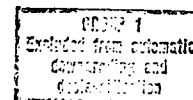


OGC 67-2059

1 November 1967

MEMORANDUM FOR: Director of Central Intelligence**SUBJECT: Rolando Masferrer Trial**

1. This memorandum is for information.
2. During the past year we have spent a good deal of time working with the Department of Justice and the U. S. Attorney in Miami on possible problems in connection with the trial of Rolando Masferrer which begins on 6 November 1967. Masferrer was arrested by Bureau of Customs officials for violation of the Neutrality Act when he and a number of other Cubans and some Haitians were about to embark on an expedition against Haiti. An indictment was obtained shortly thereafter against Masferrer and certain selected members of his band. Neither we nor Justice was informed of the arrest ahead of time, but we raised a question with the Departments of State and Justice as to whether there should be an indictment. State's strong desire for prosecution of this particular group prevailed over our worries.
3. We see several areas of possible trouble for us. From the start, Masferrer has indicated that he would claim that the Central Intelligence Agency knew about and endorsed the expedition. In fact, practically everyone in Florida, including CIA knew about the expedition, but our Station made every effort to keep away from it and any Cubans and Haitians associated with it. Our association with Masferrer started in the late 1940s but was cut off completely in the early 1950s. Certain members of the expedition, however, had had more recent contacts with the Agency.
4. The second area of concern arises from the fact that certain individuals associated, directly or indirectly, with Masferrer have also cropped up in the Garrison investigation

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in New Orleans. We cannot predict any specific problems here except that information developed in Miami may well be grist to Garrison's mill.

5. Another point involves one ⁰⁴[David Cabeza,] who has done fairly extensive work for us and may be called as a witness. He would probably be willing to talk about his activities for us if such testimony were admissible in evidence. Hopefully the Government lawyers can prevent this.

6. The defense has stated it will call as a witness Cesario Diosado. He is a Bureau of Customs official who became so involved in working with us that for the past few years we have been reimbursing Customs for his salary and he has actually been under our direction. He participated in the arrest of Masferrer and the others. It is possible his relationship with us will come out during the trial.

7. All of these points have been discussed in detail with the Department of Justice in the hope that it might drop the indictment. It is under pressure from two points, however. The Department of State very much wants to get a conviction under the Neutrality Act, particularly after the failure of the B-26 case in Buffalo last year. Obviously, the Masferrer case looks like an ideal one to prosecute from its point of view. Secondly, CBS worked with Masferrer's group and apparently filmed all the preparations. It has been cooperating with Justice and has supplied its film to the U. S. Attorney. Since this apparently provides convincing information of a gross violation of the Neutrality Act, Justice feels there is no logical explanation it can be given for dropping the indictment. As our worries are purely speculative and we cannot predict with any certainty that we will be involved, I do not believe we have sufficient ammunition to contest Justice's position. Justice has spent a great deal of time studying our problems and certainly will make every effort to control the situation insofar as we are concerned.

8. One of my lawyers, Mr. John K. Greaney, will be in Miami working with the U. S. Attorney and his staff throughout the trial.

s/

cc: DDCI
DDP
CI

LAWRENCE R. HOUSTON
General Counsel

WH subject-KENNEDY ASSASSINATION-GARRISON
OGC subject-MASFERRER, ROLANDO

CHRONO JKG Signer

OGC:LRH:feb

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