

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**DAN HARDWAY
P.O. Box 625
Cowen, WV 26206, and**

**EDWIN LOPEZ
51 Bellvue Drive
Rochester, NY 14620, and**

**G. ROBERT BLAKEY
7002 East San Miguel Ave.
Paradise Valley, AZ 85253, and**

**THE ASSASSINATION ARCHIVES
AND RESEARCH CENTER,
930 Wayne Ave., Unit 1111
Silver Spring, MD 20910,**

Plaintiffs,

v.

Civil Action No. 1:17-cv-1433

**CENTRAL INTELLIGENCE AGENCY,
Washington, D.C. 20505,**

Defendant.

COMPLAINT EXHIBIT 1

DAN HARDWAY LAW OFFICE

DAN L. HARDWAY, J.D.

ADMITTED IN WV, FL, & NC

May 2, 2017

FREEDOM OF INFORMATION/PRIVACY ACTS REQUEST

Michael Lavergne
Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

VIA CERTIFIED MAIL NO.
70093410000079859077

Re: Request for Records Pertaining to
Dan Hardway, Edwin Lopez, and
Prof. G. Robert

Dear Mr. Lavergne:

We represent the Assassination Archives and Research Center (“AARC”), G. Robert Blakey (“Blakey”), Dan Hardway (“Hardway”), and Edwin Lopez (“Lopez”). By way of background, the AARC is a nonprofit organization which collects, maintains, and disseminates records and information on political assassinations as well as maintaining media sites for purposes of news dissemination and education. Its Board of Directors is comprised of distinguished professionals—lawyers, doctors, professors and historians who have decades of experience studying the controversies regarding the assassination of President John F. Kennedy (“JFK”). Blakey, Hardway and Lopez are all former employees of the United States House of Representatives Select Committee on Assassinations (“HSCA”). “Dan Hardway” (aka Danny Lynn Hardway, Dan L. Hardway, often misspelled “Hardaway”) and “Edwin Lopez” (aka Edwin Juan Lopez, Edwin Juan Lopez-Soto, Ed Lopez, Eddie Lopez) were staff researchers for the HSCA in 1977-1978. G. Robert Blakey was the Chief Counsel and Staff Director of the HSCA from June of 1977 until it ended its activities.

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a, our clients hereby request the following records:

A. All “201” files, records, information, or materials, including “soft files,” pertaining to Dan L. Hardway, Edwin Lopez, and/or G. Robert Blakey. This includes, but is not limited to, covert, as well as overt, 201 files and counterintelligence files, records, information or materials related to or referring to Dan L. Hardway, Ed Lopez and/or G. Robert Blakey.

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Cowen, WV 26206
(304) 449-4722
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dan@hardwaylaw.com

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B. All "P" files, records, information or materials, including, but not limited to "soft" files, related to or referring to Dan Hardway, Ed Lopez, and/or G. Robert Blakey.

C. Any and all files, records, information or materials of the Office of Security related to or referring to Dan L. Hardway, Ed Lopez and/or G. Robert Blakey.

D. Any and all files, records, information or materials related or referring to surveillance of Dan L. Hardway, Ed Lopez and/or G. Robert Blakey, wherever that surveillance may have occurred, including, but not limited to, Mexico, Cuba and the United States and including both surveillance conducted by or on behalf of the Central Intelligence Agency or any other agency of the United States, or any agency of any foreign country, and reported to the Central Intelligence Agency, including, but not limited to, surveillance of any interaction between Dan L. Hardway, Ed Lopez Gaeton Fonzi, and/or G. Robert Blakey, and members or representatives of the Cuban Interest Section, or other representatives of the Cuban government. "Surveillance" includes all forms of surveillance, encompassing but not limited to electronic, telephonic, mechanical, digital, movie film, video, tape recording and physical observation.

