

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ALAN L. FITZGIBBON,  
Plaintiff,

v.

U.S. SECRET SERVICE, ET AL.,  
Defendants

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Civil Action No. 86-1186

PLAINTIFF'S RULE 108(h) STATEMENT

Pursuant to Local Rule 108(h), plaintiff submits the following statement of material facts as to which there is a genuine issue:

1. Whether, after passage of 20 years, the information withheld under Exemption 1 can reasonably be expected to cause damage to the national security.

2. There is a public interest in the disclosure of administrative file numbers and markings. Declaration of Alan L. Fitzgibbon ("Fitzgibbon Declaration"), ¶10.

3. There is a public interest in the disclosure of FBI "temporary source" symbol numbers. Declaration of Bernard Fensterwald, Jr. ("Fensterwald Declaration"), ¶5.

4. There is no "significant risk" that disclosure of "temporary source" code numbers will lead to circumvention of FBI statutes or regulations. Fensterwald Declaration, ¶6.

5. Whether the materials deleted pursuant to Exemption 5 were approved or adopted by the agency. Attachment 8.

6. Whether the materials deleted under Exemption 7(C), if disclosed, would present a substantial risk of embarrassment for, and reprisals against, the persons identified in them, or would release intimate or personal details regarding such persons. Fitzgibbon Declaration, ¶¶13-18.

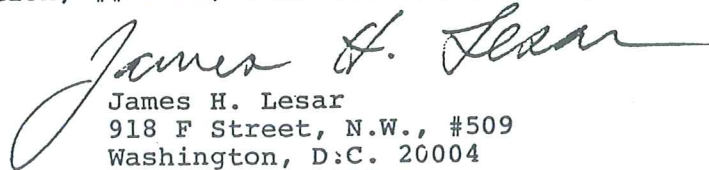
7. Whether there is a public interest in the disclosure of materials withheld under Exemption 7(C). Fitzgibbon Declaration, ¶13.

8. Whether the release of the names of law enforcement personnel withheld under Exemption 7(C) could reasonably be expected to result in harassment of them. Fitzgibbon Declaration, ¶15.

9. Whether the sources protected under Exemption 7(C) received an express or implied assurance of confidentiality. Fitzgibbon Declaration, ¶¶19-21.

10. Whether any harm to law enforcement operations can reasonably be expected to result from the disclosure of the identities of defendants alleged "confidential sources" at this late date? Fitzgibbon Declaration, ¶¶19-21, 26-29.

11. Whether the investigative techniques withheld by the Secret Service and the FBI pursuant to Exemption 7(E) are commonly known. Fitzgibbon Declaration, ¶¶22-23; Melanson Declaration, ¶¶4-7.



James H. Lesar  
918 F Street, N.W., #509  
Washington, D.C. 20004  
Phone: 393-1921

Counsel for Plaintiff

Union Calendar No. 962

95th Congress, 2d Session - - - - - House Report No. 95-1823, Part 2

REPORT  
OF THE  
SELECT COMMITTEE ON ASSASSINATIONS  
U.S. HOUSE OF REPRESENTATIVES  
NINETY-FIFTH CONGRESS  
SECOND SESSION

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FINDINGS AND RECOMMENDATIONS

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MARCH 29, 1979.—Committed to the Committee of the Whole House  
on the State of the Union and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1979

43-112 O

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402  
Stock No. 052-071-00390-1

Attachment 1

C.A. No. 86-1886

(47) U.S. Secret Service report, Dec. 3, 1963, file CO-2-34,000, Chicago field office, p. 1; U.S. Secret Service report, Dec. 19, 1963, file No. CO-2-34,104, pp. 1-6; U.S. Secret Service report, Dec. 13, 1963, file No. CO-2-34,030, pp. 1-3.

(48) U.S. Secret Service report, Nov. 27, 1963, file 2-1-611.0, Chicago field office, p. 2 (JFK Document 007601).

(49) U.S. Secret Service report, Dec. 3, 1963, Chicago field office, file CO-2-34,030, p. 4.

(50) The Secret Service continued the investigation despite the FBI's opinion that the group was not involved in illegal activity. U.S. Secret Service report, Dec. 3, 1963, Chicago field office, file CO-2-34,030.

(51) Report of the President's Commission on the Assassination of President Kennedy (Washington, D.C.: U.S. Government Printing Office, 1964), p. ix (hereinafter Warren report).

(52) Deposition of James J. Rowley, Aug. 18, 1978, House Select Committee on Assassinations, pp. 23, 38, 39 (JFK Document 014240).

(53) Id. at 26-29, 38, 39.

(54) U.S. Secret Service report, Dec. 19, 1963, file CO-2-34,104, p. 7.

(55) Letter to James B. Rhoads, Archivist of the United States, from J. Edgar Hoover, FBI, Dec. 28, 1970, Bureau 62-109060-6979. This letter states: "A review of this material indicates it pertained to a matter investigated by the U.S. Secret Service. No investigation was conducted by the FBI with respect to the allegations concerning Echevarria."

(56) Anti-Castro Cuban report, pars. 347-348.

(57) See generally material on the Junta del Gobierno de Cuba en el Exilio in the anti-Castro Cuban report, pars. 342-388.

(58) Ibid.

(59) Id. at 351, 365.

(60) See generally Warren report, pp. 321-325.

(61) Anti-Castro Cuban report, pars. 129ff.

(62) Id. at 114.

(63) Id. at 131.

(64) Id. at 131, 131.

(65) Id. at 114.

(66) Id. at 115.

(67) Id. at 142.

(68) Ibid.

(69) Ibid.

(70) Id. at 148.

(71) Id. at 152.

(72) Id. at 129.

(73) Id. at 194, 202, 203.

(74) Id. at 171ff.

(75) Id. at 172-173.

(76) Ibid.

(77) Id. at 181-183.

(78) Id. at 184.

(79) Anti-Castro Cuban report, pars. 173-192.

(80) Id. at 177, 186-192.

(81) Id. at 197.

(82) Ibid.

(83) Ibid.

(84) Id. at 186-190.

(85) Id. at 195.

(86) Id. at 196.

(87) Id. at 198.

(88) Id. at 200-201.

(89) Ibid.

(90) Ibid.

(91) Id. at 64.

(92) Id. at 94ff.

(93) Id. at 95-96.

(94) Id. at 64-65.

(95) Ibid.

(96) Ibid.

(97) Ibid.

PROHIBITION OF ASSASSINATION

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COMMISSION EXHIBIT No. 3102-Continued

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OPTIONAL FORM NO. 10 (REVISED 1-25-60)

UNITED STATES SECRET SERVICE  
TREASURY DEPARTMENT

Commission Exhibit No. 3103

ORIGIN: Dallas, Texas	FILE NO.: CO-2-34,030
STATUS: Continued	TITLE OR CHARACTER: Assassination of President Kennedy
INVESTIGATION MADE AT: Dallas, Texas	PERIOD COVERED: 5-11-64
INVESTIGATION MADE BY: SA John Joe Rowlett and SA Gene Wofford	REPORT MADE BY: [Signature]
DETAILS: SA John Joe Rowlett and SA Gene Wofford	DATE: 5-13-64

SUMMARY

Investigation has not yet positively identified printer and/or financier of "wanted for treason" leaflets. Investigation continued.

DETAILS OF INVESTIGATION

Reference is made to my M/A dated 5-12-64.

Other Investigations

On 5-11-64, SA Rowlett and Wofford interviewed Henry Davila of 8315 Beechley View, Dallas, at his place of employment, Everidge Printing Company, 1812 E. Field Street, Dallas. Mr. Davila said that he went to work for Lettercraft on November 23, 1963, and worked until January 28, 1964. While he was working there, he said, that to the best of his knowledge, Lettercraft did not have any kind of type-setting device nor did they have any kind of letter press proofing press. However, he said while he was employed there, there were several different occasions upon which type could have been used and a letter press proofing press could have been used. Due to this fact, he says that he does not believe they had this kind of equipment. He said this work was turned out to other printing companies while he worked there.

