

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PAUL HOCH,)
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 Plaintiff,)
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 v.) Civil Action No. 82-0754
)
 CENTRAL INTELLIGENCE AGENCY,)
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 Defendant.)
 _____)

DECLARATION OF LOUIS J. DUBE

LOUIS J. DUBE hereby declares and says:

1. I am the Information Review Officer for the Directorate of Operations ("DO") of the United States Central Intelligence Agency ("CIA" or "Agency"). Pursuant to a written designation and delegation of authority by the Deputy Director for Operations, I am responsible for all determinations as to the releasability of DO information which is contained in documents responsive to the Freedom of Information Act ("FOIA") request of the plaintiff. The statements made herein are based upon my personal knowledge, upon information made available to me in my official capacity, upon advice and counsel of the CIA Office of General Counsel, and upon conclusion reached in accordance therewith.

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2. As the record in the instant litigation demonstrates, I executed on 22 July 1982 a comprehensive affidavit which addressed the documents at issue, the applicable FOIA exemptions, and the rationale for the application of the exemptions to specific types of information. On 30 July 1984, this Court issued a Memorandum Opinion and Order which, inter alia, held that defendant's showing with respect to the b(5) claim of exemption for document 1648-452-C was insufficient. Accordingly, the defendant's motion for summary judgment with respect to this document on the basis of exemption b(5) was denied.

3. Subsequent to the preparation and filing of the government's recent Motion for Clarification which detailed my previous finding that document 1648-452-C was coextensively withholdable pursuant to FOIA exemptions b(1) or b(3), I was advised by the Office of General Counsel that this document had been the subject of prior FOIA litigation, Borosage v. Central Intelligence Agency, Civil Action No. 75-0944 (D.D.C.), which involved a request for all documents made available by the CIA to the President's Commission To Investigate Domestic C.I.A. Activities ("Rockefeller Commission"). As detailed in the Declaration of Lee S. Strickland ("Strickland Declaration") which is filed herewith, two senior Agency officials, Ms. Eloise Page, then Chief of the Operations Staff of the Directorate of Operations, as well as Mr. E. H. Knoche, then Associate Deputy to the Director of Central Intelligence for

Dwight D. Eisenhower

the Intelligence Community, had reviewed this document in October of 1975 and had concluded that it was properly classified, both procedurally and substantively, and was within the scope of and protected by 50 U.S.C. §403(d)(3). As further detailed in the Strickland Declaration, a subsequent policy decision by Ms. Eloise Page, based on the actions of and requests by the Senate Select Committee To Study Governmental Operations With Respect To Intelligence Activities ("Church Committee"), resulted in the release of portions of several documents, including the document identified in the instant litigation as "1648-452-C" and in the Borosage litigation as "2".

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4. As noted in ¶3 herein, neither I nor my subordinate officers were aware of the prior release until subsequent to the filing of the government's Motion for Clarification. Data concerning documents approved for release pursuant to FOIA or Privacy Act requests is entered generally into a computerized information retrieval system which permits one to ascertain whether or not a given document has been the subject of a prior release. Borosage document number "2" was so entered. However, until approximately one year ago, documents responsive to FOIA requests concerning President John F. Kennedy's (JFK) assassination were maintained separately and no data concerning their release or denial was entered into the system. Thus in the instant litigation, when documents concerning the JFK

Big question - he did not process in response to request

assassination were initially processed, they were not run against the computer system inasmuch as the officer to whom I had assigned the processing of the records erroneously assumed that such would be a futile effort. Inasmuch as our routine verification procedures appeared to be unavailable in the instant action, this officer and I relied on the imperfect substitute of institutional knowledge. Thus, unlike other JFK assassination materials, document 1648-452-C had been entered into the retrieval system because it also fell within the scope of the Borosage litigation. Nevertheless, because we acted under the assumption that none of the JFK assassination materials -- including those at issue in this litigation -- had been entered into the system, we made no attempt to search for prior disclosures.

or new word in response to request

5. In consideration of the foregoing, and in order to insure that there are no similar instances with respect to other documents at issue in this litigation, I have run all such documents against the computerized information retrieval system. This search effort revealed that no other documents in this litigation had been treated in a manner inconsistent with other FOIA or PA requests.

