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A Historian's View of the JFK Assassination Records Act

By Page Putnam Miller, Director of the National Coordinating Committee for the Promotion of History

The JFK Assassination Records Act provides hope in the area of declassification policy where there is currently a mood of much discouragement. The historical community was a supporter of the legislation that resulted in Public Law 102-526, the President John F. Kennedy Assassination Records Collection Act of 1992, and continues to support the work of the Assassinations Records Review Board. Beyond the most basic reason of gaining access to records that will help the American public to better understand a very troubling and secret part of the nation's past, this legislation is valued by the historical community for the precedent that it sets in providing a model program for declassification.

The JFK Assassination Records legislation sets a very high standard of public access. The presumption of the act is one of openness. In the Spring of 1992, when an early version of this legislation was being discussed, Senator David L. Boren (D-OK), the chair of the Senate Intelligence Committee, estimated that "99.999999 percent of the documents will be released." Following

passage of the law, Senator Joseph Lieberman (D-CT), Chair of the Subcommittee on Government Information and Regulation of the Governmental Affairs Committee, made openness a central theme during the February 1, 1994 confirmation hearing of the nominees to the Review Board. The first question that Lieberman asked the five nominees was if they were "comfortable with the

Given the current climate in Washington ... the opening of highly sensitive records ... has been a small ray of hope.

legislation's presumption in favor of disclosure."

It is important to note that this legislation set a higher standard for keeping records closed than that of Executive Order 12356, which at the time this bill passed had established the federal information policy on classification and declassification. The new law required the showing of "clear and convincing evidence" to postpone the opening of any material and asserted the need to balance the public's need to know with national security concerns. Although President Bush signed this legislation into law, he did so grudgingly. In his signing statement, which has no statutory authority, he said that the legislation was not consistent with his "authority under the Constitution to protect confidential executive branch materials."

The JFK Act helped reinforce two precedents established in the section of the 1991 State Department authorization legislation, Public Law 102-138, that dealt with the department's Foreign Relations documentary series and declassification policy. First,

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The President's Column

Review Board Should Ask News Media To Donate Films And Photographs To JFK Collection

By Jim Lesar

The Assassination Records Review Board, which has gotten rather little press coverage so far, scored a major media triumph at the end of May with the release of a "newly discovered" film of events surrounding the assassination of President John F. Kennedy.

The new film, about forty-five minutes long, is a composite of many out-takes from newsfilm that was shot by a photographer for then independent local station, KTVT (Channel 11). The out-takes ended up in a trash bin but were rescued for posterity by photographer Roy Cooper, Jr. and spliced together during secretive sessions at home with the assistance of his friend Eli Sturges. Cooper made a duplicate copy for Sturges, and it is this copy which the Review Board

"Like Mrs. Veazey, the media should donate such materials to the National Archives."

obtained from Janet Veazey, Sturges' daughter, and released to the public.

The film is historically important. Despite years in a closet and the passage of time, the film is of high quality. There are clear images of Oswald and Ruby at the midnight press conference, LBJ leaving Parkland Hospital after JFK's death, and the murder weapon being hoisted aloft by Dallas police.

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Review Board...

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But the film only deals with the before and after of the assassination; there is no footage shot during the assassination itself.

This means that it is unlikely that the film will yield any evidence aiding our understanding of the assassination itself. Still, it must be carefully studied before it can be concluded that it has no value for understanding the assassination itself.

CBS, which had obtained an exclusive by way of a deal with the Review Board, played highlights from the film on two successive Evening News broadcasts. Dan Rather reported the story in emotionally charged tones, waxing sentimental over a rare scene of Jack and Jackie holding hands in public shortly before he was gunned down. CBS got its exclusive because KTVT is now a CBS affiliate and it threatened to litigate its rights to the film if was not allowed to air it first. The Review Board agreed to wait until CBS aired its Evening News program at 7:00 PM Eastern Standard Time before distributing copies of it a half hour later to members of the media. Although other TV networks gave considerable play to the film, it was generally ignored by the print media outside Texas. So far, the print media have been cool to the Review Board. One Review Board member, Dr. Nelson, recently noted in public the absence of coverage of the Review Board by such notable papers as *The Washington Post* and *The New York Times*.

The Review Board is to be commended for performing an important public service in acquiring this film and making it promptly available to the public. So, too, is Mrs. Veazey. In response to hearings in Dallas at which the Review Board called upon citizens to come forward with JFK records they may have, she relinquished the film without trying to exploit it commercially.