E. Any and all files, records, information or materials generated in, relating to or referencing, the years 1976 through 1979 between the CIA and any representative of a foreign government, including but not limited to a foreign government's intelligence, counterintelligence, law enforcement, judicial or police authorities, or a representative of any foreign news interest which (a) relate to or reference Dan L. Hardway, Ed Lopez and/or G. Robert Blakey, or (b) relate to or reference any activity of the House Select Committee on Assassinations (HSCA) and any staff member of the HSCA, including but not limited to Dan L. Hardway, Ed Lopez and/or G. Robert Blakey, including but not limited to HSCA staff trips to, and activities while in, Mexico and Cuba.

F. Any and all psychological profiles of, about, on, by, or referring to Dan L. Hardway, Ed Lopez, Gaeton Fonzi, and/or G. Robert Blakey, including any and all files, records, information and materials pertaining to any dissemination thereof.

G. Any and all operational files, non-operational files, records, information or materials, including but not limited to Counterintelligence (CI) and autonomous operations, regarding operations aimed at, targeting, related to or referring to the HSCA and any member of the HSCA or its staff, including but not limited to Dan L. Hardway, Ed Lopez, Gaeton Fonzi, and/or G. Robert Blakey.

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H. Copies of all search slips, search instructions, routing slips or routing forms, search memoranda, letters, telephone messages, emails or any other form of written or recorded communication in any format whatsoever regarding the searches conducted in response to this request or any other request for information responsive to requests denominated A through G above.

Please conduct a thorough search of all appropriate directorates, posts, stations, units, digital databases, archival storage facilities, and other components or storage locations for information responsive to this request.

When the information sought is contained in a file or record-holding pouch, file jacket, file pocket, or folder, please produce a copy of the front and back cover, inside and outside, of each such record repository.

Our clients plan to disseminate this information in the national and international media. Blakey has frequently been interviewed by national media organizations regarding these matters. He is also co-author of a book about the HSCA's investigation of the JFK assassination, *The Plot to Kill the President*. Dan Hardway and Ed Lopez have spoken to national conferences on these matters as well as having been interviewed by media representatives and authors. Hardway has written, and continues to write, frequently for publication on electronic media sites about the HSCA investigation.

The AARC is a nonprofit 501(c)(3) corporation which disseminates materials on the assassination of President John F. Kennedy and other political assassinations to the public. The AARC maintains a web site, aarclibrary.org, which contains nearly a million pages of records it has obtained under the FOIA and the President John F. Kennedy Assassination Records Collection Act of 1992 ("JFK Records Act"). It also has close to another million pages from a variety of other sources in hard copy form, as well as tape recordings, videotapes, video cassettes and reels of documentary film footage. AARC maintains a webpage and a YouTube channel for the purpose of publishing news of developments in the area of investigations of political assassinations.

Our clients are entitled to a waiver of copying fees and search charges. The FOIA provides: "Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). It also provides that search fees cannot be charged for certain types of requesters:

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fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research; or a representative of the news media. . . .

5 U.S.C. § 552(a)(4)(A)(ii)(II). AARC is a representative of the news media, and as such, is entitled to a waiver of search fees. See National Sec. Archive v. U.S. Dept. of Defense, 880 F.2d 381 (D.C. Cir. 1989).

The AARC provides information to the news media and to assassination researchers and they in turn disseminate it to the general public. The AARC also provides information directly to the public through radio, television and newspaper interviews, visits by researchers both to its hard copy archive and its website, aarclibrary.com, its Facebook page and through its YouTube channel. The AARC Facebook page has approximately 28,745 members as of the date of this request. The AARC YouTube channel, as of the date of this request, has had 62,937 views spread among 28 posted videos.