6. In further consideration of the foregoing, I have also conducted an additional personal review of document 1648-452-C. It remains my considered judgment that, absent the fact of

prior release, this document properly would be withheld in its entirety pursuant to FOIA exemptions b(1) or b(3). This is so for two principal reasons. First, the review of national security information for potential release necessarily involves an assessment of the probability that the intelligence source or method would be revealed to the public as a consequence of the disclosure of the discreet information at issue. This assessment is clearly subjective and is a matter of professional judgment -- exercised by a professional intelligence officer and based on his personal experience and expertise. It follows that such decisions or assessments may well vary to a limited degree from individual to individual.

It also follows that such decisions must be committed to experienced senior intelligence officers, and not others who lack the training, experience and current intelligence knowledge. The second reason is directly related to the foregoing and is based on the fact that this document wholly concerns named intelligence sources and specific intelligence methods -- information within three specific, enumerated categories of potentially classifiable data as specified in Executive Order 12356 and within the scope of 50 U.S.C. §403(d)(3) and §403g.

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7. Upon consideration of the prior release, accomplished for policy reasons and with the approval of the Director of Central Intelligence, and based upon my current re-review, I

have determined that a redacted copy of document 1648-452-C should be provided to the plaintiff. A copy is attached herewith as Exhibit A. All redactions in this document are clearly identified by location through prominent black marks and further identified by content through the use of letter codes which correspond to those utilized in my initial affidavit filed herein. This redacted version corresponds to the version released in the Borosage litigation except for the restoration of two deletions on page 2. In my judgment, the restoration of these deletions is consistent with other information previously released by this Agency through the FOIA process.

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8. I have executed this Declaration this 10th day of September, 1984, and I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Louis J. Dube

LOUIS J. DUBE

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[REDACTED]

What Could Castro Have Known?

There has been recurring speculation that the Soviet Union and/or Cuba dispatched Lee Harvey Oswald on his mission to assassinate President John F. Kennedy. Recently, in connection with the investigation of CIA, renewed currency has been given the speculation that Fidel Castro ordered President Kennedy's assassination in retaliation for plans to assassinate him. This is tied to reports that CIA planned Castro's assassination, followed by the speculation that Castro learned of it and that this provided the motivation for the events that followed.

The fact is that CIA did plan Castro's assassination in the early 1960s, and the purpose of this paper is to consider what Castro could have learned about the planning that actually took the form of attempts to mount an operation against him. This paper necessarily is speculative, as are the suggestions of a cause-and-effect relationship between the plans and President Kennedy's death, but there are some facts on which to base consideration of the question.

One factor that contributes to the difficulty of this speculative paper is the atmosphere in the Cuban exile community in the Miami area. There were a number of emigre groups organized for the general purpose of action against the Castro regime. They all

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[REDACTED]

[REDACTED] J
looked to the time [REDACTED] it would follow Castro's fall, and they talked and planned for it. In the meanwhile they conducted independent forays into Cuba. There was competition for primacy among these groups, and it was not unusual for them to claim CIA support -- whether they had it or not -- and it is certain that there was little understatement in their description of their plans or their claims of achievements. Among the things they said -- undoubtedly reported to Castro by the Cuban intelligence service, which had penetrated the emigre community -- was talk of plans against Castro himself. The form that these reports took when they reached Castro cannot be stated with any certainty, but the fact must be accepted that such information was reported to him, unrelated though it was to actual plans of CIA.

September 1960 - May 1961

The first recorded CIA plan to attempt the assassination of Castro relied on the criminal Syndicate, which had access to Cuba where its gambling business was still operating. A Syndicate member from Los Angeles -- who remained active in this operation through mid-1963 -- arranged an introduction to [REDACTED] the head of the Cuban gambling interests through a member of the Chicago Syndicate. The representative of the Cuban gambling interests selected to carry out the mission, a man who had access to Castro by virtue of his position [REDACTED] in the Office of the Prime Minister [REDACTED] J

[REDACTED]

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Poison pills were transported to Cuba in late February or March 1961, and delivered to the man who was to administer them. That man, however, had already lost his position with the Prime Minister's office and returned the pills after a couple of weeks.

[REDACTED]

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Comment: It is unlikely that the man who was to have administered the poison to Castro revealed his part in the plot for practical considerations of personal safety.

Further, it is unlikely that the Syndicate members engaged in loose talk that might have resulted in a leak concerning the plan.

At the time only a few knew of the plans, and it served their purpose to not disclose the information.