It is likely that other valuable materials still repose in media film archives. The Review Board should call upon members of the news media to follow the example of Mrs. Veazey and comb their files and storage bins for any films and photographs that bear upon the assassination. Like Mrs. Veazey, the media should donate such materials to the National Archives so that all can benefit

from whatever value they contain.

The Review Board will have its next public meeting in Los Angeles Sep. 17.

A Historian's View...

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this state department law marked the first time that the Congress had legislated on the matter of systematic declassification, a policy that had previously been governed by executive orders. And second, the state department

CIA documents declassified under the JFK Act have provided historians with a small window for trying to understand the covert operations of the CIA.

law gave an expanded oversight role to a group of outside scholars. The JFK Act built on this legislation and went even further. It set even higher standards for the withholding of information and gave the oversight board of outside specialists substantially more authority than that of the State Department's Advisory Committee on Historical Diplomatic Documentation.

Another important precedent established by this legislation has been the disclosure of CIA operational files. CIA documents declassified under the JFK Act have provided historians with a small window for trying to understand the covert operations of the CIA. The provisions of President Clinton's 1995 Executive Order on Declassification, E.O. 12958, call for all but the most sensitive records to be declassified after twenty-five years. However, the CIA, as well as the Republican controlled House of Representatives, has resisted the implementation of Clinton's new declassification order.

The resistance of the House of Representatives to a policy of increased openness was clearly reflected this May when the House passed HR3259, "The Intelligence Authorization Act for FY'97," which re-

duced by 50% the authorized funding for all intelligence agency declassification programs. This means that a dozen intelligence agencies will have to divide \$12.5 million among them to carry out the provisions for declassification required in the Act. The current level for intelligence agency declassification programs is \$25 million, and the intelligence agencies had requested an increase in funding. Although this bill cuts funds for declassification, it increases the total authorization for intelligence by 6.5 %, which is estimated at more than a billion dollars over the current budget. In considering this bill, the House voted down an amendment to require declassification of the total intelligence budget.

The House Report 104-578, Part I, which accompanied HR 3259, was critical of the declassification provisions of the Executive Order and also of the CIA's declassification program. The report noted that the money designated for declassification for this year has all been spent on setting up a bureaucratic infrastructure. "The CIA's initiative to begin work on the declassification of 40 million sensitive documents is behind schedule." The report further stated that the CIA's 'declassification factory' is not yet up and running, and it has encountered significant problems with automatic data processing. A software program on which the CIA was relying for its declassification program was not adaptable to its needs and the report indicated that "the CIA must therefore start from scratch, and is only now beginning pilot testing of a new software program." Many in the historical and archival communities are highly skeptical of any declassification plan that calls for the "scanning" of 40 million sensitive documents. With limited funding for declassification, such a plan is not viable.

Given the current climate in Washington that is resisting implementation of the new Executive Order, the opening of highly sensitive records under the JFK Act has been a small ray of hope for historians who continue to work for the reform of federal information policy that governs the public's access to government information.

Win Scott Litigation Concludes

By Mark S. Zaid

Almost twenty-five years to the day his father died, Michael Scott arrived at a favorable settlement agreement in May 1996 with the Central Intelligence Agency and the Federal Bureau of Investigation in his litigation for documents pertaining to Winston Scott, a former high level CIA officer. Although the specific terms of the settlement are confidential, the agreement did permit Mr. Scott to learn additional information about his father, the CIA's former Chief of Station in Mexico City. The two actions, the first of which was filed in April 1995, specifically sought a draft of Winston Scott's autobiographical manuscript penned in the months before his death and other personnel records, many relating to the assassination of President Kennedy.

In late 1970, Winston Scott was exploring the possibility of having his life story published in Reader's Digest magazine. Scott had a distinguished intelligence career having served in the FBI and OSS during World War II and then having helped to create the CIA with Allen Dulles. Drafts of the manuscript were provided to Scott's friend John Barron, then an editor at the magazine and subsequent author of *KGB* (1974). Scott was scheduled to meet with DCI Richard Helms in April 1971 to discuss concerns the CIA might have with publication of the manuscript but died before the meeting took place. James Jesus Angleton, the CIA's Chief of Counterintelligence, immediately flew to Mexico City and attempted to confiscate the manuscript, as well as other Station and personal files of Scott that were stored at his home. Within days of Scott's death, the Station Chief John Horton had secured copies of the manuscript and forwarded them to Langley for safe-keeping.

The manuscript surfaced next in late 1976 amidst the Congressional investigations into CIA operations. Investigators from the House Select Committee on Assassinations took particular interest in one chapter of Scott's manuscript, which was publicly released in October 1993, that detailed Oswald's visit to Mexico City in September-October 1963. In that chapter, Scott recounted several facts that contradicted CIA

statements about the Agency's pre-assassination knowledge of Oswald. Most notably, the chapter indicated that at least two CIA surveillance photographs of Oswald existed, a matter adamantly denied by the Agency. The issue still remains a hotly contested point.