The AARC holds public conferences in the Washington, D.C. area on the subject of the assassination of President John F. Kennedy. These conferences have attracted a national audience. The President of the AARC, Jim Lesar, has been interviewed by many television programs and documentaries concerning the assassination of President Kennedy and related topics. He has also appeared on radio programs, including the Voice of America and the Larry King show (radio), and television programs, such as Good Morning America, the CBS Evening News, and CNN. An op-ed piece authored by Jim Lesar on the release of the records of the HSCA which originally appeared in the Washington Post was widely reprinted in other papers, as was an article on the AARC which was disseminated by the Associated Press. He has been quoted by Reuters, the Associated Press and other news agencies on matters pertaining to the assassination of President Kennedy. On June 8, 1997, the Washington Post ran an article by Mr. Lesar on the James Earl Ray/Martin Luther King case in its Outlook section. As President of the AARC, he has testified to both house of Congress regarding legislation to require disclosure of records pertaining to the assassination of President Kennedy. This legislation, ("JFK Records Act"), established a citizen board which oversaw the identification and disclosure of Kennedy assassination records. During the four years that the Assassination Records Review Board ("ARRB") was in existence, Jim Lesar testified before it several times. Dan Hardway, Edwin Lopez and Prof. G. Robert Blakey also testified before the ARRB.

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In the request denominated "G" above, records are requested for Gaeton Fonzi. Gaeton Fonzi was an investigator for the HSCA between 1976 and 1978 and is now deceased. A copy of his obituary from the New York Times is enclosed with this request. Privacy waivers from Dan L. Hardway, G. Robert Blakey and Ed Lopez authorizing release of the requested information to us are also enclosed herewith.

If any records pertaining to the subject of this request have been processed for another requester, please notify me immediately as to the quantity of such preprocessed pages so I can make a determination as to whether to obtain them preliminary to a reprocessing of such records. If you claim that a record has been destroyed in whole or in part, you must provide proof of that destruction, including any documentary evidence indicating the date of destruction, a description of exactly what was destroyed, any cited authority for the destruction, and any identifying information regarding the person(s) who accomplished and recorded the destruction.

The word "record" as used herein includes all documents of whatever kind and in whatever form or format, including but not limited to written records audio and video tapes, photographs, movie films, computer disks, and all data created, stored or maintained in electronic, computerized, or digital format. All records which are extant as of the date of your final compliance with this request should be provided.

In complying with this request, please search under all logical spelling variants of all names of all individuals who are subjects of this request, or any other aliases, nicknames, cryptonyms, code names or pseudonyms that said individuals may have been assigned, referenced or used.

Where paper copies of a record responsive to any request herein have material of any kind on the reverse side of a page, please provide both sides of page. Where responsive materials are not in paper form, please provide them in the format in which they were originally created, i.e., actual photographic copies of photographs, actual copies of video and audio tapes rather than transcripts or still photographs, etc.

In regard to each responsive record, please identify with specificity the item(s) of this request to which you deem the record to be responsive.

Please provide all responsive materials in a digital format reproduced on word searchable CDs. All records on a particular CD should be word searchable as a unit rather than only by particular documents or categories of documents.

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Please search all locations or repositories of records that might be responsive to this request, including any location where responsive records may have been archived or warehoused. If records pertaining to the subject of this request exist or are likely to exist but cannot be located by a search of your indices, please conduct a search using whatever other methods you have at your disposal that may result in the retrieval of such records. This request should include "soft" files. The search should also include any files or records maintained by individual officers of employees of your agency.

Please instruct all appropriate components which may have records responsive to this request that no records possibly responsive to this request are to be destroyed pending final judicial determination of the right of our clients to obtain these records under the Freedom of Information Act. You are advised that any destruction of records while this request is pending is a violation of law.

Please conduct a search of, but not limited to, the files of the Directorate of Operations, the Directorate of Science and Technology, the Office of Security, the Office of the General Counsel the Office of Personnel, Counterintelligence and the Special Affairs Staff.

Please advise me as soon as possible as to the estimated volume of records responsive to the above requests and the amount of time you estimate will pass before our request is processed.

