

UNCLASSIFIED INTERNAL ONLY CONFIDENTIAL SECRET

ROUTING AND RECORD SHEET

SUBJECT: (Optional)
HSCA Request OLC 78-2120/A

FROM: S.D. Breckinridge EXTENSION: 1046 NO. DATE: 29 June 1978

TO: (Officer designation, room number, and building) DATE RECEIVED FORWARDED OFFICER'S INITIALS COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.	General Counsel	DATE		OFFICER'S INITIALS
		RECEIVED	FORWARDED	
2.	(Attention; Mr. Rininger) Chief, SE Division			
3.	Chief, CI Staff			
4.	Director of Security Director of Medical Services			
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The attached memorandum from the HSCA is based on recent testimony by the person in question. It involves operational considerations on the part of those who dealt with him during the period his bona fides were under question, as well as legal considerations and possible medical questions. It would be appreciated if you could have a representative meet with us in the conference room in 6D-0107, at 1100 on Friday, 30 June.

S. D. Breckinridge

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MEMORANDUM FOR: Mr. Carlucci

I met with Mr. Blakey this afternoon for a half hour. In showing the draft memo I noted that what I said to him yesterday on the subject may have seemed rhetorical, but that feelings at the Agency are very deep on the subject. I expressed the thought that we had not yet explored every avenue of mechanical devices for solving this problem, and it seemed best at this time to not forward this letter. I said I assumed we would have problems downstream, but there is still a chance to solve this one. He noted how complete our response had been on the defector problem.

I said I wanted to be able to say that he also feels there is still room for some solution, which he confirmed. He also said the Chairman is prepared to go a long way on just about any issue.

In essence, there remains room for, and desire to, compromise, even if we haven't a clear solution in hand at the moment. I think we can hold up this memo for the moment, and try to work it out orally. If you want me to speak to the DCI I will, but we have to devise a procedure that meets everyone's needs.

Date

FORM 101 USE PREVIOUS EDITIONS
5-75

S. D. Ereckinridge

29 June '75

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OLC # 73-2769

29 June 1978

MEMORANDUM FOR THE RECORD

SUBJECT : Meeting with HSCA Staffers

1. The undersigned, in the company of Messrs. Joannides, Gabrielson, and Rininger met with Messrs. Blakey, Cornwell, and Goldsmith yesterday for about two hours, starting at about 1600. After some preliminary bowing and scraping as to who would go first, I started.

2. First, I passed to Mr. Blakey a package of papers prepared for release under FOIA, involving records of conversations with him in reference to a HSCA staff employee who did not meet all security criteria for work on this matter. I stated that we wanted to know if it gave him any problems; he undertook to let us know today.

3. I reported that we had notified Mr. John McCone of the HSCA desire to interview him. I said that this had been done through Walter Elder, now with Resource Management Staff. Elder had been the DCI's Executive Assistant when McCone was Director, and was the channel through which Mr. McCone preferred to have contacts of this sort made. Elder had reported that Mr. McCone was departing his home for Seattle at the time of his telephone conversation with him, and that he had not heard further. I had spoken with Mr. Elder about dealing directly with the HSCA and gave them his telephone number (376-5565). Elder will keep us posted of developments.

4. I stated that we are trying to look ahead to potential problems that can be resolved before the last minute. I asked specifically what plans they had for the public hearings in September, and what they would require of us. I specifically noted our interest in security considerations. Mr. Blakey said they have been thinking of it also, and he would come back to us on this in ten days. I replied this would give us plenty of time to address the problem.

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5. I noted that I had written asking for an up-to-date statement of the internal practice of access within the HSCA staff. I knew that they observed a need-to-know principle and it would be helpful to us to know who was approved for access to certain matters. After saying that everyone was cleared basically, with some having extra clearances, he said that the basic principle was by team. I noted that the Mexico and defector issues involved sensitive matters, and who should be given access to this was useful information to us. He said he would check my written request--which he did not recall--but did not make any other commitments.