Note: Mark Zaid is a D.C. attorney who represented Michael Scott. He has now joined with Jefferson Morley of the Washington Post to write a biography of Win Scott.

The Last Word (Hopefully) on AM/LASH

By Gaeton Fonzi

What keeps haunting me is a piece Timothy Crouse wrote for *Esquire* at the time the CIA was supposedly letting its family jewels hang out for the edification of Sen. Frank Church's Senate Select Committee on Intelligence. Crouse was disturbed that the Committee's majority counsel, F.A.O. Schwarz, Jr. ("He has the innocent look of one of the trolls they sell at the toy store his great-grandfather founded."), was accepting at face value the CIA's own enumeration of its misdeeds. After admitting that the CIA had developed a large part of the case against itself, Schwarz actually seemed pleased that the Agency had been, as he put it, "very helpful." Crouse wrote: "It does not seem to have occurred to Schwarz that the CIA was, is, and always will be, in the business of deception."

But Crouse also makes this point: "One suspects that the Agency may be trying to peddle certain crimes of its own choice, trying to guide the Church Committee toward certain items and away from... God knows what."

I think of what Crouse wrote whenever the business of AM/LASH comes up. Thanks to the CIA's contribution, the Church Committee's report, "Alleged Assassination Plots Involving Foreign Leaders," is heavy with details about the CIA's use of AM/LASH — ranking Cuban Army officer

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Review Board Wins Court Victory In Battle With New Orleans D. A. Connick

By Jim Lesar

At a hearing in New Orleans on June 12th, United States District Judge Marcel Livaudais, Jr. ordered New Orleans District Attorney Harry Connick to give the Assassination Records Review Board the original Grand Jury records compiled by Jim Garrison during his investigation of Clay Shaw for complicity in the assassination of President John F. Kennedy. The judge conditioned his ruling on agreement by the Review Board to supply Connick with a copy of the records.

The dispute over the records erupted last July, in the aftermath of the Review Board's hearing in New Orleans, when a former employee of Connick's, Gary Raymond, gave a copy of the records to the Review Board and journalists, saying that in 1974 Connick had ordered him to destroy them, but he kept them instead. Connick retaliated by charging Raymond with theft and attempting to subpoena the copy given to the Review Board. Raymond was sentenced to jail for contempt of court, but Connick's effort to retrieve the Review Board's copy of the records fizzled, because his initial subpoena was defective. The AARC then filed a Freedom of Information Act request with the Review Board in an effort to block return of the records to Connick by ensuring that a federal court would have to decide whether they had now become agency records subject to the FOIA. Also the Review Board itself filed suit to obtain the originals on the grounds that they are JFK assassination records covered by the JFK Act.

The Court's ruling has a certain ironic twist to it. Connick may get back the copy given the Review Board by his former employee, but he must give up his originals. It is unclear when the grand jury records will be turned over to the National Archives for dissemination to the public. T. Jeremy Gunn, the Review Board's General Counsel and Director of Research, has advised the AARC that he expects Connick to appeal the Court's decision.

AM/LASH...

(Cont'd. from page 3)

Rolando Cubela — in its attempts to kill Fidel Castro. How serious were these plots? What kind of man was Cubela? The questions are linked and, in a visit to Cuba early this year, I had a chance to ask them of a man who should know, Division General Fabián Escalante, former chief of Cuban Counter-Intelligence.

When the very existence of AM/LASH was "exposed" by the Church Senate Intelligence Committee in 1975, it came cloaked in the patina of an Agency victory in the great spy war, the CIA's highest penetration into Castro's inner circle, the one that came closest to offing Fidel. Yes, Cubela, the daring asset who, as the gods of fate would have it, was given a special pen with which to stick a lethal injection in the Cuban leader on the very day that President Kennedy was blown away in Dealey Plaza. The irony has been too much for conspiratorialists to ignore. Could Castro had gotten wind of the plot and struck first? How the CIA fed that one. Report after report, out of Dallas, out of New Orleans, out of Miami and Mexico City, details of Oswald being seen with, conspiring with, consorting with, being paid by Castro agents. The Warren Commission looked at those reports and found no corroboration — but what would they expect, a photograph? Well, maybe, but the Agency said the cameras weren't working that day. But when the House Assassinations Committee looked, they found more. They found that almost every one of those reports was generated by an asset of the CIA's counter-intelligence expert David Atlee Phillips — the agent who helped recruit Cubela in Mexico City in 1961.

