered on Mexico City:

"[W]e have observed is a response by the Agency that is varying depending on the material we have asked for. They have been very free in turning the material over in the basic Oswald file. Two areas have been very sensitive with them. One is the defector issue. That we have been able to negotiate. But the deeper we have gotten into the Agency's performance in Mexico City, the more difficult they have gotten in dealing with us, the more they have insisted on relevance, the more they have gone back in effect on their agreement to give us access to unsanitized files.

On August 17, 1978, Scott Breckinridge wrote a memo for the record recording a telephone conversation he had with Gary Cornwall the day before regarding the personnel file on Harvey. He said that I had reviewed the file on the 16<sup>th</sup> “without any recorded complaints.”<sup>15</sup> I note that he only says that no complaints were recorded, not that I did not make any. I believe that the debriefing file I was looking for may have been part of the Office of Security files on Harvey. I have found no record in the research I’ve been able to do that I ever obtained access to the security files. Indeed, the follow-up memorandum of a conversation between Breckinridge and Cornwall on August 18 makes no mention of the security file.<sup>16</sup>

In looking for any information about this, I did find one other memo that I found very interesting. My recollection is that the debriefing of Roselli occurred shortly after the Pearson article came out in 1967 and that it was handled by the Office of Security. On March 29, 1967, a few weeks after the article first appeared, Howard Osborn, the CIA’s then Director of Security wrote a Memorandum for the Record. This is one of those documents that amazes me when I find that it has seen the light of day. In this memo, Mr. Osborn notes that he has been approached by the CIA Inspector General who was trying to locate William Harvey. Mr. Osborn asked why he needed to locate him. The CIA Inspector General told him that the Director [Richard Helms] “had instructed him to investigate any and all aspects of the ‘Johnny’ case.”<sup>17</sup> The DOS referred him to the person whom he said knew the most about it and promised he would give him “all documentation held by me.”

But the memo does not end there. After the IG left, the DOS went to see Richard

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For a while we had general and free access to unsanitized files. That is increasingly not true in the Mexico City area, and this is just the point at which push comes to shove. They have not given us access to this material in such a way that we can use it to finish our work....”

*Id.*, at Record pp. 16-17, Tran. pp. 13-14. That same transcript makes it clear that some of the Congressmen on the Committee did not think they could win a public confrontation with the CIA. *Id.*, at Record p. 25, Tran. p. 22.

<sup>15</sup> Record No. 104-10065-10066, Record Series: JFK, Memorandum for the Record Re: HSCA Subpoena Threat (Aug. 17, 1978).

<sup>16</sup> Record No. 1993.08.04.09:44:38:560060, JFK Box # JFK12, Vol/Folder F4, Memorandum for the Record (Aug. 18, 1978).

<sup>17</sup> Record No. 1993.07.01.11:22:01:46080, Record Series: JFK, “Johnny” – IG Trying to Locate Bill Harvey (Mar. 29, 1967).

Helms. He told Helms about the IG's visit. He notes that he:

told him [Helms] that I [Osborn] assumed I had his approval to take this action since I considered myself currently under his admonition to bury this material. He said that he was glad that I had checked with him and that he fully approved my action. It seems that the White House, Congress and Drew Pearson are digging into the allegation that the Agency played a role in an attempt to assassinate Castro and he wants to be in a position to say that his Inspector General has investigated the matter thoroughly.<sup>18</sup>

What wonderfully masterful bureaucratic ambiguous phrasing! What is it that the Director of Central Intelligence "fully approved"? Was it the DOS's agreement to turn over materials to the IG, which had not happened yet, or the DOS's burying the material which he had been previously admonished to do by Helms? Along the same lines we have to note that the DOS did not record that Helms wanted the matter investigated fully. What he wanted was "to be in a position to say that his Inspector General has investigated the matter thoroughly." I also find it interesting that one of the members of the IG team doing this investigation was none other than the HSCA's CIA minder, Scott Breckinridge, who constantly assured us that the CIA had thoroughly searched their records, responded to our requests and cooperated with our investigation.