6. I asked about the Beachhead agreement and the subsequent issue. He said that there had been no formal acknowledgement of the beachhead draft proposal, as it did not coincide with his understanding of what had been agreed. I said that there was only one reason for the undertaking, and that was support of the hearings, and that was what the agreement had attempted to record. I said that there are counterproposals on how to handle the materials for the Mexico and defector problems. I said that the given reason for wanting to hold those materials for writing was their concern we may learn of their thinking. Noting that convenience may be a consideration (Goldsmith had indicated this to Rodger Gabrielson in a conversation last week), I said we are prepared to install the two-combination safe up there, to hold the materials on those two subjects separately from the beachhead materials used relevant to hearings, per se. However, we did not intend to move additional Agency documents to the HSCA area. I tabled a draft statement of what we are prepared to do in this respect. I said that we were not proposing an arrangement to be negotiated, but are stating what we are prepared to do in an attempt to accommodate ourselves to their expressed problem, under the existing agreement, and this is our answer. If this was not acceptable, I said we could provide a four-drawer safe at CIA Headquarters with a combination set and controlled by them, for purposes of report writing, and they could move their material to that safe. Blakey said he would review the draft statement (copy attached) and let me know.

7. Blakey said that things had changed since his early days. Full agreements had been reached quickly, then, but now things took longer. He noted the atmosphere, and also noted the "changing of the guards" (referring to my arrival). I said that one of the first things I noted

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in arriving on the scene was the atmosphere. I had given it considerable study, and felt that there was at least a problem of communications. I stated that it is clear to me that we say things to one another that are not heard or understood.

8. I undertook to tell them one thing I had done to plumb the matter. I said that I knew they tested hypotheses, and I had done the same thing. My experience was that there is a temptation on the part of some congressional staff investigators to plant versions of things in the minds of witnesses and then extract answers on the basis of that. I cited the Schweiker Report as containing some examples, as addressed directly in the 1977 CIA Task Force study on the Schweiker report. I said that as soon as they finished in Mexico City I went there and interviewed the three former employees they saw: [Zamb^obernardi], [Flick^o] and [Watson^o]. I said [Flick^o] wasn't very helpful (we had only about a half hour with him prior to leaving for Cuernavaca), but that [Zamb^obernardi's] description of his interview was interesting. After having said that he didn't recall what photographic coverage there was of the Cuban Consulate, at what time, he was told that there was photographic coverage on 27 September, when Oswald is believed to have visited the Consulate twice that day. His response was that if there was a pulse camera there at that time, and it was operating properly, there should have been a picture of Oswald if he entered that door. I said research since my return disclosed the following: the Cuban Consulate entrance had been closed for about two years preceding September 1963; when it reopened there were plans to install photographic coverage on 26 September; a later report showed that technicians were at the safehouse installing new equipment on Friday, 27 September, to provide coverage of the Consulate and that they experienced problems with that new equipment on that date; that it was planned to have four days testing; that records indicate coverage commencing in October 1963; and later reporting showed installation of a pulse camera in December 1963. I stated that some of these documents were in files seen by HSCA staff members on 26 May. Others turned up as a result of our inquiries would be made available additionally. Blakey said that Ann Goodpasture had said there was coverage on 27 September; I replied that the documents we saw indicated there was not. Goldsmith said he personally would review the materials.

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9. I said that I attributed this to communications. It was HSCA practice to not communicate with us, a result of which has been to blind themselves in part. Their report inevitably would suffer in the end. We can help them, and can provide insights to a culture that they should realize is strange to them. Nuances with basic substantive significance are lost to them. I noted that their reading a less technical file--Oswald's personality file from Mexico City--had made it possible for them to correct a mistaken memory by the former DCOS [Stanley Watson].⁰³ Watson had recalled seeing Oswald's file with a photo of Oswald entering the Soviet Embassy in Mexico City, as well as a four-or-five-line extract from a telephone conversation. They had persuaded him that he had not seen a photograph of Oswald. I had checked on return to Headquarters and found that they had reviewed the Mexico City file on Oswald, which contained a picture of what we refer to as the "unidentified man" and not Oswald. I said that distrust of the Agency was implicit in their approach to things (and that they should understand that we are not cloned from one figure making up one gigantic conspiracy) and that this contributes to the communications gap. I said I had been participating in inspections for some fifteen years, running individual inquiries much of that time and directing a program for some five years. The biggest problem is to avoid the "avenging angel" approach and to realize that the investigator does not speak from Mount Olympus--my written instructions to inspectors so stated. Objectivity takes a lot, and its absence will affect relations.