The stories were phony but Rolando Cubela was real enough. And it's true, Escalante says, he did not know who AM/LASH was until just a year before the Agency claimed it cut off all contact with him in June 1965. Still, it was ludicrous that Church's Senate Intelligence Committee was still protecting AM/LASH's identity in its 1975 report, long after Cubela had been caught, given a very public trial and convicted in Cuba.

One problem was that the CIA had too long denied Cubela. When Secretary of State Dean Rusk read about Cubela's trial in *The New York Times*, he demanded an explanation from the CIA's Richard Helms. He got

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Nixon, The Plots and The Record

By Stephen J. Rivele

One of the most curious effects produced by Oliver Stone's film, *NIXON*, has been the frantic effort by its critics to salvage the reputation of the disgraced president, especially by distancing him from the CIA's assassination activities. I would like to think that this bizarre behavior may indicate that there is some truth to the film's suggestion that what Nixon feared most in Watergate was the revelation of his own role in the creation of those murder plots, spe-

Haldeman ... asserted ... Nixon's references to "the Bay of Pigs thing" were actually coded references to the JFK assassination.

cifically in the presence of Howard Hunt, who played so pivotal a part in the Bay of Pigs affair.

To put it another way, I am inclined to believe Bob Haldeman when he asserted in his book, *The Ends of Power*, that Nixon's references to "the Bay of Pigs thing" were actually coded references to the JFK assassination. Critics of *NIXON* either ignored Haldeman's interpretation or claimed that he never made it. He did, and therefore, it ought not be ignored.

In the film's wake there has a great deal of obfuscation and outright lying regarding Nixon's connection to the CIA's Executive Action program. No less august a figure than General Alexander Haig appeared on the David Brinkley program to attack the film. On that occasion he looked the American public straight in the eye and lied, declaring that he knew the Church Report on CIA assassination activities intimately, and that there was not a shred of evidence in it to suggest that the CIA planned to kill anyone before the Kennedy Administration. George Will happily chimed in on his accord and Cokie Roberts chimed in as well.

Evan Thomas wrote in a sidebar to *Newsweek's* cover story on the film declaring that talk of a Nixon awareness of the

murder plots was nonsense, and, most recently, Christopher Matthews, in his *Kennedy & Nixon*, strains his limited scholarly resources to dissociate Nixon from them. In view of this, a brief overview of the evidence that Nixon was involved in, or at least knew of the plots, may be helpful to set the record straight.

The Church Report is categorical that the CIA's efforts to kill Fidel Castro began during the Eisenhower-Nixon years. A few quotations from the Report will make this clear.

We have found evidence of at least eight plots involving the CIA to assassinate Fidel Castro from 1960 to 1965. The first action against the life of a Cuban leader of which the Committee is aware took place in 1960. Ten thousand dollars was authorized as payment "after successful completion"... (pages 71-73)

The first plot involved an "accident" intended to kill Castro and two other leaders. It was to have taken place in July or August, 1960. The CIA tried to cancel it, but the agent had already left for Cuba and could not be recalled. In the end, the agent was unable to arrange the accident.

The Report continues:

A notation in the records of the Operations

The Church Report is categorical that the CIA's efforts to kill Fidel Castro began during the Eisenhower-Nixon years.

Division, CIA's Office of Medical Services, indicates that on August 16, 1960, an official was given a box of Castro's favorite cigars with instructions to treat them with lethal poison. The cigars were contaminated with a botulism toxin so potent that a person would die after putting one in his mouth. The official reported that the cigars were ready on October 7, 1960. (p. 73)

There can be no question, then, that efforts to murder Castro began during the Eisenhower-Nixon years. The matter does

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not end there, however, for the Committee makes it clear that the most sinister of all the CIA murder plots - the contract with the Mafia - also began during these same years.

In August 1960, the CIA took steps to enlist members of the criminal underworld with gambling syndicate contacts to aid in assassinating Castro. (p. 74)

This plot was developed in detail in September 1960, and it appears that the attempt was to be made in November, in time for the presidential election.

Sometime in late August or early September 1960 the Support Chief approached (Robert) Mabeu about the proposed operation. As Mabeu recalls the conversation, the Support Chief asked him to contact John Roselli, an underworld figure with possible gambling contacts in Las Vegas, to determine if he would participate in a plan to "dispose" of Castro.

The support Chief testified that Mabeu was told to offer money, probably \$150,000, for Castro's assassination. (p. 75).

The Report includes the identities of the gangsters recruited for this murder plan, who were initially known to the CIA by pseudonyms.