Mr. Davila was shown the "wanted for treason" leaflet and he said that in his opinion, Mr. and Mrs. Clifford Mercer or Mr. Bill Bacon would not have printed this type of literature. He also said that while he was employed there he does not recall Lettercraft printing any kind of political leaflets or material. He said that Robert Klause was interested in a "fast buck" and he would not put it past Robert Klause to have printed the leaflet. He said during his employment, he did not see any material, scrap, etc., or hear any conversation

COPIES: Chief ✓	REPORT MADE BY: [Signature]	DATE: 5-13-64
Dallas	APPROVED: [Signature]	
	SPECIAL AGENT IN CHARGE	

CONTINUE ON PLAIN PAPER

COMMISSION EXHIBIT No. 3103

2.  
CO-2-34,030

that would indicate the leaflet was printed at Lettercraft.

Mr. Davila could not name any type setting company that set type for Lettercraft while he was working there as his job was printing.

Mr. Davila was asked if he knew of any friends of Robert Klause that were also in the printing business and he said that he knew of no such close friends, however, there was a man from Fort Worth whose name was Dolly or something similar to that.

During my interview with Mr. Monk of Monk Brothers, Mr. Monk mentioned a Delbert D. Dally, who approached Mr. Monk about doing some work on credit and said that he was a friend of the people at Lettercraft. Mr. Dally produced a card showing a Fort Worth address and also showing the address of Lettercraft at 2815 Oak Lane, Dallas.

Mr. Davila was asked if the person's name could be Delbert Dally and he said that that sounded like the name. Mr. Davila also said it was his understanding the man was from Fort Worth, Texas.

On 5-12-64 SA Wofford and I interviewed Hearn Dwight Hatcher at his home, 2662 Am Arbor, Dallas. Mr. Hatcher said that he had worked for Lettercraft approximately two weeks and at the time he worked there he and Robert Klause were the only printers. To the best of Mr. Hatcher's memory, this was in September or October of 1963. At the time Mr. Hatcher worked there he said they had one or two small presses and that Lettercraft was a small kind of fly by night printing company. Mr. and Mrs. Mercer wanted Hatcher to take over the printing of the business and free Bob Klause to sell and do the camera work. Mr. Hatcher said that he was not happy with the small business and quit after about 2 weeks. Mr. Hatcher said that at the time he worked for Lettercraft, they did not have any kind of type-setting device or letter press proofing press. The

COMMISSION EXHIBIT No. 3103-Continued

REPORT MADE AT New Orleans	REPORT MADE BY J. J. Rice	DATE 12-6-63
TITLE OR CHARACTER OF SUBJECT Assassination of President Kennedy	STATUS Confirmed	TITLE OR CAPTION Lee Harvey Oswald
DATE WHEN MADE 11/25/63 - 12/4/63	PERIOD COVERED 11/25/63 - 12/4/63	
REPORT MADE BY Special Agents Anthony E. Gerrits and Roger D. Counts and SAIC John W. Rice		
SERIALS	SYNOPSIS	

Dean Andrews, Jr., Attorney, New Orleans, advised that Oswald had visited his office on approximately three occasions in June-July, 1963, relative to his citizenship status, his wife's status and his undesirable discharge from the Marine Corps. On 11/23/63 Attorney Andrews was contacted by telephone by a Clay Barrand, who inquired if he would be interested in defending Oswald. Inquiries made at Tulane University re Clay Barrand and A. J. Hiddell.

**DETAILS OF INVESTIGATION**

Reference is made to previous reports submitted in this case. On 11/25/63 Attorney Dean A. Andrews, Jr., who is well known to this office, contacted SAIC Rice by telephone from the Hotel Dieu Hospital in New Orleans, where he was confined as a patient.

He advised that in June and July, 1963, dates unrecalled, Lee H. Oswald had visited his office on three occasions and expressed concern about (1) his citizenship status; (2) his wife's status; and (3) his undesirable discharge from the Marine Corps which he claimed had made it impossible to obtain suitable employment.

Mr. Andrews said that Oswald was accompanied by a total of approximately five persons during the three visits. He said that he knew two of the subjects by sight, and that on two occasions he was accompanied by a young man of Mexican extraction (not Cuban), whom he did not know. He said he believed that all of Oswald's companions were homosexuals who possibly frequent the Gaslight Bar in the French Quarter, where such individuals congregate. He said Oswald was supposed to furnish him \$20.00 and also his Marine Corps serial number in order to obtain copies of pertinent records from the

REPORT MADE AT New Orleans	REPORT MADE BY J. J. Rice	DATE 12-6-63
TITLE OR CHARACTER OF SUBJECT Assassination of President Kennedy	STATUS Confirmed	TITLE OR CAPTION Lee Harvey Oswald
DATE WHEN MADE 11/25/63 - 12/4/63	PERIOD COVERED 11/25/63 - 12/4/63	
REPORT MADE BY Special Agents Anthony E. Gerrits and Roger D. Counts and SAIC John W. Rice		
SERIALS	SYNOPSIS	

Marine Corps. a file on his

COMMISSION EXHIBIT NO. 3103-Continued

"wanted for Treason" conflict was shown to Mr. Hitcher and he replied that while he worked at Lettercraft, on one or two occasions he had run over scratch paper using the identical paper. The paper is 9" x 12" and 4 scratch pads are printed per page and later cut and glued into scratch pads. Mr. Hitcher said that he ran 6,000 or 8,000 sheets. Mr. Hitcher said that he had not been employed at Lettercraft long enough to really get to know Mr. and Mrs. Marcer and Robert Klaus, and could not render any opinion. Mr. Hitcher said that he was also very busy printing during the time that he worked there and that he did not know anything about any of the type setting companies that Lettercraft used, or any of the friends of Robert Klaus or Mr. and Mrs. Marcer. Hitcher could furnish no additional information of value in this investigation.

UNDEVELOPED LEADS

Investigation continued.

JJR:wd



No.

520

RECORD OF Correspondence, Reports  
Documents, Telephone Conversations,  
Oral Interviews and conversations

Re: <sup>b2</sup> Lee Harvey Oswald  
Assassination of President

Date & Time Received: DEC 12 1963

Received by: ecd

Received from: Wash DC (FO Mail)

Comments  
(Brief summary of Document  
conversation, etc.)

M/R 12-4-63 WFO

Rafael Molins - George Waller ( b2

[Molins living & employed in Northern Va.  
FBI exploring possibility of interviewing  
informant located in] b7d

Attachment 5

C.A. No. 86-1886

Information Passed for Action to:

No Action Necessary



UNITED STATES SECRET SERVICE  
TREASURY DEPARTMENT

*file*  
*Ch*  
*EW*

ORIGIN **Chief's Office** OFFICE **Chicago, Illinois** FILE NO. **b2**

TYPE OF CASE <b>Protective Research</b>	STATUS <b>Remains Closed</b>	TITLE OR CAPTION <b>Rafael Molins George Mallen</b>
INVESTIGATION MADE AT <b>Chicago, Illinois</b>	PERIOD COVERED <b>4-16-64</b>	<b>Alleged Plot to Assassinate the President</b>
INVESTIGATION MADE BY <b>Special Agent b7c</b>		

DETAILS

SYNOPSIS

Subject, Rafael Molins, last known to be residing in Falls Church, Virginia.

b2 b7c  
by the Washington Field Office.

DETAILS OF INVESTIGATION

Reference is made to Chief's memorandum dated April 8, 1964, relating to the President's trip to Chicago on April 23, 1964.

Further reference is made to previous reports in this case regarding the subject, Rafael Molins.

On April 16, 1964 the writer examined the file in this case and determined that Rafael Molins moved from 1112 N. Richmond Street, Chicago, to 1724 - 17th Street, N.W., Apt. 44, Washington, D. C. on March 20, 1962.

The last report in this file, that of Special Agent b7c Washington Field Office, dated 12-4-63, indicates that the subject has moved from 1724 - 17th Street, N.W., to 6750 Glen Carlyn Drive, Falls Church, Virginia, and is employed as a laborer for a construction company in northern Virginia.

b2 b7c

Attachment 6

C.A. No. 86-1886

DISTRIBUTION	COPIES	REPORT MADE	DATE
Chief	Original	b7c	4-16-64
Chicago	1 cc	APPROVAL	ATE
		b7c	
NC:cs			4-16-64

Reports do not reveal that the subject himself was ever involved in a plot to assassinate the President or anyone.]