10. I stated that arrangements had been made to obtain U-2 clearances for Messrs Blakey, Cornwell, Klein and Ms. Smith. Some 1,200 linear feet of files were there. By limiting the time period it could be reduced, and to help them it would be useful to read a history, and to see some special studies of Soviet reactions to U-2 flights (it would show they knew perhaps more accurately than even the U-2 altimeters showed what the height was). They want to contact Hal Clark (O/DDS&T) this morning. I pointed out that with the exception of a few lower-level employees, those familiar with the program are no longer available. They said they would want to do this today (I have alerted Clark to this).

11. I said I have two problems to table. The first

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has to do with a Mexican named Calvillo. I said we did not know they intended to interview him in Mexico City, and it was some time before we knew there had been an issue there. There was some back-and-forth between Cornwell and me about what he told us and what we agreed to (part of which was his being told we wouldn't help him with agents, and his telling the station we had agreed to do so). In any event, I said Calvillo was an unwitting co-optee, a man who did not know that he ever had done anything for us. We simply had arranged for some Cubans in Miami to hire him--a journalist--to interview refugees and write stories on it. Blakey said their interest is apparent, Calvillo having interrogated Elena Garo de Paz following the assassination of President Kennedy. No decisions were taken, with my simply tabling the problem to be worked out.

12. I said that ⁰³ [Casasin] was another problem. The man had worked for us [redacted] ⁰⁸. He had left the Agency and now works in [a UN organization]. He had run an agent into the USSR, that man having met a Russian girl and eventually marrying her. Our assumption is that the interest in the man is that the agent was successful in getting his Russian wife out of the country, as Oswald was in getting Marina out. We have no problem in arranging an interview with [Casasin], but the name of the agent we do not wish to reveal, for reasons outlined at the meeting. I noted that ⁰³ [Casasin] (which is a pseudonym) was also a chief of one of the SR Sections during the time period of interest to them and this might make him additionally interesting to them, as they had requested the people for that period. Goldsmith said they ⁰⁷ are not interested in the identity or any aspects of [Casasin]'s agent or his Russian wife, which I said resolved that aspect of the matter (we can simply instruct ⁰² [Casasin] to not divulge the agent's name, etc., should there be some slip in this understanding, and make ⁰³ [Casasin] available for interview). However, no action was taken at the meeting.

13. Mr. Blakey described the physical problem growing out of the failure to resolve the question of the beach-head issue. There are some six-eight depositions and three-four hearings. Transcripts, typewriter tapes and notes are held in the two-drawer safe. We observed that once the transcripts have been corrected and verified there is no practical reason for keeping either the typewriter tapes or steno notes. They agreed to check on this.

14. Mr. Blakey stated that he felt there was a steady

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deterioration in relationships. He observed that it had been from 1 June to 28 June on the priority requests, with no results. I said that our move and a new reporting system had delayed advising HSCA of results, which was not acceptable to him. He felt that it would be useful to have a common document showing status of reports, to which I demurred; I said that if we took time out to work on yet another log system (having just gotten one started for ourselves) we would further delay things. I wanted to work out the paper and then would be happy to give time and attention to a joint evaluation of where things stand. As he envisioned it, it would record date of request, date of completion and date of review.

15. Mr. Blakey said there is a sense of outrage in the Committee over the Mexico incident. It is a "cancer." He felt that third party solution was viable and reasonable. The key to this statement is the point that he was speaking of Committee members, per se, and not just staff members.

16. As I had described the Calvillo problem, he said then we should have no problem in their confronting Calvillo. He wasn't an agent of ours and our sensitivity could be met by not raising the activity in question. (At a meeting Thursday afternoon, he said he would agree to not discuss possible CIA relations. His interest is Calvillo's reported interrogation of Elena Garro de Paz following the assassination of President Kennedy).