You have 20 working days from the time you receive this request to make a determination. You may respond to Dan Hardway by email to dan@hardwaylaw.com, or by U.S. Mail to the address on the letterhead. A copy should also be sent to Jim Lesar by U.S. Mail addressed to him at 930 Wayne Avenue, Unit 1111, Silver Spring, MD 20910. Your consideration and cooperation is greatly appreciated.

Sincerely yours,

/s/ James H. Lesar

James H. Lesar

/s/ Dan L. Hardway

Dan L. Hardway

AUTHORIZATION AND PRIVACY WAIVER

I, George Robert Blakey, declare and say as follows:

1. I was born at Burlington, North Carolina, on the [REDACTED] day of [REDACTED] [REDACTED]
2. My social security number is [REDACTED]
3. I currently reside at 7002 East San Miguel Avenue, Paradise Valley, AZ 85253.
4. I hereby authorize the Central Intelligence Agency or any other agency of the United States Government to release to attorney James H. Lesar of 930 Wayne Avenue, Unit 1111, Silver Spring, Maryland, 20910, and Dan L. Hardway, Dan Hardway Law Office, P.O. Box 625, Cowen, WV 26206, any and all records pertaining to me which they may request on my behalf. Insofar as release of such information to me is concerned, I waive any and all privacy rights which I have in said records.
5. I am the person identified in the preceding paragraphs as George Robert Blakey and the signature subscribed below is my signature.
6. I am presently, and have been my whole life, a citizen of the United States of America.

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

Executed this 25 day of April, 2017.

A handwritten signature in black ink, appearing to read "G. Robert Blakey". The signature is written in a cursive style with a large, looping initial "G".

George Robert Blakey

AUTHORIZATION AND PRIVACY WAIVER

I, Edwin Juan Lopez-Soto, declare and say as follows:

1. I was born at New York City, New York, on the [REDACTED] day of [REDACTED], [REDACTED]

2. My social security number is [REDACTED]

3. I currently reside at 51 Bellevue Drive, Rochester, NY 14620.

4. I hereby authorize the Central Intelligence Agency or any other agency of the United States Government to release to attorney James H. Lesar of 930 Wayne Avenue, Unit 1111, Silver Spring, Maryland, 20910, and Dan L. Hardway, Dan Hardway Law Office, P.O. Box 625, Cowen, WV 26206, any and all records pertaining to me which they may request on my behalf. Insofar as release of such information to me is concerned, I waive any and all privacy rights which I have in said records.

5. I am the person identified in the preceding paragraphs as Edwin Juan Lopez-Soto and the signature subscribed below is my signature.

6. I am presently, and have been my whole life, a citizen of the United States of America.

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

Executed this 30th day of April 2017.



Edwin Juan Lopez-Soto

U.S.

Gaeton Fonzi, Investigator of Kennedy Assassination, Dies at 76

By PAUL VITELLO SEPT. 11, 2012

Gaeton Fonzi was one of the most relentless investigators on the House Select Committee on Assassinations in the late 1970s, remembered by former colleagues with both awe and echoes of the impatience he inspired with his pursuit of the full story behind the assassination of President John F. Kennedy.

They called him Ahab.

Mr. Fonzi was also the staff member most publicly dismayed by the committee's final report, which concluded in 1979 that the president "was probably assassinated as a result of a conspiracy."

Of course it was a conspiracy, said Mr. Fonzi, a journalist recruited mainly on the strength of scathing magazine critiques he had written about the Warren Commission and its conclusion that Lee Harvey Oswald had acted alone in killing the president in Dallas on Nov. 22, 1963. But who were the conspirators? What was their motive? How could the committee close its doors without the answers?