<sup>b7c</sup> who is also mentioned in the FBI reports, is previously of record with this Service under this same file number.

(F) DISPOSITION:

A review of our file regarding the subject revealed the subject initially came to the attention of this Service in 1962, when information was received that he was involved in a plot to assassinate the President. Subject was interviewed and denied any knowledge of such a plot. [Investigation failed to substantiate that the subject was ever involved in a plot to assassinate the President or anyone.]

b2 b5 b7E

Copies of FBI letter dated January 18, 1965, and their reports dated November 14, 1963, and January 17, 1964, are attached for Headquarters.

LBS:kkh

UNITED STATES SECRET SERVICE  
TREASURY DEPARTMENT

ORIGIN PRS		OFFICE Washington, D. C.	FILE NO b2
TYPE OF CASE	STATUS	TITLE OR CAPTION	
Protective Research	Closed	Person Identified:	
INVESTIGATION MADE AT	PERIOD COVERED	Name : Rafael R. Molins	
Washington, D. C.	1-11-65 2-5-65	Address: 6720 Glen Carlyn Drive Apartment 4 Falls Church, Va.	
INVESTIGATION MADE BY		Type : b2	
Special Agent } b7c			

*msy*

SYNOPSIS

[FBI no longer has an open case on the subject.]

b2 - b5  
b5  
b7c

b2

(A) INTRODUCTION:

Reference is made to memorandum of Inspector b7c PRS, dated January 4, 1965.

(B) GENERAL INVESTIGATION:

On January 11, 1965, Special Agent Leonard Webster, FBI, Washington Field Office, Washington, D.C., was interviewed by the writer regarding the subject. Special Agent Webster advised that the FBI has no open case on the subject; however, he would review their file and furnish this office with all available information.

On January 26, 1965, a letter was received from Mr. Joseph D. Purvis, Special Agent in Charge, Washington Field Office, FBI, Washington, D.C., with copies of FBI reports dated November 14, 1963, and January 17, 1964. These reports reveal that the subject is an admitted former member of the Dominican Military Intelligence Service (SIM), and was assigned to investigate an alleged plot to destroy the former Dominican Republic Dictator, Rafael Trujillo.

DISTRIBUTION	COPIES	REPORT MADE BY	DATE
Headquarters	Orig.	b7c	3-17-65
Washington	1 cc	APPROVED	DATE
		b7c	

Chicago 90, Illinois  
1077

January 9, 1962

Hon. <sup>b7c</sup>  
U.S. Attorney,  
450 U.S. Courthouse,  
Chicago, Illinois

Dear Mr. <sup>b7c</sup>

This will confirm my meeting with you and your Assistant,  
Mr. <sup>b7c</sup> on January 5, 1962.

At that time I acquainted you with an investigation which was then  
in progress by our office relating to the following matter:

On the basis of confidential information, the U.S. Secret Service  
learned of an alleged plot against the government of the United  
States, the President of the United States and/or the President's  
children. Named as the persons who were suspected as being charged  
with carrying out this plot were George W. Mallen and Rafael Molins.  
These individuals were also suspected of being members of the Military  
Intelligence Service of the now defunct Trujillo regime of the  
Dominican Republic and, the allegation was made, the alleged plot  
had its inception while the Trujillo government was still in power.

You were further informed of the fact that the U.S. Secret Service  
had been exerting every effort to locate the alleged plotters and  
that several days prior to our conference, the U.S. Secret Service  
had received information that Mallen and Molins might be located  
through a source in Chicago, [Jose Hernandez] who resided at 4039 W.  
Van Buren St., Chicago. Further, that agents of our Chicago office  
in company with agents of the Federal Bureau of Investigation, which  
organization was also familiar with the case, had made efforts to  
contact [Jose Hernandez] and eventually had been successful in making  
the contact when [Mr. Hernandez] arrived in Chicago aboard an air line  
flight from New York on the evening of January 4, 1962.

[Mr. Hernandez] had been interrogated and had refused to discuss his  
relationship with Mallen and Molins and any knowledge that he had  
concerning their whereabouts at the time. When he arrived in  
Chicago on January 4 he was in company with a young female who  
identified herself as being Grace Rios and neither Hernandez nor  
Grace Rios had made known to the agents that Grace was a daughter  
of Lillian de Pichardo who the agents knew to be the common-law  
wife of suspect George Mallen. This identification was subsequently  
made by the agents upon a correlation of personal background informa-  
tion secured from Grace Rios at the time she was questioned following

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[ arrival in Chicago on January 4. ]

In an awareness that Jose Hernandez, Grace Rios and a person named Juan Montalvo, a step-brother of Jose Hernandez, whom the agents had talked to in their initial efforts to locate Hernandez, were probably in possession of information of value to our agents concerning Mallen and Molins,

[ On February 6 the subpoena which had been issued to Jose Hernandez was served upon him at his residence, 4039 W. Van Buren St., Chicago, and he thereupon elected to inform the agents of the whereabouts of George Mallen at 923 No. Richmond St., Chicago. Agents then proceeded to that address and were successful in making contact with Mallen. ]

[ In view of that development, the subpoenas which had been issued for Grace Rios and Juan Montalvo were not served. Further, Jose Hernandez was informed that his appearance before the grand jury on January 9, 1962 would be postponed pending further advice to him by our agent. ]

We have not as yet been able to determine the whereabouts of Rafael Molins. During the interrogation of George Mallen, Mallen declared that Molins had departed Chicago on or about January 2 or 3, 1962 for some undisclosed destination in the southern part of the United States. Mallen has declared that he presently does not know where Molins can be located.

b7c b5 [ However, our investigation to  
date has been continuing; ]

[ I am grateful to you for the speedy assistance you rendered to our Service in having issued the aforementioned subpoenas. It is a fact that the subpoena for Jose Hernandez delivered to him by our agents had the desired effect of producing from him the whereabouts of Mallen. ]

Very truly yours,

b7c

bcc - Chief ✓



U.S. Department of Justice  
Office of Legal Policy  
*Office of Information and Privacy*

Washington, D.C. 20530

NOV 26 1980

Mr. Harold Weisberg  
7627 Old Receiver Road  
Frederick, MD 21701

Re: Appeal No. 80-1644  
& 81-0533  
RLH:PLH

Dear Mr. Weisberg:

This is in response to your administrative appeals from the actions of the Criminal Division on your requests for access to records which pertain to the assassination of President John F. Kennedy.

As a result of discussions between Criminal Division personnel and Ms. Hubbell of my staff, I have decided to affirm the Criminal Division's initial actions. Exemption 2 of the Act, 5 U.S.C. 552(b)(2), was used to withhold the investigatory file numbers on third parties. These file numbers are also withholdable pursuant to 5 U.S.C. 552(b)(7)(C). Such numbers are purely internal agency matters as to which the general public has no legitimate interest. Exemption 6, 5 U.S.C. 552(b)(6), was used to protect a small amount of information concerning third parties mentioned in non-investigatory records in these documents in order to protect their personal privacy. Exemption 7(D), 5 U.S.C. 552(b)(7)(D), was used in certain limited instances to protect the identities of confidential sources with either an express or implied promise of confidentiality. The Criminal Division's use of these three exemptions is affirmed.

I am remanding the remainder of these records to the Criminal Division for reprocessing pursuant to guidelines agreed to by that Division after an extensive review of the records by Ms. Hubbell. In view of the historic nature of this case and the age of these records, the Criminal Division will no longer rely on Exemption 5 to withhold information subject to these appeals and certain material originally deleted pursuant to Exemption 7(C) will be released. In addition, FBI personnel have agreed to review those documents pertaining to individuals or incidents of some significant interest to the government's investigation of the Kennedy assassination, such as James Garrison, David Ferrie, Clay Shaw and Special Agent Hosty, to determine whether an additional release of records is warranted in light of the Bureau's previous releases of Kennedy records.