17. Blakey expressed some concern, not detailed, about the Office of Security standards being extended to other paper. He reads the agreement to the effect that we seal off only polygraph and background investigation material in Security files on Agency personnel but not on other files such as DDO. We merely observed that there may be sensitive matters, e.g., the identity of a live Soviet operation; files have to be reviewed in such instances, but they have the right to question the basis of it. We said we will inquire further into the procedures being followed, for we did not understand that anything other than this is being done.

18. Blakey described the problems of sanitizing notes. I had undertaken to see if notes (as distinguished from summaries) could be summarized; if so we would sanitize them rather than requiring summaries. Blakey mentioned

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Cindy Cooper's notes and those of John Hornbeck. I said that in the latter instance Hornbeck had copied extensively from the unsanitized version of the 1977 Task Force Report, emphasizing the portions already deleted from the sanitized version; I had said he would have to do a summary. That could have been avoided by exercise of discretion. Goldsmith asked that we check the system for sanitizing.

19. We got on the Mexico City affair again. I said that Cornwell had been told that we would not help him with agents. He said that he understood that agents could be brought out (in fact, I was at a meeting at which his insistence made it clear that this was not the case, per my M/R of that meeting). He said there was another meeting at which Bill Sturbitts had agreed to a list, which I said I knew about, but that this was not the point. Blakey said we shouldn't argue over whether I was at a meeting or what was discussed when. I said that Mexico cabled quoting Cornwell as saying that access to agents had been agreed by Headquarters, which was not so. Cornwell said I should review the cable, as it didn't say that (it does). In essence, Cornwell may conclude that he was the object of our trip to Mexico: there is disagreement over what he was told here and what he said there, and we went down and found that a witness had been loaded with misinformation as a basis for statements then elicited (which led to our being able to correct the facts on an issue they had obscured from us under their practice of arms-length business). While it can't make Cornwell any happier with his relations with us, it may prove salutary overall.



S. D. Breckinridge

Attachment

Distribution:

- Orig - OLC Subject
- 1 - O/DDCI (H. Smith)
- 1 - DDO
- 1 - C/SE Division
- 1 - C/CI Staff
- 1 - DDA
- 1 - D/Security
- 1 - C/PCS/LOC
- 1 - Mr. Shepanek (PCS/LOC)
- 1 - Mr. Holmes (CI Staff)
- 1 - C/LA Division
- 1 - Mr. Rininger (OGC)
- 1 - Mr. Clark (DDS&T)
- 1 - OLC Chrono

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This is to record an understanding about handling certain specific classified materials relating to two subjects of interest to the HSCA in its investigation; the subjects relate to defectors and certain subject matter in an agreed foreign country. The materials consist of CIA documents and materials (now held in CIA facilities located in the HSCA area mentioned below), materials derived from CIA documents but involving HSCA analysis, and HSCA-generated materials consisting of notes of interviews, depositions and/or transcripts of hearings.

The CIA will provide and install a two-combination safe in the special area provided for it in HSCA quarters (herein referred to as the "beachhead"). HSCA security officers will set the combination of one of the two locks, and CIA security officers will set the other, each combination to be held exclusively by the representatives of the respective organizations.

The two-combination safe will be used to store only materials relating to the two above subjects. Access to the materials in the two-combination safe will be controlled by CIA security officers, according to a list of approved personnel agreed between HSCA and CIA. Use of the materials will be limited to the room in which the safe is located in the HSCA area.

Upon conclusion of the investigation the materials will be handled as follows:

1. All CIA materials will be returned to CIA.
2. All materials not generated by HSCA hearings, or depositions or formal interviews, but including information derived from CIA documents and materials will be returned to CIA.
3. All notes of formal HSCA interviews, depositions and transcripts of hearings, will be delivered by HSCA to HPSCI for retention.
4. The safe will be returned to CIA.

This understanding is in addition to and separate from another agreement of operation of that aspect of the CIA beachhead for support of interviews, deposition and/or hearings of the Committee and its staff, which is recorded in a separate document.

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