Before I was shut down, I had been able to document links between David Phillips and most of the sources of the stories that came out immediately after the assassination with detailed information on Oswald and his pro-Castro proclivities. I confronted him with those in an interview at our offices on August 24, 1978 – not long after our Barney Hidalgo interview and John McCone's initial statement that he remembered a "Maurice Bishop" from his time as Director of Central Intelligence. 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. But, with our information and access at the CIA cut off, and running out of time, we were not able to pursue these lines of inquiry further. While close questioning on the photo surveillance in Mexico City and his connections with the post-assassination disinformation sources seemed to shake him, he didn't blow up until we turned the questioning to Julio Lobo – someone connected with

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<sup>18</sup> *Id.*

Antonio Veciana. Mr. Phillips was extremely concerned about being finally identified as Maurice Bishop.

Another document that has seemingly ceased to exist in the official records , so far as I can tell, is my memorandum on an August 1978 interview with David Phillips. I have been able to find only one reference to it in the searchable sites. An inventory of an HSCA safe put together by Russ Holmes refers to it.<sup>19</sup> But here, I know that my memory is not playing tricks on me on the details because a researcher has been kind enough to provide me with an unofficial copy of the memo. So far as I know, my actual notes from that interview, and the extensive briefing book I prepared going into the interview, have not been preserved in the record. I can find no reference to them and therein is the rub. It was in those documents that I had the connections with disinformation agents noted and documented.<sup>20</sup> The names did not make it into the memo. I do not recall who I was able to link to him. I do not even recall whether I asked him about DRE. I may not have as we had been told there was no connection between the Agency and DRE in 1963.

When the interview with Philips in August was over I felt like I had gone as far as I was going to be able to go. We weren't getting any access of any significance by that point. And that brings us back to Mr. Joannides and the disinformation operation ran by the CIA against the HSCA. They considered my research and requests to be "aggressive harassment."<sup>21</sup> The Agency worked hard to discredit me and Ed Lopez in the eyes of our bosses at the Committee long before Director Turner took up the task directly with Chairman Stokes. For example, on August 18, 1978, Scott Breckinridge met with Gary Cornwall and told him that Ed 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 information that they were seeking." When Gary indicated that the CIA should tell him what the source of their

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<sup>19</sup> Record No. 104-10431-10076, Record Series: JFK, HSCA Staff Files – by Staffer Name or File Number, Record pp. 60, 62 (Undated).

<sup>20</sup> I believe that the notes and briefing book – and possibly the official copy of the memo itself, may have been destroyed. I base that on a memo written detailing the conditions that were negotiated when the CIA moved a filing cabinet into our records room. A July 13, 1978, Memorandum for the Record by Breckinridge records the agreement he reached with Bob Blakey about the Agency maintaining control of documents. He records: "upon completion of the report, all working papers (not formal HSCA memoranda of interviews, HSCA transcripts of hearings or depositions and HSCA documents) will be destroyed." Record No. 1993.08.07.08:47:03:710028, JFK Box # JFK57, Vol/Folder F13, Meeting with HSCA's Blakey, et al. (July 13, 1978).

<sup>21</sup> Record No. 104-10304-1000, Record Series: JFK-MISC, Annual Fitness Report – George Joannides, Operations Officer (CIA, Jan. 8, 1979).

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>22</sup> In his view we were young, inexperienced, immature and overly aggressive. I guess we just did not demonstrate the respect for them and their secrets that they thought they deserved.

“The kind of information we were seeking....” Bob speculated to the Committee that the “kind of information” they were 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>23</sup> I believe they were terribly concerned. That is why Breckinridge, who had a background in the Roselli affair and was well versed on that danger, brought in Joannides who, as I was to learn in the late 90's, was just the man to blunt any inquiry into post-assassination disinformation operations.

While I was pursuing several lines of inquiry that could have made them nervous, I didn't really form a solid opinion about what the information they were concerned about us getting hold of was until Jeff Morley called me about what he had found in George Joannides personnel file. It turns out that Joannides was running the propaganda shop at the CIA's Miami JMWAIVE Station in 1963. There is no way that he could have been in that position and not have known David Phillips and worked with him. Jeff's discovery also showed that the CIA had lied to us when they told us that they had severed their connection with DRE before 1963. In fact, direct responsibility for the DRE – the main source of pro-Castro Oswald stories before and after the assassination – belonged to George Joannides. In addition to supplying them with large sums of money, Joannides performance evaluation dated September 24, 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>24</sup> Since that first disclosure (inadvertent?) the CIA has vehemently and successfully stonewalled requests, and decades long litigation, to keep all the rest of its information about Joannides secret. It seems it is not only us callow researchers who make the Agency uncomfortable about releasing the information we were seeking.