The Support Chief testified that he learned the true identities of his associates one morning when Mabeu called... "Sam Gold" was Momo Salvatore Giancana, a Chicago-based gangster, and "Joe" was Santos Trafficante, the Cosa Nostra chieftain in Cuba. (p. 77)

Regarding the timing of the attempt, J. Edgar Hoover, reporting on an FBI wiretap in Las Vegas, stated on October 18, 1960, that:

...Giancana stated that Fidel Castro was to be done away with very shortly. When doubt was expressed regarding this statement, Giancana reportedly assured those present that Castro's assassination would occur in November. (p. 79)

But the Castro plots were only one aspect of the CIA's murderous planning. At least two other leaders were targeted during the Eisenhower-Nixon years, the Congo's Patrice Lumumba, and the Dominican Republic's Raphael Trujillo. Unlike Castro, they did not survive. While I think it is less likely that Nixon knew about these nascent plots, how conceivable is it that he knew nothing of the effort to kill Castro? He him-

self said that "no one pushed harder on Cuba" than he did, and surely Castro's murder was the hardest push of all.

Too, the overthrow of the Cuban dictator was to have been his October surprise in the seesaw election battle with JFK. Given Nixon's well-known mania for control, how possible is it that he did not know that Castro's murder was part of the Bay of Pigs planning that he was overseeing for the White House?

Finally, I would argue that Nixon could not have been talking merely about the Bay of Pigs invasion on the "smoking gun" tape, for the American public knew about the invasion in 1972, had lived through it, and had considered it a settled matter. There was nothing in the invasion itself that could possibly have threatened Helms and the CIA, as Nixon intended to do. And so, what was Nixon talking about when he told Halde- man to warn Helms that the Watergate investigation had to be shut off or it would blow open the Bay of Pigs thing?

Logic demands that the answer lies in some aspect of the Bay of Pigs that had not yet come to light. And does not this imply the assassination plotting, which would not surface for several more years? Does not this make perfect sense, as Arthur Schlesinger has written? Would not Nixon's threat of exposing the murder plots, especially the Mafia plot, have frightened Helms? Yet if this is true, then how did Nixon know about them? To my mind, putting all these facts together, the conclusion that Nixon was involved, or at least knowledgeable, becomes difficult to resist.

Stephen J. Rivele co-wrote NIXON with Christopher Wilkinson and Oliver Stone.

AM/LASH...

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the Big Lie: "The Agency was not involved with Cubela in a plot to assassinate Fidel Castro," Helms wrote, "nor did it ever encourage him to attempt such an act."

The other problem was that the CIA didn't want the world to take too close a

look at its most famous penetration character. Major Rolando Cubela had been billed as a revolutionary war hero who had led the powerful Student Directorate guerilla forces in the mountains of central Cuba in the war against Batista and had ridden triumphantly into Havana even before Castro had arrived. He was said to be on intimate terms with Fidel, saw the President often and talked to him regularly. He was an idealist who believed that Castro had betrayed the revolution.

But there were other dimensions to Cubela's character. For one, he was a little nuts. He had at least one nervous breakdown, perhaps from assassinating a blameless Batista official who wasn't supposed to be the target. Later, secret CIA contact reports would label Cubela "temperamental" and emotionally "mercurial." Cubela was a hard-drinking, partying type who loved action and adventure. His ego was enormous, as was his ambition. He became incredibly bitter when Castro neglected to appoint him to a top post in the new government. A CIA report in March of 1959 says Cubela was ranting about wanting to kill Castro at that time. Although given important enough positions, first as a deputy in the Ministry of Interior, then as head of the politically powerful Federation of Students, Cubela wasn't satisfied. By 1961, he told the CIA he was ready to defect.

One of the points the CIA later omitted in revealing its AM/LASH schemes was that its initial contact was made through Cubela's close friend, Carlos Tepidino, a wealthy Havana jeweler and business associate of Organized Crime boss Santos Trafficante. The Agency didn't want AM/LASH linked to its plots with the Mafia because it had initiated those. Its line was that Cubela was the one who pushed assassination, not the Agency.

The CIA persuaded Cubela not to defect, convincing him he could play a key role in toppling Castro and become the Major Domo himself. There then began a series of meetings with Cubela in cities across Europe and in South America that stretched over a period of five years. The Agency's reports of these meetings read like carefully contrived for-the-record documentations. The pattern reflects Cubela insisting that Castro be "eliminated" — Cubela disliked the word "assassinate" — and the Agency maintaining

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The Mexico City Report;

Revised from an article originally published in VMKRAFT, Inc.