I wish to address several other issues you have raised pertaining to these appeals. First, regarding the scope of the search conducted by the Criminal Division, I have determined that the original search was adequate in light of the general nature of your request which was for all records pertaining to the assassination of President John F. Kennedy. Nevertheless, as a matter of discretion, the Criminal Division has conducted a search for all records pertaining to James Garrison, David Ferrie, Clay Shaw and file DG 129-012-4 for records pertinent to the John F. Kennedy assassination, DG 129-012-4 is referred to in one of the Criminal Division records and appears to be a file concerning the guidelines for disclosure of John F. Kennedy information. The Criminal Division, however, has been unable to locate any record that such a file ever existed. No other files were located as a result of this search except a file concerning David Ferrie. The Criminal Division will treat this latter file as the subject of a new request and, since it consists solely of Bureau documents, refer it to the FBI for direct response to you. If you are dissatisfied with the ultimate response of the Bureau on this file, you may appeal again to this Office.

Concerning your request for the status of referrals and consultations made by the Criminal Division, I have requested that Division to determine the status of all documents referred to other agencies or components of the Department of Justice for consultation and to advise you promptly of the results of this review.

Finally, I regret to advise you that we have not yet been able to reach a determination with regard to the disposition of the dictabelts made by the Dallas Police Department and the other related materials located in a safe in the Criminal Division. Several problems exist concerning these recordings. First, certain of them have shrunk and cracked around the edges, raising the possibility that making copies may cause further deterioration of the dictabelts. Second, we have been engaged in discussions with Congressman Stokes concerning the proper disposition of these records. We will advise you as soon as we have reached a final decision on these records.

Judicial review of my action on these appeals is available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, which is where the records you seek are located.

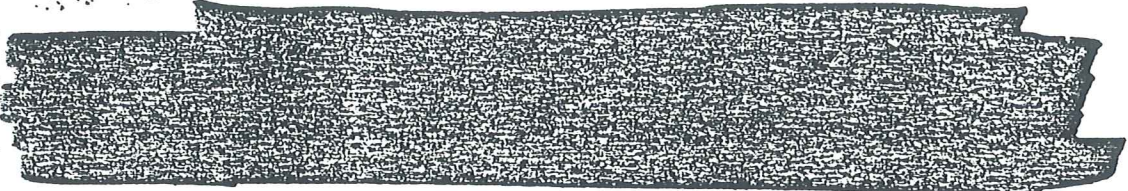
Sincerely,



Richard L. Huff, Co-Director  
Office of Information and Privacy

RAFAEL ANSELMO RODRIGUEZ MOLINS

b7c-5



b7c-2

b7D-1

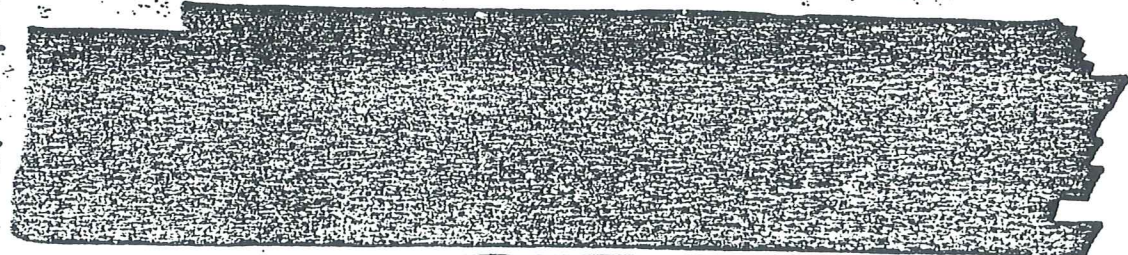
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b7c-5



b7c-5

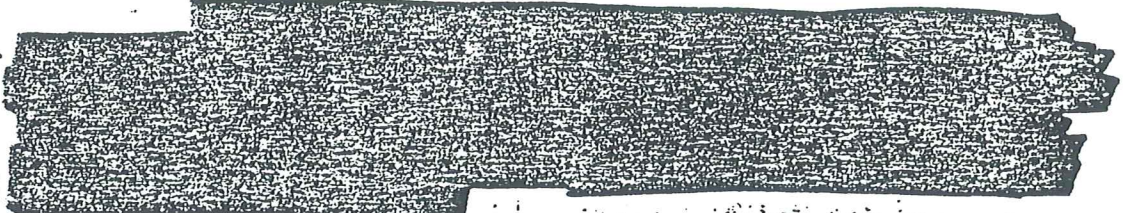
An inquiry at [redacted] Branch of the U. S. Post Office, [redacted] Virginia, on July 9, 1965, revealed no change of address card for Molins and there was no mail being held for him.

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b7D-1

b-6-2

b7c-5



b7c-2

b7D-1

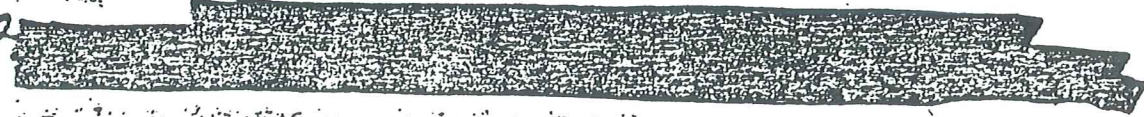
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b7D-2

b6-2

b7c-5





Declaration of  
Alan L. Fitzgibbon

1. A year ago I asked the Secret Service, pursuant to the Freedom of Information Act, to search out any and all documents in its files about Rafael Anselmo Rodriguez Molins (aka Ralph Molins) and George Waldemar Mallen Jimenez (aka George Mallen), as well as their rumored mid-1961 mission to assassinate President Kennedy or kidnap his daughter Caroline, and release those documents to me. I explained that I was researching a book about the Galindez case, with which the Court is familiar, and that I had developed considerable evidence from documents already released to me by the Federal Bureau of Investigation and from other sources that Rodriguez Molins and Mallen Jimenez had abducted Galindez in March 1956.

2. Over time the Secret Service found in its files 50 of its own documents, many containing FBI information, and several more prepared by the FBI about Rodriguez Molins and Mallen Jimenez. The Secret Service referred its documents containing FBI information and the FBI's own documents to the FBI for FOIA processing while it processed its own documents under the FOIA.

3. The two agencies have now released those documents they wish to release, most of them heavily censored, and have submitted Vaughn indices to the Court. I have studied the agencies' releases, Vaughns, and briefs with care and find them unsatisfactory. It is apparent that the Secret Service's search for documents responsive to my request was inadequate and that neither agency has properly balanced the now minute risks of disclosure that account for almost all withholdings in this case against the public interest of having integral documents of historical importance available for scholarly study. My specific objections to the two agencies' FOIA processing follow.

Adequacy of search

4. The Secret Service's filings with the Court contain indications that its search for documents responsive to my request was inadequate.

5. First, two documents mentioned in the Secret Service's releases are not included therein and neither is mentioned in

Exhibit K to Mr. Sheafe's declaration, the Secret Service's Vaughn index of totally and partially withheld documents. The first is an "office memo from ASAIC [deleted] dated Nov. 15, 1961" mentioned on page 1 of a December 11, 1961, report from the Secret Service's New York office (Document 46). The other is a December 28, 1961, memo from the Secret Service chief's office to the SAID, Chicago, which is mentioned on page 1 of a January 12, 1962, report from the Secret Service's Chicago office (Document 38). (I may also mention that I have not so far received Document 14, noted in Exhibit K as released in part.)

6. Next, the genesis of the Secret Service/FBI hunt for Rodriguez Molins and Mallen Jimenez in late 1961 is poorly recorded by both agencies, which implies that relevant documents have not been unearthed. Page 1 of a December 26, 1961, report from the Secret Service's Washington field office (Document 42) says that "On May 25, 1961, the U.S. Department of State and on subsequent dates the Federal Bureau of Investigation advised that these subjects departed the Dominican Republic to travel to the United States for the purpose of assassinating the President and members of his family." The clear implication of this passage is that the Secret Service first learned of the two men's purported trip and its purpose from the State Department on May 25 after that agency received the information from its embassy in Ciudad

Trujillo, from the Central Intelligence Agency station there through CIA headquarters, or from one of the U.S. armed services attaches in the Dominican capital through a Defense Department component. No memorandum of conversation or other document recording the receipt of this information from the State Department is mentioned in Exhibit K.