In March-April 1961 the Syndicate representative identified a Cuban exile, the leader of one of the groups in Miami supported by CIA as part of the larger Cuban operation. This man was understood to be dissatisfied with the extent of the support to his group

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and was receptive when approached by a Syndicate representative, possibly already known to him, who told him that he had clients who would pay big money to have Castro done away with. The exile leader previously had been in touch with criminal elements interested in Anti-Castro activities and the cover story would have been credible to him. The Los Angeles member of the Syndicate took over this contact, and delivered the pills to him. The exile leader was believed to have an asset inside Cuba who worked in a restaurant frequented by Castro, where it was expected that he could insert the pills into his food or drink. It appears that the scheme failed because Castro ceased to visit that particular restaurant. Following the Bay of Pigs there was a standdown in this operation.

Comment: While little is known of the delivery channels beyond the exile leader, this arrangement appears to have depended on an individual inside Cuba, who obviously knew about a plan to assassinate Castro by poison. The people who approached the exile leader were members of the Syndicate, which apparently already had contact with him. If the man in the restaurant revealed his secret, he would not have had basis for attributing the plan to the U. S.

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would not have had access to U. S. Government equipment and limiting the supply of arms to that commercially available was consistent with his posture.

On 21 June 1962 it was reported that a team of three men had been dispatched to Cuba. These men were to recruit others to carry out any plan that developed, taking the opportunity to act if the occasion presented itself. The names of these men are not known, if in fact they existed. We have no knowledge of what happened to them.

Additionally three so-called militia men were scheduled to be dispatched to Cuba by the exile leader, in September 1962, with the reported assignment of penetrating Castro's bodyguard. There were continued delays in the departure of these individuals and it is doubtful that they ever left on their mission.

In February 1963 the Syndicate go-between was told that the operation would be terminated. Consideration was given as to how to phase out the relationship with the exile leader without causing any additional difficulties. The last face-to-face meeting between the CIA officer and the Syndicate representative was in June 1963.

Comment: The cover for the operation continued to be the Syndicate contact with the description that he

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Government, as the exile leader's order, could only that the sponsors were a private group. The exile leader's son-in-law, with whom he had close associations during that period, probably knew of the activity but the true details were no more available to him than to the father-in-law. It would not have been impossible for these Cubans to have dropped some version of the story in the Miami Cuban community, with dramatic embellishments; however, attribution to the U. S. Government would have had to be supplied as the cover story did not, of itself, afford the basis for such a conclusion.

April 1962 - June 1963

The carrier exile mechanism was reactivated in April 1962 by a new CIA case officer who took over the contacts with the Los Angeles Syndicate member. New pills were prepared, the first set having been destroyed. This effort seems to have started with a revival of the restaurant scheme that had failed previously. The exile leader also requested arms and equipment. That which could be procured commercially was delivered to him; some of the requested items could only be obtained from the U. S. Government and were omitted from the delivery. The Syndicate representative, posing as a representative of private business interests,

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represented a group of private clients with financial interests in Cuba. The three men who reportedly were dispatched to Cuba would know no more than the exile leader. These individuals could have assumed more than they knew, but on what is known of the arrangements the basis for doing so was non-existent.

In addition to the exile leader and his son-in-law, one new personality was introduced to the operation, apparently a subordinate of the Syndicate contact through whom the CIA officer dealt with the exile leader. He probably knew that the U. S. Government was involved.

This phase of the plan introduced new individuals who knew of a plan to assassinate Castro. The exile leader and the members of his group had no basis for knowing the true nature of the support for the operation. Such descriptions as they may have given to the operation had no basis for differing materially from other exile plots and description of them, except in this instance there was a patron. The exile leader was known otherwise as one of the leaders receiving some CIA support,

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however separate and distinct from the assassination plan. This could have provided a basis for speculation, in Cuba, that CIA (and therefore the U. S. Government) was behind it.

November 1963 - June 1965

A third involvement in a plan to assassinate Castro related to a contact with [REDACTED] a man highly placed in the Castro government.

[REDACTED] B
[REDACTED] B
He was met from time to time subsequently, but there were no arrangements involving assassination until November 1963.

During meetings in various locations [REDACTED] B
[REDACTED] B 1962, [REDACTED] B spoke of his desire to do something about changing the government of Cuba, the elimination of Castro being among the things that he discussed. However, [REDACTED] B
[REDACTED] B when a CIA employee used the word "assassinate" [REDACTED] B found it objectionable. Agency instructions to the field ordered that [REDACTED] B be given no "physical elimination mission." Conversations with him continued, but not much of substance developed.

[REDACTED]

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[REDACTED] was met again [REDACTED]

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[REDACTED] 1963 during which he discussed actions he might take against the Castro regime. During these discussions [REDACTED] requested a high-powered rifle with telescopic sites which could be used to kill Castro; the request was turned down with the admonition by the person to whom he was talking (who represented himself as speaking for Robert Kennedy) that the U. S. did not do such things.