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<sup>22</sup> Record No. 1993.08.07.08:47:03:710028, JFK Box # JFK57, Vol/Folder F13, Meeting with HSCA's Blakey, et al. (July 13, 1978).

<sup>23</sup> Record No. 180-10124-10039, Record Series: Transcript of Executive Session Hearings, Record p. 17, Tran. p. 14 (Aug. 15, 1978).

<sup>24</sup> Record No. 104-10304-1000, Record Series JFK-MISC, Annual Fitness Report – George Joannides, Operations Officer (CIA, Jan. 8, 1979).

Jeff filed a lawsuit seeking more information about Joannides and his involvement in anti-Castro Cuban activities. That lawsuit lasted 12 years no additional information has been obtained. As part of their response to that lawsuit, the CIA, however, in a sworn affidavit, acknowledged that George Joannides was used by the Agency in a covert capacity at least twice: “the CIA acknowledged Joannides participated in a covert action codenamed JM/WAVE or JMWAVE from 1962 through 1964. Second, the CIA acknowledged Joannides served as a CIA representative to the U.S. House of Representatives Select Committee on Assassinations from 1978 through 1979. *Joannides served undercover in both of these assignments.*”<sup>25</sup> In other words, the CIA acknowledges that they deliberately deceived a committee of Congress charged with investigating the Agency by hiding the true identity and experience of their liaison, a seasoned disinformation officer, with that committee. And there has been absolutely no real press coverage let alone legal repercussions, arising from that admission.

The Agency did not trust us with “the kind of information we were seeking.” They brought someone out of retirement who knew where to not let us look and he shut us down. In his annual review, his boss at the CIA wrote, regarding “the firm position he [Joannides] took with the young investigators” that “if the peculiar 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>26</sup> Indeed! His experience told him what to keep us away from and our requests, once slowed, allowed him to quickly perceive where we were going. I only regret that we were not able to mount more of a challenge to his talents.

Bob Blakey has called what the CIA did obstruction of justice. Ed and I knew what they were doing when they were doing it and we complained long and hard to our supervisors, including Bob. He has since said, “I wrote off the complaints. I was wrong; the

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<sup>25</sup> *Morley v. CIA*, Civ. Act. No. 03-02545, 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]. While the Agency has admitted that this was a covert operation aimed at a Congressional investigative committee, I believe that were the iron curtain surrounding the Agency ever to come down and we gained access to their archives, we would probably conclusively find that operations were also run against the Garrison investigation and that additional operations were run against the Committee. I can think of two in particular: Barney Hidalgo’s story and the Sprague imbroglio.

<sup>26</sup> Record No. 104-10304-1000, Record Series JFK-MISC, Annual Fitness Report – George Joannides, Operations Officer (CIA, Jan. 8, 1979).

researchers were right.”<sup>27</sup> Small comfort in light of the fact that its been 50 years and there is still no truth and no accountability from the Agency. Future researchers and historians should follow Bob in evaluating any information about this case that comes from the CIA – either directly or indirectly. As continuing propaganda: “I now no longer believe anything the Agency told the committee any further than I can obtain substantial corroboration for it from outside the Agency for its veracity.”<sup>28</sup>

I still believe it is more probable than not that there was intelligence operational involvement in the assassination. And I still believe that, at the time, a hard look into Bill Harvey and the post-assassination disinformation operation had the best chance of unraveling that involvement. But that opportunity is past and, I fear, unrecoverable. Phillips had three cigarettes lit at the same time when I pressed him on his assets’ post-assassination disinformation activities.<sup>29</sup> But, looking at that interview like a poker game, I only had a deuce in the hole and it wasn’t wild. The ace that I had been looking for, but hadn’t had time, experience or, ultimately, access to find, was the fact that Joannides had worked propaganda operations with Phillips in 1963, and that Joannides was working active propaganda operations with DRE when the whole Oswald/Fair Play for Cuba/New Orleans events went down. We may never know how closely Phillips worked with Joannides.<sup>30</sup>

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<sup>27</sup> *Morley v. CIA*, Civ. Act. No. 03-02545, Document 93-4, Affidavit of Professor G. Robert Blakey, Ex. 1 (D.C. Dist. Court, July 11, 2009).

<sup>28</sup> *Id.*

<sup>29</sup> Mr. Phillips was a professional, and an actor. I often have wondered since whether the three cigarettes he had lit while I pressed him on disinformation sources that he was linked to were a sign of nervousness or whether he just wanted us to think that he was.