7. Contrarily, page 1 of a June 6, 1961, report from the Secret Service's New York office (Document 50) says that on the morning of May 26 that office received a telephone call "from Special Agent Frank Illig of the FBI. He stated that he had received a message from the State Department ... that two men were enroute from the Dominican Republic to New York and Canada; that they were part of a group that was hostile to the United States and might be engaged in a plot against President Kennedy." To compound the confusion, a May 26 teletype from the FBI's Newark office to its Washington headquarters which the FBI released to me as part of its Mallen Jimenez file several years ago said that the Washington headquarters of the Immigration and Naturalization Service had alerted its Burlington, Vermont, office that Rodriguez Molins and Mallen Jimenez had flown from Ciudad Trujillo to Canada on May 23 to enter the United States to assassinate President Kennedy or kidnap his daughter, and that INS Burlington had telephoned this report to INS Newark which in turn relayed it to the FBI's Newark office. It is of course possible that the State

Department conveyed its information to the Secret Service, FBI, INS, and perhaps other agencies simultaneously on May 25; what is strange is that no documents in the Secret Service and FBI files allow the information to be traced to its source.

8. Whatever the origin of the late May 1961 report about Rodriguez Molins and Mallen Jimenez and the paths along which it made its way once it reached Washington, one is led by the logical implications of the Secret Service's statutory responsibility for protecting the first family to believe that it took immediate action on receiving the report. Strangely, however, Exhibit K does not mention any document dated between May 25 and June 6, 1961, when the Secret Service's New York office prepared its already noted report (Document 50). Nor, with two reputed killers still allegedly on the loose, is any document noted in Exhibit K from June 6 to July 20 when the Secret Service's Washington field office reported on an investigation of a rude "priest" who might be Rodriguez Molins which it began two days earlier on the basis of a telephone tip. Nor is there further mention of any document about the two gunmen until November 15, the date of the unaccounted-for ASAIC office memo already noted, and December 11, 1961, when the Secret Service's New York office prepared a report (Document 46).

9. Finally, though in my original request I asked the Secret Service for "any and all information in your files about

Mallen Jimenez, Rodriguez Molins, and the alleged plot" against President Kennedy or his daughter, there is no indication that the Secret Service searched the files of its Chicago, Miami, New York, and Washington field offices for pertinent information. Several of the Secret Service's releases record interoffice telephone calls in which its investigation was discussed or orders about it issued, but no local memoranda of conversation are recorded in Exhibit K.

Exemption 2

10. I wish merely to call the Court's attention again to the importance of the integrity of historical documents and to the fact that the FBI and other investigative agencies have not seen reason to delete their case file numbers and similar administrative information. The FBI's file numbers relating to Rodriguez Molins and Mallen Jimenez are set out on page 5 of Mr. Cook's declaration, and they were not deleted from the releases the FBI made to me earlier about the two men.

Exemption 5

11. The basic purpose of Exemption 5, as its legislative history clearly shows, is to protect federal officials discussing and making decisions from having to work in goldfish bowls. Logic dictates, however, that such protection ends once an official stops making recommendations or decisions as a

result of retirement or death, as have all the senior Secret Service personnel who participated in this investigation in the 1960s. Were Exemption 5 to be construed otherwise, the millions of pages of discussional and decisionmaking writings by federal officials from George Washington on now in American archives and libraries would still be secret. The FBI, State and Defense Departments, and other agencies seem to have accepted this limitation because in their Galindez releases to me so far they have asserted Exemption 5 with exceptional rarity and have made available thousands of pages of discussional and decisional documents.

Exemption 7(C)

12. Mr. Sheafe claims privacy protection for three categories of people--persons interviewed as third parties, investigatory subjects, and officials. I shall respond accordingly.

13. Apart from the public interest in the full disclosure of official documents once they have achieved a certain age, it may be noted that the law in its statutory, regulatory, and decisional forms generally defines privacy as that which is truly personal--financial, sexual, or medical matters, for instance. A person's mere presence or absence at a certain place on a certain date and perhaps at a certain time betrays nothing personal about him or her, nor generally does

information he or she provides about yet another person. But, as one instance among a vast number in the documents at issue, we find the following sentence on page 2 of a January 12, 1962, report by the Secret Service's Chicago office (Document 38): "Attempts to interview [b7C] who resides on the first floor, proved unsuccessful inasmuch as no one was at home." Nothing further is said about [b7C], and the only thing of a remotely personal nature the Secret Service learned about him or her is that in the early 1960s he or she lived on the first floor at a [deleted] Chicago address.

14. The declaration prepared for Mr. Sheafe's signature is careful to note in paragraph 22 that the Secret Service withheld the names of investigative subjects "only where it was determined that such an investigatory interest was never publicly disclosed." This is because the Rodriguez Molins, Mallen Jimenez, and sixty-odd other Galindez case files it has released the FBI has disclosed such names, either because it was clear their bearers had no privacy interests at stake or because they were identified as Trujillo agents and were thus of historical and so public interest. I mentioned several such persons as examples on page 3 of my February 11, 1986, administrative appeal in this matter, a copy of which is before the Court (Exhibit A, Sheafe Declaration).

15. The Secret Service's wide-ranging assertions with respect to the privacy interests of its own personnel and



officials in other agencies must be viewed skeptically. It first speaks in the present tense, whereas the investigative and supervisory activities of the officials whose names are deleted largely occurred a quarter-century ago and those officials have all retired or died. Historians do not harass or countersurveil those of the past about whom they write. Were anyone to do so it would have been the subjects of the Secret Service's long-ago investigation, to whom the Secret Service's agents were required by their own regulations to identify themselves, and the Secret Service has not alleged that those investigative subjects harassed or countersurveilled its personnel. The Secret Service activities recorded in these documents were official and the documents say nothing about the private lives of the agency's members.

16. It is notable that although the Secret Service suppresses the names of its personnel and of FBI agents as well, the FBI has not deleted the names of its agents in the tens of thousands of pages of Galindez case materials it has so far released. A pertinent example is the copy of the January 18, 1965, letter the FBI has submitted to the Court in this case from Joseph D. Purvis, the special agent in charge of its Washington field office, to his counterpart at the Secret Service's Washington field office. The Secret Service has deleted its own official's name.

17. At times the suppression of officials' names is

absurd, as when the Secret Service deletes the name of the U.S. Attorney for the Northern District of Illinois at Chicago on page 1 of its January 9, 1962, letter to him and that of its Chicago SAIC who signed the letter on the following page (Document 39).

18. Knowing that U.S. Attorneys are listed in the U.S. Government Manual, I telephoned the central reference department of the Montgomery County Public Library system on December 5, asked if it had a back collection of Manuals, was told it did, and in less than three minutes learned that the deleted name was James P. O'Brien. And the Secret Service, like other investigative agencies, is fond of publicizing its accomplishments: when such agencies arrest criminal suspects of parochial interest they customarily telephone the news to local media as formatted releases in which the name of the area special agent in charge figures prominently. It is impossible to believe that the Chicago SAIC's name is not mentioned in numerous clippings about counterfeiting cases now reposing in the morgues of the Chicago Sun-Times and Chicago Tribune, and with a bit of effort could not be unearthed therefrom. As a small test of the ease with which senior Secret Service officials' names can be obtained, I telephoned that agency's Washington field office on December 5 and asked the person answering who currently heads it. He told me at once that the special agent in charge is John Magaw and that the field office is located at 1050 Connecticut Avenue, N.W.

Exemption 7(D)

19. The Freedom of Information Act exemption whose assertion law enforcement agencies appear to have expanded most since early 1981 is 7(D), which is intended to protect "confidential" sources. In current FOIA practice it is made to fit almost all sources of information, from the hotel clerk hurriedly asked twenty-five years ago if a certain person once stayed at his or her establishment to paid operatives working today under deep cover in dangerous organized crime investigations. The exemption is also made to cover nonfederal investigative agencies on the plea that they will sever their relations with federal agencies such as the Secret Service and FBI should the latter disclose even their decades-old information. Undoubtedly envious of the CIA's recent successes in suppressing source identities and information, federal law enforcement agencies are now trying to follow suit by Simsizing across the board.

20. When a law enforcement agency interviews a source that person may ask for or in its best judgment the agency may decide to cloak the source in confidentiality because he or she faces some immediate threat should the interview become known. The passage of time and changing circumstances almost always erode the need for confidentiality, however, and as I point out below and again farther on in discussing FBI T-symboling, it must be a rare source indeed who expects perpetual confidentiality.