Mr. Fonzi, who died in Florida on Aug. 30 at 76, nailed those questions to the committee's locked doors, figuratively, in a long article he wrote the next year for Washingtonian magazine and in a 1993 book, "The Last Investigation." In both, he chronicled the near-blanket refusal of government intelligence agencies, especially the C.I.A., to provide the committee with documents it requested. And he accused committee leaders of folding under pressure — from Congressional budget hawks,

political advisers and the intelligence agencies themselves — just as promising new leads were emerging.

“Is it unrealistic to desire, for something as important as the assassination of a president, an investigation unbound by political, financial or time restrictions?” he asked in *Washingtonian*.

He never got the answer he had hoped for. Congress never authorized a follow-up to the work of the committee, which, from 1977 to 1979, also re-examined the assassination of the Rev. Dr. Martin Luther King Jr., concluding that it, too, “likely” resulted from an unspecified conspiracy.

But historians and researchers consider Mr. Fonzi’s book among the best of the roughly 600 published on the Kennedy assassination, and credit him with raising doubts about the government’s willingness to share everything it knew. The author Jefferson Morley, a former reporter for *The Washington Post*, said “*The Last Investigation*” had refocused attention on a handful of reported contacts between C.I.A. operatives and Oswald — tantalizing leads that had long been fascinating to conspiracy buffs but that had never been fully scrutinized by a veteran investigative reporter.

The Central Intelligence Agency has denied that any such contacts occurred, and Mr. Fonzi spent most of his two years with the committee crisscrossing the world trying to prove otherwise. He considered it impossible that the C.I.A. had never made contact with Oswald, a former Marine who defected to the Soviet Union in 1959, repatriated with his Russian wife and baby in 1962, and settled in Dallas, where he openly espoused Communist views.

“We called him Ahab, because he was so single-minded about that white whale,” said G. Robert Blakey, the chief counsel and staff director of the House committee, now a professor at the University of Notre Dame Law School. The white whale for Mr. Fonzi was the meaning of those supposed contacts.

Mr. Blakey was criticized by Mr. Fonzi as overly deferential to the C.I.A., and he now concedes that Mr. Fonzi was probably right on that score. Mr. Blakey said he was shocked in 2003 when declassified C.I.A. documents revealed the full identity of

the retired agent who had acted as the committee's liaison to the C.I.A. The agency never told Mr. Blakey that the agent, George Joannides, had overseen a group of anti-Castro Cuban exiles in Dallas in the months before the assassination, when Oswald had two well-publicized clashes with them.

At the time of the revelation, the C.I.A. said Mr. Joannides had withheld nothing relevant from the committee. Mr. Joannides died in 1990.

"Mr. Joannides obstructed our investigation," Mr. Blakey said. Asked how that had affected the committee's work, he added: "We'll never know. But I can say that for a guy like Gaeton, a guy who really wanted to know what happened to Kennedy, it kind of tortured him."

Gaetano Fonzi was born in Philadelphia on Oct. 10, 1935, to Leonora and Gaetano Fonzi, a barber. (He later shortened his first name.) After graduating from the University of Pennsylvania, he was a reporter and editor at Philadelphia Magazine. In one article, he and a co-author revealed that a former star reporter for The Philadelphia Inquirer, Harry J. Karafin, had extorted money from local businessmen with threats of unflattering coverage.

Mr. Fonzi died of complications of Parkinson's disease at his home in Manalapan, Fla., his wife, Marie, said. He is also survived by four children, Irene, Guy and Christopher Fonzi and Maria Fonzi-Gonzalez; eight grandchildren; and two great-grandchildren.

In Florida, Mr. Fonzi worked for Miami and Gold Coast magazines, writing investigative articles. He also wrote several other books, including a biography of the media mogul and philanthropist Walter Annenberg. But the Kennedy assassination remained the story that consumed him.

"He thought the murder of President Kennedy was a turning point in history," his wife said. "He said it was the point when the American people stopped trusting their government."

A version of this article appears in print on September 13, 2012, on Page B19 of the New York edition with the headline: Gaeton Fonzi, 76, Assassination Investigator.

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