<sup>30</sup> An interesting configuration of – shall we call them – “circumstances” can now be pieced together from the released records. According to Bayard Stockton, David Phillips recruited the leadership of DRE while serving in Havana in the late 1950's and was the DRE’s first case officer. Stockton, *Flawed Patriot*, p. 210 (Potomac Books 2006). After moving to Headquarters, Phillips was responsible for some of the early disinformation operations aimed at the Fair Play for Cuba Committee. John Newman, *Oswald and the CIA*, pp. 240-241 (Skyhorse Publishing 2008). While overseeing anti-Castro propaganda operations at Headquarters, David Phillips worked directly for Bill Harvey on Task Force W. I believe his oversight of the CIA’s Cuban disinformation effort continued after his transfer to Mexico City. (I believe we documented this at the HSCA, but have not found the records.) George Joannides was hand picked by Richard Helms to be the DRE case officer after DRE’s public opposition to the government’s policies during the October, 1962, missile crisis. Joannides was to report out of channels directly to Helms. Stockton, p. 221. So, with that background, consider these time framed events: On July 31, 1963, Joannides’ supervisor, in a fitness report, commended him for

I remember the day the acoustics report came in and Bob learned that we had evidence of two shooters and, hence, solid evidence of a conspiracy. I can still see it clearly in my memory. He and I were standing in the hallway outside Team 5's office. He said to me, "My God, we've proven a conspiracy but we haven't investigated the conspirators." I told him we should never have put all our eggs into one basket – the same thing he would tell us when, early in the investigation, we would beg him to devote more resources to investigate possible conspirators– but that I did have some ideas along those lines based on the research that he had allowed me to do. I volunteered to write a memorandum based upon a motive, means and opportunity analysis from an operational analysis perspective.<sup>31</sup> I wrote the memo

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doing "an excellent job in the handling of a significant student exile group which hitherto had successfully resisted any important degree of control." The same report lists his second specific duty as "Case officer for student project involving political action, propaganda, intelligence collection and a hemisphere-wide apparatus." Record No. 104-10304-1000, Record Series JFK-MISC, Annual Fitness Report – George Joannides, Operations Officer (CIA, Jul. 31, 1963). Between August 9 and August 21, 1963, Oswald becomes something of a celebrity in New Orleans after his encounter with the local branch of DRE while passing out Fair Play for Cuba leaflets. Joannides Fitness Report covering this period has not been released. On September 16, 1963, the CIA "informed" the FBI that it is considering action to counter the activities of the FPCC in foreign countries. Church Committee, Vol. 5, p. 65 (The Church Committee's conclusion, on p. 67, that "there is no reason to think the CIA propaganda program was underway before the assassination" is based on the unfounded, and unsupportable, assumption that the CIA would not have begun the operation before receiving information requested from the FBI.). On September 17, 1963, Oswald applies for and receives a Mexican travel visa in New Orleans. On September 27 Oswald arrives in Mexico City. On September 27, the Mexico City Station begins testing an impulse camera aimed at the door of the Cuban Consulate in Mexico City. In late September Phillips leaves Mexico City TDY for Headquarters and Miami, during which time he is promoted to Chief of Covert Operations. On October 1 the Mexico City Station sent "bulk materials" to Headquarters by an untraceable transmittal manifest (TM 251905) by pouch (No. 4083) "to be held in registry until picked up by Michael C. Choaden presently TDY HQS." Record No. 104-10500-10077, Bulk Materials Being Sent Under Transmittal Manifest (CIA, Oct. 1, 1963). I would have loved to have been able to question Mr. Phillips and Mr. Joannides about these "circumstances." Did Oswald manage to connect with pro-Castro students at the University of Mexico? What did the 16mm film of the Consulate entrance show? Was film from September 28 in TM 251905? Did any of this have anything to do with Phillips's promotion? While TDY did he meet with Helms and/or Joannides?

<sup>31</sup> We had early had arguments about standards of proof. Bob was concerned that we needed to prove, at least, probably cause reasonable doubt. I would counter that an intelligence operation is not based on such levels of proof, but on other evaluation criteria, especially where it is known that the operation contained a disinformation element. This memo was based on my limited – dare I say, callow,– understanding of such a standard and analysis.

in the CIA safe room on sequentially numbered pages with a purple border stamped “Top Secret”. When I was done, Bob read it in the safe room. I do not know if anyone else outside of the CIA has ever seen it. The AARB told me there is no record of the memo in anything that they were able to find. Maybe that Agency considered it to be a “not formal ...document” to be destroyed.”<sup>32</sup> I guess they probably, innocently of course, thought that memoranda was just a working document. Or maybe they have just lied to the AARB about its existence. Joannides is dead. Phillips is dead. Harvey is dead. Documents no longer exist. I don’t remember the details of my analysis. I know it focused on Harvey and Phillips and my conclusion was that they were likely involved in an operation aimed at John Kennedy.