21. My experience in researching the Galindez case has been that old sources the FBI and Secret Service still regard as "confidential" are delighted to talk about their experiences. The FBI has increasingly deleted names on Exemption 7(D) grounds in its Galindez case releases during the past two or three years, and by various means I have identified five such sources. All were happy to be interviewed and three were so voluble that I had to end the interviews because of writer's cramp and general exhaustion. Similarly, the New York Police Department, New York County District Attorney's office, and Pasadena and Seattle Police Departments--the only local law enforcement agencies I have so far queried--have opened and allowed mem to copy their pertinent historical files without any attempt to suppress information in them.

Exemption 7 (E)

22. It is quite doubtful that any investigative techniques used a quarter-century ago have not become publicly known since then. Pretext visits and telephone calls; "lookouts," "flags," and "stops" placed in the files of various agencies; bugs and wiretaps; psychologic and other "profiles"; mail covers and openings; checks of banks, communications companies, and credit card firms, and dozens of other techniques which official and private investigators use are widely known. That the secrecy of such techniques is by nature short-lived is clearly brought

out in the attached article from the New York Times of November 26, 1986 (Attachment 1).

23. The government itself has disclosed many of its investigative techniques through FOIA releases. One uncensored such release was of a manual compiled by A. J. Murphy, an official in the CIA's office of security, which Warner Books published commercially in 1976 as Where's What; Sources of Information for Federal Investigators. Although I have not seen them as I have the Murphy work, I am aware that the FBI and Drug Enforcement Administration have also released large portions of their investigative manuals.

#### FBI excisions

24. What I have said above about the Secret Service's withholdings also applies to the FBI's in its recently processed documents. Unlike the Secret Service, the FBI asserted Exemption 1 (national security) in its releases, twice. The Court is already familiar with what I have said about Exemption 1 in Fitzgibbon v. Central Intelligence Agency (DDC Civ 79-0956) and Fitzgibbon v. State Department (DDC Civ 86-1885), and I will not repeat those views here.

25. I would like to make two comments specific to the FBI's releases, however.

26. The first concerns its consistent deletions of "temporarily confidential sources" or T-symbols under Exemption

2 (if a source were named, Exemption 7D would be invoked to justify the deletion). As Mr. Cook notes in his declaration, the FBI frequently denotes a source by a T-symbol in the narrative pages of its reports and identifies that source in the administrative pages, which can be withheld if the FBI sends a copy of the report to another government agency or releases it to the public. Like other source withholdings, this secrecy should fade with the passage of time and changed circumstances. A case in point is as follows:

27. The FBI entered the Galindez case in a major way after the early December 1956 disappearance in the Dominican Republic of Gerald L. Murphy, the young American pilot who had flown Galindez to that country the previous March. Among the FBI's early sources of information about events in the Dominican Republic were a half-dozen or so American employees of the Compania Dominicana de Aviacion (CDA) who had worked with Murphy in the Dominican airline and who made regular flights from Ciudad Trujillo to Miami where the FBI interviewed them. In its reports on interviews with these visitors to Miami in January and February 1957 the FBI's Miami office quite properly T-symbolled the sources because had the Trujillo regime learned of the interviews it might have murdered them.

28. Over time these sources returned to live and work in the United States where the FBI reinterviewed several of them. Judging that the danger facing the repatriates had receded, it

identified them in reinterview reports not by T-symbols but by their full names, which it did not excise on Exemption 7D grounds in later FOIA releases. In 1961, of course, the Trujillo regime vanished entirely and any threat it might once have posed to the former CDA employees disappeared completely. Despite the great passage of time and present lack of danger to the January and February 1957 sources, however, the FBI still refuses to release the administrative pages that would disclose their identities.

29. An example of this anomaly is Ernest C. Haeger, Jr., CDA's chief pilot at the time Murphy vanished, whom the FBI interviewed in Miami and T-symbolled in early 1957. In mid-1962 it reinterviewed him, covering in far greater detail precisely the same ground covered in the 1957 interview, and this time it identified him by name and later included his name in its FOIA releases.

30. The other comment to be made about the FBI's withholdings is that in its recent releases it has deleted information on Exemption 7C/D grounds about Trujillo agents whose historical and so public interest probably outbalances whatever minor invasion of privacy disclosure would entail.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 11, 1986.

*Alvin F. Johnson*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ALAN L. FITZGIBBON,  
Plaintiff,

v.

U.S. SECRET SERVICE, ET AL.,  
Defendants

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Civil Action No. 86-1886

DECLARATION OF BERNARD FENSTERWALD, JR.

I, Bernard Fensterwald, Jr., declare and say as follows:

1. I reside at 811 Prince Street, Alexandria, Virginia.
2. For nearly two decades I have pursued a study of the assassination of President John F. Kennedy. I have examined hundreds of FBI documents which are published in the Warren Commission's exhibit volumes.
3. FBI reports furnished to the Warren Commission and published in its volumes contain numerous instances in which the FBI's "T" symbols are disclosed. For example, Warren Commission Exhibit No. 2121, an FBI report, discloses approximately 30 "T" symbols. Portions of this document are attached as Exhibit 1 to this declaration.
4. The disclosure of a "T" symbol does not in itself disclose the identity of the source who supplied the information; to the contrary, it disguises the source's identity.
5. The disclosure of "T" symbol numbers is important to scholars. Where more than one "T" source is supplying information



in a particular investigation, confusion can result unless it is clear which "T" source supplied which information. The disclosure of "T" symbols enables a researcher to determine which information is being supplied by which source and how many sources have supplied the same, corroborative or contradictory information. Once it has been determined that a particular "T" source supplied bad or inaccurate information, then all other information supplied by that source must be scrutinized with particular care. For example, information supplied by the source who is "T-32" in Warren Commission Exhibit 2121 was later determined to have been fabricated. Thus it is important to know which information was furnished by T-32 and which was not. Without disclosure of the "T" symbol numbers, it is not possible to determine which source applied the information; this makes it more difficult to evaluate the reliability of the information provided.

6. So far as I am aware, the FBI has never claimed that the disclosure of its "T" symbols in Warren Commission documents presented any risk that its statutes and regulations could be circumvented.

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

Executed this 13<sup>th</sup> day of January, 1987.

  
BERNARD FENSTERWALD, JR.

INVESTIGATION OF  
THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY  
HEARINGS  
Before the President's Commission  
on the Assassination  
of President Kennedy

Pursuant to Executive Order 11130, an Executive order creating a Commission to ascertain, evaluate, and report upon the facts relating to the assassination of the late President John F. Kennedy and the subsequent violent death of the man charged with the assassination and S.J. Res. 137, 88TH CONGRESS, a concurrent resolution conferring upon the Commission the power to administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas

EXHIBITS  
1976 TO 2189

*Volume*  
XXIV

UNITED STATES GOVERNMENT PRINTING OFFICE  
WASHINGTON, D.C.

C.A. No. 86-1886

Exhibit 1



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 18, 1964

LEE HARVEY OSWALD

I. INTRODUCTION

That portion of the information recorded herein relating to inquiries in Mexico was furnished by confidential sources abroad who, subsequent to the assassination of President John F. Kennedy, were requested to conduct investigation designed to develop all aspects of the activity of Lee Harvey Oswald in Mexico.

II. TRAVEL TO MEXICO BY LEE HARVEY OSWALD  
(September 26-27, 1963)

(A) OSWALD's Application for United States Passport,  
June 24, 1963

United States State Department records disclose that on June 24, 1963, OSWALD applied for a United States passport at New Orleans, Louisiana, stating that he intended to depart from New Orleans during the period from October to December, 1963, for proposed travel as a tourist of three months' to a year's duration to England, France, Germany, Holland, Russia, Finland, Italy and Portugal. He was issued United States Passport No. DO 92526 at New Orleans on June 25, 1963.

This passport was valid for three years for travel to all countries except Albania, Cuba and those portions of China, Korea and Vietnam under communist control.

This passport was found among OSWALD's effects following his arrest at Dallas, Texas, on November 22, 1963.