By Edwin Lopez

At long last, the report that I once labored over, has been publicly released. Over these years, great expectations have built up within the researcher community over the report. Because of those expectations, I have faced its public release with great joy but also great trepidation. The great joy is obvious. Something hidden which I had labored over was finally going to be made public. The trepidation was a nagging wariness that its inaccessibility had created an aura around it. So many researchers I talked to had anticipated major revelations. This aura threatened to obscure the real importance of the contents of the report. I frequently told researchers who called to lower their expectations and emphasized that there was no smoking gun in the report.

Misperceptions

Though there are fascinating and important items that we uncovered in our investigation, I wish to stress to the reader as to my phone callers that the smoking gun is not to be found in this report. We did not unravel the mystery surrounding Oswald in Mexico City. My feeling is that we only began to scratch the surface of this mystery. The report should be seen as a beginning, not a final answer.

The second misperception to dispel is that I was the only person who worked on this report. This mistaken impression has reached the point where the actual title of the report has been overlooked and my name placed upon it. When I was hired by the HSCA, my assigned responsibility was the Cuban area. Dan Hardway's was Mexico City. As time passed, these areas naturally overlapped, and Dan and I found ourselves working as a team. To set the record straight, Dan Hardway and I worked on the Mexico City report equally. He should not have his great efforts overlooked.

A final misperception is that I have had some kind of private copy of the report all

this time. Later, in going into some background on the creation of this report, the reader will see that this was not true.

It felt good reading it once again after such a long time but this feeling is mixed with other emotions. Many readers will now pour over each item it uncovers, perhaps still looking for that smoking gun, but I am afraid they may miss the most important observation. The report serves as a significant historical record of the role an intelligence agency plays in an investigation in which that agency is a potential suspect.

Writing in a Secure Room

Perhaps what is needed to emphasize this insight is some background on how we got to the HSCA, the creation of a secure room and the conditions under which we wrote the report.

After the original HSCA chief counsel Sprague was forced out of his position, G. Robert Blakey was hired in his place. I was one of a team of Blakey's Cornell law students along with Dan Hardway, Leslie Wizelman and Mark Flannigan. We were brought in by Professor Blakey. I was given the responsibility for the Cuban area and Castro, in particular. Later, I teamed up with Dan Hardway on the Mexico City portion of this investigation. All this happened in June of 1977.

It wasn't until October of 1977, that Blakey had finally forged a deal with the CIA which allowed our access to their files and personnel. These agreements had strong and numerous restrictions placed on our access. In fact, it was the beginning of what I observed as a war of delays and impediments placed on us. After all, as a Select Committee formed under the House of Representatives, we had a fixed budget and a definite period of longevity. The CIA knew this. They only had to wait us out.

The first stipulation was the super secrecy oath all who would have access to CIA files and testimony had to take. I was one

among a few who had to sign this oath. The reader might wonder why an agency under the administrative branch of our government would have such power of restriction over an official investigative arm of legislative branch. Who is working for whom?

The CIA demanded and was accommo-

The report serves as a significant historical record of the role an intelligence agency plays in an investigation in which that agency is a potential suspect.

dated with a secure room at the HSCA offices. This windowless room had the usual table and chairs. It also contained a large safe whose combination was only known by the room's CIA security guard, Regis Blahut. (Who subsequently was involved in a security breach concerning the autopsy photos.) Within this safe was a second safe as another layer of security. This room could never be used without the CIA security guard present. All CIA documents we requested took about a week to appear in this room. No document could be taken from this room by other than the CIA personnel. This is the room in which the Mexico City report was written.

While Dan and I made investigatory trips, took testimony and reviewed documents, we always had to come back to this secure room in which nothing could ever leave. Dan and I could read the documents and take notes but only on paper stamped, numbered, dated and supplied by the CIA. We couldn't even take our notes out of the room! At the end of the day, any notes we wanted to save would go into a large yellow envelope, provided by the CIA of course,

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The Mexico City Report...

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which would be sealed, numbered and dated. Dan and/or I would then scrawl our names or initials across the seal purportedly to ensure that no other individual was reading what we wrote.

The security room procedure became quite cumbersome when we began to officially write the report. We had to continually request from the CIA our own notes to fill in holes in the developing report. I sometimes had to sit in this room and open up fifteen envelopes, reviewing their contents prior to getting to work. Each time I opened an envelope I had to sign a document listing what I'd opened. Prior to closing up shop for the day, I had to account for every page of our past notes that I had requested to review plus every page that I had written on during the day.

Personally, I came to believe that the procedures imposed by the CIA allowed it to control the tenor of our investigation. I can't stress enough the frustration both Dan and I felt during this stage of our committee work. Our work productivity was slowed.

