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SUBJECT: (Optional)

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FROM: John M. Maury Legislative Counsel	EXTENSION	NO. OLC 73-1252/A
		DATE 3 December 1973

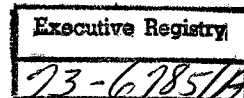
TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
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1. ER	12/3/73		<i>only</i>	<p>Attached is a proposed reply for your signature to Senator Fulbright responding to questions he has raised on apparent discrepancies between Helms' testimony before the Senate Foreign Relations Committee on 7 February 1973 and an affidavit by Mr. Sturgis which is on file with the courts.</p> <p>As you recall, you wanted us to get Helms' views and he has approved the proposed reply, as have the DDO, WH and OGC.</p> <p>Technically, we do not have official access to the executive session transcript involved, but since Fulbright's letter raises an issue out of context, Helms has urged our quotation from the transcript, which of course is available to him, in order to nail this one down hard.</p>
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3. <i>JSC</i> The Director	12/3	12/3	<i>wlc/bip</i>	
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John M. Maury
Legislative Counsel

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505



3 DEC 1973

Honorable J. W. Fulbright, Chairman
Committee on Foreign Relations
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

This is in response to your letter of 29 October 1973 requesting certain information concerning Mr. Frank Sturgis and Mr. Eugenio R. Martinez. Your questions and the answers thereto follow:

Question: Was Sturgis active in the Bay of Pigs operation?

Answer: We have no evidence that Mr. Sturgis officially participated in the Bay of Pigs invasion. Any activities related to the Bay of Pigs in which Mr. Sturgis may have been engaged were not directly connected with or authorized by the CIA nor was CIA knowledgeable of any such activities. One of the groups which was supported by CIA may have had contacts of some nature with Mr. Sturgis, but if so this is unknown to CIA.

Question: Did he continue clandestinely working for the liberation of Cuba thereafter, either on behalf of the CIA or with its knowledge, approval, or acquiescence? If so, what were his activities?

Answer: Any activities in which Mr. Sturgis may have been engaged subsequent to the Bay of Pigs operation were without the prior knowledge or the approval or acquiescence of this Agency. Our files reflect information from the Federal Bureau of Investigation which indicates that Mr. Sturgis is a soldier of fortune who had participated in Cuban revolutionary activities for a number of years. Although we have no knowledge to this effect, Mr. Sturgis may have been in some way connected with groups with which this Agency maintained a relationship.

(EXECUTIVE REGISTRY FILE W-5)

Question: Was Martinez engaged in clandestine incursions into Cuba for many years following the Bay of Pigs invasion? Were these made on behalf of the CIA or with its knowledge, approval, or acquiescence?

Answer: Mr. Martinez was recruited by the Agency in January 1961 in connection with Cuban operations. The project to which he was assigned was terminated in 1969. I would be glad to brief you on the details, if you are interested. Subsequently, he was held on a part-time retainer

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The last meeting with Mr. Martinez occurred on 6 June 1972, and the retainer relationship was terminated by the Agency because of his involvement in the Watergate breakin.

Question: What does Sturgis mean when he says, "I was doing similar work though Mr. Martinez was working for a different sector than I was"?

Answer: We do not know what Sturgis means by this statement. Our files indicate that Mr. Sturgis was friendly with Mr. Martinez, and he may have been aware that Mr. Martinez was in some way associated with CIA. However, Mr. Sturgis was not directly engaged in any activity sponsored, approved or funded by CIA (see above).

Question: What does Sturgis mean when he refers to "my own situation which involved the Agency's knowledge and approval of my operations and their indirect financing of them"?

Answer: We do not know what Mr. Sturgis means by this statement. Mr. Sturgis was not involved in any operation directly sponsored, approved or funded by CIA (see above).

While it is true that Mr. Martinez had an "agent" relationship with this Agency prior to the time that he was put on a part-time retainer, he was never an "employee" of this Agency and was never under the type of supervision and control associated with a "staff employee" relationship. It is believed that the distinctions involved were fully delineated in the questions and answers immediately following the testimony by Mr. Helms which is quoted in your letter:

"The Chairman. How would you describe him [Martinez] again, not an employee but on a retainer, is that what you call him, a consultant or what?

"Mr. Helms. No, sir, in this case I think you can say that this was a fiduciary relationship, but he was not an employee on the rolls of the Central Intelligence Agency.

"The Chairman. How would you describe it. He was employed by them to provide and give services?

"Mr. Helms. Let me step back just a minute so we are talking about the same thing. When we refer to a CIA employee we refer to those who are actually hired by the Central Intelligence Agency or on our rolls in Langley and are considered to be employees of the government agency.

Then in doing our work in various parts of the world we are in contact with various people with whom we set up a fiduciary relationship, either for purposes of espionage or whatever the case may be. So there is a distinction between a man who actually is on the payroll there and is directly under my control and those that form the network that we run in the world.

"The Chairman. It is someone like in this committee we have what you call consultants whom we pay so much a day or week to do certain things but are not on the regular rolls of the committee, is that true?

"Mr. Helms. That is not a bad analogy.

"The Chairman. This is what I meant when I said we have those kind of people.

Well now the others--that clarifies what his relationship was and you did cut it off as soon as you heard about it.

"Mr. Helms. Yes, sir."

Finally, it should be noted that the testimony by Mr. Helms which is quoted in your letter is in response to a question relating to a newspaper article which stated:

"One member of the Watergate team, Ugenio Rolando Martinez, was an active employee of the Central Intelligence Agency at the time of the break-in and kept a diary. He was stricken from the CIA's payroll within a day of his arrest and the diary was subsequently found by Federal investigators in the trunk of his car parked at Miami International Airport." (underscoring supplied)

In this context it seems likely that uppermost in Mr. Helms' mind would be to stress the point that Mr. Martinez was not an active employee of this Agency at the time of the break-in, but rather was in a part-time retainer status.

Please let me know if there is anything further you desire in the above connection.

Sincerely,

/s/ W. E. Colby

W. E. Colby
Director