(B) OSWALD's Mexican Tourist Visa

On November 23, 1963, T-1, a confidential source abroad, advised that the official records of the Mexican Government reflected that one LEE HARVEY OSWALD had entered

OLIVEROS, has never purchased a Renault automobile from RENEALDO ROZEMO.

The following data was provided by T-2:

On April 15, 1964, CLAUDIO OLIVEROS, who stated he resides at Avenida Ejercito Nacional No. 1049, Apartment No. 301, Mexico, D. F., related that following his previous interview on April 7, 1964, he had recalled that he purchased a Renault automobile in Ciudad Obregon, Sonora, Mexico, in D. F., about July, 1961, and transported this vehicle to Mexico, D. F., where he sold the car to a Mr. DURAN, who was employed at a furniture manufacturing establishment. OLIVEROS also recalled that the buyer of this vehicle either resided or had his place of business in the Colonia Indiv. Valle section of Mexico City. He also recalled this individual had a brother who claimed he was married to an American girl.

T-23 advised that it had been determined from observation that HORACIO DURAN NAVARRO, the husband of SYLVIA GILBERTO DURAN, operator of 1962 maroon, four-door Volvo automobile, being 1964-65 Federal District of Mexico license plates number 30-51-18.

T-2 advised that on April 24, 1964, CLAUDIO OLIVEROS stated he had learned from a former associate in the used car business that an automobile sales receipt still in the possession of the latter clearly shows that OLIVEROS sold a 1959 Renault motor No. 7444492 to a "Mr. DURAN" at Mexico, D. F. in 1961. OLIVEROS stated that this sales receipt was signed by DURAN, but the signature was somewhat illegible and he was unable to read the full name. It was brought to the attention of OLIVEROS that records of the Mexican Federal Automobile Bureau indicate the motor number of the 1959 Renault under consideration is 744492. OLIVEROS stated that he is certain that the motor number he provided is correct according to the sales receipt which he personally had examined, and he indicated that he is convinced that this is the vehicle which formerly was the property of ARTURO GONZA ELIAS of Ciudad Obregon, Sonora, Mexico, which he, OLIVEROS, had purchased in 1961, in Ciudad Obregon.

On April 25, 1964, OLIVEROS advised that he had recalled that the 1959 Renault automobile had been sold to the aforementioned "Mr. DURAN" at a lamp manufacturing and sales establishment known as "Lamparas Duran" (Duran Lamps) located in the Colonia Del Valle area of Mexico, D. F.

(1) Inquiries Concerning DURAN Family

On April 27, 1964, T-25 ascertained that "Lamparas Duran" is located at Calle Amores No. 327-A, Mexico, D. F., and is operated by one KARLO CARAZO, who stated he had purchased the business from LIDIA DURAN. Source advised that the business apparently employed only three persons.

On April 29, 1964, T-25 advised that he had ascertained that LIDIA DURAN is a widow and has one or two brothers.

On April 27, 1964, T-5 advised he had established that LIDIA DURAN was born March 18, 1928, at Chihuahua, Chihuahua, Mexico, and that her full name, according to Spanish usage, is LIDIA DURAN NAVARRO. At the time of the issuance of a Mexican Passport in 1959, she was married to one RAUL FLORES GUERRERO.

T-2 advised that on May 7, 1964, CLAUDIO OLIVEROS examined front view and profile photographs of HORACIO DURAN NAVARRO and immediately identified these photographs as those of the individual to whom he had sold a 1959 Renault automobile at Mexico, D. F., in July, 1961. OLIVEROS also examined a photograph of RUBEN DURAN NAVARRO and identified this photograph as that of a brother of HORACIO DURAN NAVARRO. After examining these photographs, OLIVEROS recalled he had known the DURAN family about ten years ago when they resided on

never saw them again until I found out about the death of the President, your brother.

"Forgive me for not explaining any more, but it is an extremely delicate subject for you and for me. I ask you to see to it that justice is done now that this is in your possession.

"(Signed) YVARIO ROJAS,  
Manuel Acuna, 1367,  
Guadalajara."

(3) Initial Interviews of YVARIO ROJAS

T-3 advised as follows:

Upon interview on January 10, 1964, at Guadalajara, Jalisco, Mexico, YVARIO ROJAS YILLANDEVA, Manuel Acuna 1367, Guadalajara, advised that in June or July, 1962, he was approached by an unidentified Cuban in a park in Mexico City. He claimed this Cuban talked to him about the fledgling Cuban propaganda into Mexico and promised to see him later in Guadalajara.

ROJAS related that the Cuban arrived in Guadalajara by automobile about the middle of August, 1962, and the two of them drove by automobile to Ciudad Juarez, Chihuahua, Mexico, across the border from El Paso, Texas. On this trip to Ciudad Juarez, he was introduced by this Cuban to an individual, whose name he could not recall but whom he recognized later by photograph as LEB HARVEY OSWALD. He stated that after their meeting, the three of them discussed the introduction of pro-CASTRO propaganda into Mexico via Cozumel, an island located off the coast of the Yucatan Peninsula of Mexico.

ROJAS claimed that the following morning they left Ciudad Juarez on a flight of Aerovias de Mexico Airlines and flew to Guadalajara, after a stop at Monterrey, Nuevo Leon. After their arrival in Guadalajara, the Cuban gave him 400 pesos (\$32 U.S.) and told him he would receive further instructions at a later date.

- 144 -

COMMISSION EXHIBIT No. 2121-Continued

ROJAS continued as follows:

The latter part of December, 1962, the Cuban visited him in Guadalajara, gave him 500 pesos (\$72 U.S.), and on the instructions of the Cuban, he proceeded to Cozumel by bus, arriving there shortly after Christmas, 1962. In Cozumel, ROJAS was met by two Cubans, whose names he could not recall, and also by a Cuban woman whose first name was CRISTINA. Although he could not recall the names of the Cubans, he claimed to have them written in a notebook which he left with DANIEL SOLIS, a municipal policeman in Cozumel, and he affirmed SOLIS would not deliver the notebook to anyone but him.

About December 23, 1962, OSWALD arrived in Cozumel, having proceeded there from Jamaica via Compania Mexicana de Aviacion (CMA) Airlines. OSWALD, the three Cubans and ROJAS discussed the introduction of Cuban propaganda into Mexico. During the time of these discussions, OSWALD and the three Cubans stayed at the Hotel Playa in Cozumel and ROJAS resided at the home of DANIEL SOLIS. OSWALD remained in Cozumel for two or three days and returned to Jamaica by air, and ROJAS and the three Cubans remained in Cozumel until about February 15, 1963, when OSWALD again appeared in Cozumel from Jamaica and on this occasion stayed three days. The day following OSWALD's arrival, an American by the name of ALBERT arrived from Jamaica.

ROJAS claimed the Cuban woman, CRISTINA, told him that she, the other two Cubans, OSWALD and ALBERT had discussed the elimination of President KENNEDY. According to ROJAS, she stated OSWALD was in favor of killing President KENNEDY, but ALBERT and the Cubans did not agree with OSWALD. ROJAS was told by CRISTINA that OSWALD had stated to the Cubans that he and ALBERT had laid plans to eliminate the President. ALBERT had stayed at the Hotel Isleno in Cozumel and returned to the United States via Jamaica the day after his arrival in Cozumel.

ROJAS claimed to have stayed in Cozumel until early March, 1963, when he returned by bus to Guadalajara.

T-20 advised as follows:

- 145 -

COMMISSION EXHIBIT No. 2121-Continued

5, 1962, which allegation BURRIS subsequently determined to be false. ROJAS again demanded more money, and constantly did so, which money was not furnished.

BURRIS stated ROJAS did not furnish any information which could be verified. The last letter received from ROJAS was dated November 5, 1963, in which he again pleaded for money, but this letter was not acknowledged.

BURRIS and CAMPOS considered ROJAS to be "a liar" and a person who attempts to exploit others for money.

District Attorney BURRIS advised he has in his files all correspondence and records pertaining to this matter which he would gladly furnish if needed and that he would be willing to testify at any time concerning these matters if such testimony would be needed.

(F) ROJAS' Admission of Fabrication

T-29, a confidential source abroad, advised as follows:

On March 5, 1964, at Guadalajara, Jalisco, Mexico, ROJAS orally admitted that he had never known or met OSWALD anywhere.