Looking back 15 years, it's clear that under these pressures not only was the investigation incomplete but our report was incomplete also. Dan and I had just begun to scratch the surface of the Mexico City/CIA aspects of the investigation by the time we finished writing the report. We ran out of time and the HSCA came to its foregone time limit. It is with sadness that I recall how much was lost, how many leads not followed.

It is not only the leads not followed. You can read in this report the details of our specific investigations into specific areas but you cannot experience the actual circumstances that we encountered when down in Mexico interviewing important witnesses or taking off-the-record interrogations of CIA personnel.

You cannot see the scoffing expression on the CIA technician's face when questioned about cameras not working at the times of the alleged visits of Oswald to the embassies. You cannot see the smile that came on his face when he affirmed that he

always had more than one working camera. You cannot see the sureness with which CIA personnel in Mexico told us that they knew the Cuban embassy staff believed that Oswald was not the person who had approached them.

You cannot see the increasing nervousness with which David Atlee Phillips lit up cigarettes as he was grilled on obvious lies told to the committee.

Dan Hardway and I experienced these scenes and can only tell you about them outside the report. Our fellow investigator, Gaeton Fonzi, has chronicled a few of these experiences in his book, *The Last Investigation*. There were many more. Even in its incomplete state, the report was still filled with enough sensitive and revealing information to compel the CIA to bury it from public viewing. Incomplete? Yes. Unimportant? No! In 1978, we reached a certain plateau of investigation. In 1996, the report provides material to all researchers attempting to continue the work that we began.

Looking Back and Looking Forward

Gladness, trepidation and sadness. I feel all these when looking at our work once again but there is another emotion that comes over me as I look at this report and remember all that happened in that period of my life. It is outrage.

We had taken the oath of secrecy. We were allowed to look at the photographic product of the CIA Cuban embassy surveillance. However, the CIA refused to allow us to see the results of the photographic surveillance of the Soviet embassy in Mexico City during the periods that Oswald allegedly visited the embassy. What were they hiding? They told us at the time "methods and sources." This may have been true but I am doubtful. Can it still be true in 1996 with the end of the Cold War? Most doubtful.

Dan Hardway and I determined that the CIA had some double agents planted in the Cuban embassy. These agents could have told us much. Did they see Oswald at the embassy? Did they hear the discussions among the embassy staff after the assassination? What was said? Would it anger you as

it did myself to learn that the CIA would not permit us to interview these double agents?

Does anyone really believe the CIA's explanation that there are no photos of Oswald entering or exiting the Cuban embassy because of camera failure? Please! After one of the photographers scoffed at that claim, telling me in no uncertain terms that they had many cameras working in that operation, I can only shake my head. What is being hidden here?

When the report was just released in 1993, it was heavily deleted and thousands of our hand written notes remained classified. In 1996, we have a much less deleted version and thousands of pages of notes made by all HSCA staffers have been released. These are available both at the National Archives and the AARC. I urge researchers to study them.

It is hoped that avid researchers will view this report for what it is — a springboard to delve deeper into the mystery of Mexico City and the assassination of John F. Kennedy. It is important for me, for history and for all our collective well being that we can rely on truth in government. I hope that this is important to you too.

I was younger then. Now, as I go from page to page, I only wish that I knew then what I know now. I would have pressed more persistently. I would have been more thorough. I am resigned to asking you to do this now. Demand from our government what they have not provided us for thirty years. It is time. We are entitled to the truth.

Ed Lopez is now an attorney in Rochester, N.Y.

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The Last Word...

(Cont'd. from page 5)

it couldn't help him with that but it would assist in any coup he fomented. A lot of money changed hands and loads of weapons and supplies were smuggled into Cuba and cached away for Cubela's operation. There was a lot of talk but very little action.

Then, in the fall of 1963, according to CIA reports, AM/LASH told his case officer that he was ready to move on a Castro assassination plot and a coup, that he wanted supplies and a high-powered telescopic rifle and direct assurance from the United States government that it would back him once the flames were lit. He said he wanted to meet personally with Attorney General Robert Kennedy.

That was a problem, since the Attorney General reportedly knew nothing of the AM/LASH plotting. So clandestine plans boss Richard Helms and Cuban operations chief Desmond Fitzgerald decided that Fitzgerald would meet with Cubela in Paris and present himself as "the personal representative of Attorney General Kennedy." No need to tell Kennedy about it, of course.