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In late 1963, as [REDACTED] had continued to express interest in equipment, various courses of action were considered. Finally, a ballpoint pen was rigged as a hypodermic syringe that could be used to administer poison. A CIA case officer met with [REDACTED] on 22 November 1963 [REDACTED] at which time he delivered the pen. This was the very date upon which President Kennedy was assassinated in Dallas, Texas.

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Relationships with [REDACTED] continued, including his eventually being supplied with arms, both by cache in Cuba and personal delivery by an intermediary [REDACTED]. In June 1965 CIA decided to terminate contacts with [REDACTED] and his group because of concern over their security.

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[REDACTED]

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[REDACTED]

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Comment: Earlier discussions with [redacted] concerning moves against the Castro regime included discussion

by him of the elimination of Castro; this was rebuffed by CIA representatives. When CIA finally decided to give [redacted] equipment with which he could commit an assassination, its delivery was the very date upon which President Kennedy was killed.

[redacted] knew that he was in touch with representatives of the U. S. Government but there was no basis for him to believe that he had U. S. Government support for the assassination of Castro prior to the time of the death of John F. Kennedy. We cannot state with any certainty that Latin exaggerations may not have translated [redacted] earlier general discussions with CIA into specific plans for the assassination of Castro, and were so described by him to his colleagues.

Conclusion

It is unlikely that the direct participants in the first effort involving the Syndicate would have become identified or told what they knew. The original intended assassin [redacted] had every reason to not tell his story.

The subsequent involvement of the wife [redacted] and his son-in-law provided additional persons who could have spoken of the plan to someone, but their knowledge of the backers was well covered and they would have had to supply the missing ingredients from their own thoughts.

The reported involvement of a man in a restaurant frequented by Castro provides a possible source of information that someone planned Castro's assassination, and this individual seems to have been a part of the first effort (1960-61) and initially in the second one (1962-63). But again his knowledge would have been limited.

The reported dispatch of three men into Cuba to recruit assets for action also provided individuals who could be a source for reports of assassination plotting against Castro.

In all these instances, however, the cover story for the activity would appear to be reasonably secure, on the surface, i. e., Syndicate representatives and/or private business people were the ones involved in the activity.

The involvement of [redacted] had not progressed to the point of agreeing that assassination was a possible course of action, and [redacted] had no basis for making such statements, until after the death of President Kennedy. We have no assurances, however, as to how he may have dramatized his conversations in reporting to

his colleagues, what they may have passed

There was considerable independent plotting in the Cuban exile community in the Miami area, aimed at the Castro government and its leader. Castro was doubtless aware of this generally, through the Cuban Intelligence Service, and probably was aware of some of the more specific plans the exiles may have made. As an example, there was a report of such plotting -- including reference to the Syndicate -- as late as mid-1964. The form in which this sort of activity may have been reported to Castro is entirely speculative, but it is safe to postulate some Latin exaggeration. While a firm basis for attribution to the U. S. Government would not exist, one could speculate that Castro would attribute it to the U. S. Government and CIA regardless of how it came to him.

There were various people in the U. S. who, in one way or another, came to know of the two episodes (1960-61 and 1962-63) involving representatives of the Syndicate. This would include individuals who only made introductions, individuals who were a party to only one aspect or another of the activity, or who had more extensive knowledge that they could divulge to others who were not involved. It is reasonable to postulate that the members of the Syndicate did not engage in loose talk, but we have no basis for

[REDACTED] J
knowing what use they may have wished to make of their knowledge

when they were still attempting to save their gambling rights in Cuba. The last gambling casino was closed in September 1961 and no real advantage was to be gained for the Syndicate thereafter in revealing this information. There were press reports in August 1963 connecting Syndicate figures with earlier CIA intelligence collection in Cuba, but without reference to involvement in assassination. At a subsequent date information concerning the involvement of Syndicate representatives the first two operations mentioned in this paper became known to [REDACTED] B

[REDACTED] The probable source of this latter story was the Syndicate representative who served as the intermediary during two undertakings.

One can speculate as to whether or not Castro actually learned of the plans discussed above and, if so, the detail that he could have learned. Assuming that he learned something--which is not all that clear--he would still have had to know enough detail to have divined that it was a U. S. Government action, as a basis for launching a counter action in the form of Lee Harvey Oswald, as has been postulated by some. The basic issue arises from speculation, and speculation cannot satisfactorily resolve it.