On March 5, 1964, GERMANO ALFARO LOPEZ and Captain ESTEBAN LOPEZ GARCIA, agents of the Mexican Federal Security Police at Guadalajara, Jalisco, interviewed ROJAS.

They questioned ROJAS concerning his allegations of knowledge of an alleged assassination plot against President KENNEDY and of having met OSWALD, ALBERT and other unidentified Cubans in relation to this matter. At that time ROJAS admitted that he had fabricated the information.

On March 5, 1964, at Guadalajara, ALFARO and LOPEZ obtained a signed statement from ROJAS who, as has been pointed out, also uses the name ELADIO VILLANUEVA RAMIREZ. His statement as translated from Spanish is as follows:

"%e Guadalajara, Jalisco, 1:30 p.m., March 5, 1964, before GERMANO ALFARO LOPEZ and Captain ESTEBAN LOPEZ GARCIA, Agents of the Federal Security Police, a

statement was taken from ELADIO VILLANUEVA RAMIREZ, who stated his name is ELADIO VILLANUEVA RAMIREZ, born Rancho Guayabo de Santa Rita, Municipality of Ciudad Manuel Doblado, Guanajuato, that he is married, 30 years of age, of Mexican nationality, presently engaged at his home in the making of harnesses (Mexican native footwear). With respect to the letter which he had written to ROBERT F. KENNEDY, Attorney General of the United States of America, VILLANUEVA stated as follows:

"The information in said letter, as well as his oral statements to various United States Government officials at Guadalajara, are false and were fabricated by him personally; that he obtained the fingerprints and details of said information from a source in the hope of further, that the foregoing is willing to testify to this obtaining a reward, he is willing to sign his statement, if necessary, and places his signature and fingerprint on this statement to confirm its veracity."

"%s/ GERMANO ALFARO LOPEZ  
"%s/ Captain ESTEBAN LOPEZ GARCIA"

VILLANUEVA signed to this statement the name ELADIO VILLANUEVA RAMIREZ, on the margin thereof, and also placed an inked fingerprint impression on the same margin.

ALFARO and Captain LOPEZ advised that ROJAS had admitted that the trip he had made to the border in August, 1962, was for the purpose of contacting JACOB S. FLOYD, details of which have been previously recorded herein.

"...spontaneously and after reconsidering he desired to state that the American to whom he referred in the body of his statement and whom he saw the 18th of September of that year in the Cuban Consulate had a certain resemblance, about sixty per cent, to LEE HARVEY OSWALD. That of the President of the United States (Kennedy) after the assassination of President KENNEDY the witnesses took advantage of this fact in his favor to exploit it, furnishing versions of provoking initially set forth, for the purport of an energetic reaction from the political point of view on the part of the United States of America against the government of FIDEL CASTRO RUIZ and that he had no motive other than the profound hatred he feels for communism. That all his life the witness had dedicated himself to combating communism and he regrets in his moment not having accomplished his objective in the sense of causing a reaction on the part of the American Government against FIDEL CASTRO."

Because of the fact that subsequent to making the above-mentioned statement to Mexican authorities, source claimed that he had changed this statement because of fear, he was interviewed at considerable length on December 5 and 6, 1963, in Mexico, D. F.

After reiterating his story, T-32 was afforded a polygraph examination on December 6, 1963. During the course of the examination he was asked, "Is this the American you saw in the Cuban Consulate?" At the time he was shown photographs of OSWALD.

Each time he was asked this question, he definitely responded, "Yes," but it was noted that the polygraph indicated a "deception" on these answers. These responses and those with respect to other questions led to the conclusion that T-32 was a fabricator. It was specifically pointed out to him that the polygraph indicated that he was not being

truthful in identifying photographs of OSWALD as being of a person he saw in the Cuban Consulate, and he was asked for his explanation thereof.

He replied that he had full faith in the polygraph and would not attempt to refute its results. He went on to say that the only explanation he could offer was that he had seen an American in the Cuban Consulate on September 18, 1963, who resembled OSWALD, and that upon seeing the photograph of OSWALD in the newspaper, he felt up within himself either consciously or subconsciously, a complete belief that the person he had seen in the Cuban Consulate was OSWALD.

X. MISCELLANEOUS INQUIRIES AND ALLEGATIONS RELATING TO OSWALD

(A) Allegation by SALVADOR DIAZ VERNON Concerning OSWALD and SILVIA DURAN

The White House at Washington, D. C. received a paper entitled "Possible Psychological Motivations in the Assassination of President KENNEDY" written by JOSE I. LASAGA, 2540 N. E. 7th Avenue, Apartment 4, Miami, Florida.

This speculative paper attempted to establish that the motivation of OSWALD in the assassination of President KENNEDY was FIDEL CASTRO or a CASTRO agent and that OSWALD was so motivated during his trip to Mexico between September 27 and October 2, 1963. The paper included the allegation that OSWALD had an extended interview with the Cuban Ambassador to Mexico, whom he met at a restaurant on the outskirts of Mexico, D. F., from where they departed together in the Ambassador's automobile for a private conversation.

LASAGA had advised the White House that he received the above report from ANGEL FERNANDEZ YARELA, an employee of the Voice of Cuba in Miami, Florida, who relayed the information from SALVADOR DIAZ VERNON, who reportedly was in

IX. ALLEGATION BY T-32

On November 25, 1963, T-32 made contact with the United States Embassy at Mexico, D. F., and advised the following:

T-32 entered Mexico illegally from Guatemala on August 29, 1963, traveled to Mexico, D. F., and subsequently made contact with a Nicaraguan communist residing in Mexico City. From this contact a plan was developed for T-32 to travel to Cuba to study guerrilla warfare tactics. He had occasion to visit the Cuban Consulate in Mexico, D. F., several different times for the purpose of obtaining travel documentation for Cuba by furnishing false identification papers as a Mexican citizen.

He stated that on September 18, 1963, he went to the Cuban Consulate, and while sitting in the waiting room saw a group of approximately eight persons enter the Consulate and the office of Cuban Consul EUSEBIO AZCUE. A person unknown to him was sitting at AZCUE'S desk. The man's room at the source was standing near the door to the man's room at the Cuban Consulate, he noticed three men conversing a few feet away from him. One of them was a tall, thin Negro with reddish hair; the second was a man with T-32 had seen previously holding a Canadian passport in the waiting room of the Cuban Consulate; and the third person was LEE HARVEY OSWALD.

Source stated that a tall Cuban joined the above group momentarily and passed some United States currency to the Negro.

The following conversation between the Negro and OSWALD was overheard by source:

Negro (in English): I want to kill the man.

OSWALD: You're not man enough. I can do it.

COMMISSION EXHIBIT No. 2121-Continued

Negro (in Spanish): I can't go with you. I have a lot to do.

OSWALD: The people are waiting for me back there.

T-32 stated that the Negro then gave OSWALD \$6,500 in United States currency of large denominations, saying: "This isn't much." Of this sum, \$1,500 was for extra expenses. The Negro also gave OSWALD about 200 Mexican pesos.

In a later interview, source stated that the United States bank notes were in a small pack about one fourth of an inch thick, bound with a paper band, which the Negro broke before counting out \$1,500 extra for expenses and \$5,000 as "advance payment."

T-32 stated that Oswald had carried a green passport in his pocket, and he believed he saw OSWALD wearing a pistol in a shoulder holster, but he was not sure of this. He stated that OSWALD had long shoes and a wrist watch with yellow-metal band. According to source, OSWALD appeared to be completely at home at the Consulate and to know and to be known by Cuban Consulate personnel.

T-32 was arrested and interrogated by Mexican authorities on November 28, 1963, and a copy of the interrogation report by the Mexican authorities revealed the following:

At the outset source's story generally resembled that recorded above. He reported to the Mexican authorities the details of the scene in which he saw the Negro, a tall Canadian and the American conversing together, the conversation of the money to the American by the Negro, and the conversation he overheard.

T-32 advised the interviewing Mexican officials that upon seeing the photograph of OSWALD in the newspaper following the assassination of President JOHN F. KENNEDY, he recognized OSWALD as the American he had seen at the Cuban Consulate.

An excerpt from source's statement to Mexican authorities, as translated from Spanish, is as follows:

COMMISSION EXHIBIT No. 2121-Continued