Fitzgerald was alleged to have met with Cubela in Paris late in the afternoon of November 22, 1963, according to the Church Report, but disputed by the Inspector General's Report. The CIA's Inspector General's report does not confirm it, but notes that "Fitzgerald says that ...he told Cubela that the U.S. Government would have no part of an attempt on Castro's life." Of course, Fitzgerald did acquiesce to Cubela's request that a cache of supplies for a new coup be dropped on a friend's farm outside Havana. The supplies would include... "20 hand grenades, two high-powered rifles with telescopic sights, and approximately 20 pounds of C-4 explosive and related equipment." And, oh yes, Fitzgerald brought along a little device Cubela might want to employ in his coup: A Paper-Mate pen modified to work as a hypodermic syringe, with a needle so fine it would hardly be felt penetrating the skin. It was to be filled with a poison called Blackleaf 40.

Listen, do you hear an echo? "The Agency was not involved with Cubela in a plot to assassinate Fidel Castro," Helms wrote, "nor did it ever encourage him to attempt such an act."

After the assassination of President Kennedy, the Agency had to put a muffler on its Castro plots for a while. Besides, it

became apparent that the President Johnson considered Cuba a Kennedy pyre and he quickly let it be known he was going to move on. But the CIA was obsessed by the thought of having an asset in place so close to Castro and was tempted back into action when, in the fall of 1964, Cubela again came up with another two-step, Castro-hit and palace-coup scheme. Again the Agency began littering its files with disclaimer-studded action reports. In December 1964, one of Cubela's case officers noted: "AM/LASH was told and fully understands that U.S. Government cannot become involved in any degree in the 'first step' of his plan. If he needs support, he realizes that he will have to get it elsewhere. FYI: This is where B-1 could fit in nicely in giving any support he would request."

B-1 was the Agency's "Golden Boy," Manuel Artime. Paying a premium to get him back in the Bay of Pigs prisoners-for-medical supplies exchange, the CIA showed it could take care of its own. It established a new base in Central America for Artime and his company of anti-Castro guerillas and quickly ran up a \$10 million tab subsidizing his operation. But some problems popped up when Artime's naval guerillas mistook the Spanish freighter *Sierra Aranzazu* for Castro's pride, the *Sierra Maestra*. Three Spanish sailors were killed and seventeen injured. Artime's operation faced another embarrassment when the Agency discovered some \$2 million in unvouchered funds had disappeared. Now, perhaps, B-1 could salvage his operation by serving as the Agency's cut-out for a Castro hit plots.

Again, although the Agency claimed it had stepped away from Cubela, its files reveal it was back on AM/LASH's merry-go-round, with case officers meeting with him in Paris and Madrid and, again, repeatedly meeting his requests for more arms, ammunition and explosives to be cached away for him in Cuba. A CIA document dated January 3, 1965, reports that B-1 and AM/LASH had reached an agreement on a number of points, including this one:

"B-1 is to provide AM/LASH with a silencer for the FAL; if this is impossible, B-1 is to cache in a designated location a rifle with a scope and silencer plus several bombs, concealed either in a suitcase, a lamp or some other concealment device which he would be able to carry, and place next to Fidel Castro."

Just when it appeared that old stogie

would finally be lit, the CIA began receiving some disturbing news. From its telephone taps and listening devices spread around various foreign consulates came word that Cubela had been talking freely about his plans to kill Castro during his trips to Europe. One CIA agent in Rome even picked up word of Cubela's boasting. The Agency decided to totally break off with AM/LASH, this time for real.

The CIA was about a year behind Cuba's G2 getting the word. In 1963, Escalante had sent one of his agents, Juan Feliáfel, to Miami to penetrate the group that Artime had originally founded, the MRR. Feliáfel did well in proving himself, was trained in demolition and clandestine operations and sent on seventeen missions to Cuba. It was just coincidence that Feliáfel heard, through his brother Anise, who was a genuine anti-Castroite, about Cubela's plans. Anise knew because he had become chief of intelligence for the MRR. On Juan Feliáfel's next mission to Cuba, he slipped off and reported back to Escalante.

Rolando Cubela was put under tight surveillance and then finally arrested in February, 1966, after more than a year of further investigation. "Castro was very disappointed in Cubela," Escalante told me, "and wanted a very good investigation to make sure."

Cubela was given a death penalty, but Castro, perhaps feeling charitable towards a former comrade who could never get his act together, reduced the sentence to a 25-year term. This despite the fact that, immediately after he had been found guilty, Cubela had jumped up and cried, "To the wall! To be executed! That is what I want! It is deserved!"

And this was the guy the CIA thought was responsible enough to have one its highest-ranking officers travel to Paris to conspire in a serious plan to kill Fidel Castro? I think that's a story we've bought for too long. I think it's a story that may be covering something far more sinister about the Agency...God knows what.

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