If I may be allowed to add a bit of speculation to the multitude of speculation that already exists around this case, I would like to offer some, in conclusion, about Bob Blakey’s “working arrangement” with the CIA. Please indulge the speculations of an aging cynic. I think that the CIA underestimated Bob. I think they thought he was totally containable, given the political constraints under which he operated, the timidity of the Committee after it had been cowed by the Sprague affair, and Bob’s understanding of those constraints and limitations. They thought they would have a tame investigation.

The one thing they did not count on was that he had enough of a question about them, and their role, that he was willing to give me and Eddy the freedom and the support that we had to go digging. I want to stress that. From the beginning I knew that Bob was assigning me to the CIA aspect of the investigation. He understood that I was highly suspicious of them and did not believe their stories about Oswald, Mexico or Agency involvement. As he has acknowledged since, “the researchers did not trust the Agency. Indeed, that is precisely why they were in their positions.”<sup>33</sup> At the beginning, we had strong backing from Bob and

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<sup>32</sup> Record No. 1993.08.07.08:47:03:710028, JFK Box # JFK57, Vol/Folder F13, Meeting with HSCA’s Blakey, et al. (July 13, 1978).

<sup>33</sup> *Morley v. CIA*, Civ. Act. No. 03-02545, Document 93-4, Affidavit of Professor G. Robert Blakey, Ex. 1, p. 5 (D.C. Dist. Court, July 11, 2009). In the interest of full disclosure I should make it clear that I have an immense amount of respect for G. Robert Blakey and for what he has accomplished in his life, including what he did with the HSCA. Bob has been my friend and my mentor for most of my career. I also always considered Gaeton Fonzi to be a very good friend. And while I understand, and while in D.C. working for the committee shared, Gaeton’s frustration with the process there, I also understand the constraints under which Bob had to work. Understanding those constraints makes what he did manage to achieve even more remarkable and admirable. It is easy for us to look back on it and say that he should have been more confrontational, more like Sprague if you will. But, if you look at the political reality with which he had to deal you begin to realize that Bob was correct in his realization that the approach would

a lot of leeway in what we were doing at the agency. I think we got more than they ever expected to disclose. When they realized what we were doing and where we were going, they shut us down.

That was 35 years ago. I am not optimistic that I will know the truth about the CIA's involvement in the assassination, or with Oswald, in my life time. I am not at all sure that anyone who was not part of any such involvement ever will either. At this point, it has become a historical research issue. And those who control the documentary record, control the history. One conclusion, however, can safely be made: Government secrecy is a cancer destroying our freedom.

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probably do nothing to further the investigation into the facts of the case. Given those constraints, I think that we all owe a debt of gratitude to Bob for getting us to where we are today. It was his approach that allowed him to negotiate the access agreement that has opened what files we have from the overly secretive government agencies. It was his work in directing the committee's severely politically and time limited investigation that moved the critical analysis of the assassination investigations to the next level. It was that foundation, and the public impetus of Oliver Stone's movie, that formed the basis for the creation of the ARRB. It was the committee staff's work that gave the ARRB leads into the information that was declassified in the 1990's. I cannot explain Bob's naivete when it comes to trusting the Agency initially and I've never heard a good explanation from him. I think that was before Helms called his conviction for lying to Congress a badge of honor and I don't remember whether we knew back then about Dulles honestly telling the Warren Commission that the Agency and its officers would lie to them. But Bob is telling the truth when he says that he knew what he was doing in putting me and Ed in the positions he did. He assigned us to investigate the CIA because he knew we did not believe them and that we would be aggressive in our pursuit of information. He negotiated the agreement he did to best allow us to do just what we did. He backed us all the way up to the point of where he had to back off because time and money were running out. Maybe his distrust then was just unvoiced. But we also have to recognize that it took integrity on his part to admit that he was wrong about trusting the Agency at all and to acknowledge that publically. Since that time he has done all that he can to further the attempt to force the Agency to release all documents.