



OFFICE OF THE SECRETARY OF THE TREASURY

WASHINGTON, D.C. 20220

January 28, 1983

Dear Mr. Fensterwald:

Your Freedom of Information request of March 15, 1982, to the United States Secret Service requested all records pertaining to Gilberto Policarpo Lopez. As the Secret Service has informed you, one document produced by the Department of the Treasury, Office of the Secretary (Enclosure A), has been referred to me for a determination on releasability. In addition, one document originated by the U.S. Secret Service (Enclosure B) has been referred to me for a determination on releasability because of its relationship to Enclosure A and because of my familiarity with the subject matter and related materials of the House of Representatives and the United States Senate. Furthermore, two Treasury Department forms have been referred to me for a determination (Enclosures C and D).

Inasmuch as the information contained in Enclosure A, a memorandum of June 9, 1976, has been released previously through publication of Book V of the Final Report of the Senate Select Committee to Study Government Operations with Respect to Intelligence Activities (hereinafter the Senate Select Committee on Intelligence), April 23, 1976, pp. 60--63, and through publication of the Report of the Select Committee on Assassinations, U.S. House of Representatives, March 29, 1979, pp. 117--121, I believe that Enclosure A is declassified in its entirety and is legitimately within the public domain. Furthermore, we find that Enclosure A does not disclose any investigatory information presently subject to withholding under subsection (b)(7) of 5 U.S.C. § 552.

With regard to Enclosure B, however, please note that one clause of that document contains information attributable to a draft report of the United States Senate. The information contained in the abstract of the draft report has not been identified within the published reports of the United States Senate or the House of Representatives, and to the best of my knowledge and belief it is not within the public domain. Since the Legislative Branch of the United States Government is not subject to the Freedom of Information Act [see the definition of "agency" at 5 U.S.C. § 552(e)] and since the clause in question recites information which to the best of my knowledge and belief was developed

by the Senate Select Committee on Intelligence and which is not otherwise known to be in the public domain, I have no discretion to make a disclosure in this matter and must deny your request for access to that portion of Enclosure B which has been obliterated and marked "DELETED".

Enclosures C and D are Treasury Department forms used in the transmittal and control of classified information. Please note that Enclosure C is illegible.

Consequently, the referenced documents are hereby released in their entirety with the exception of the one above-described clause in Enclosure B. This determination does not purport to represent whether any other agency of government does or does not have law enforcement investigatory or other records pertaining to the subject of your request which are exempt from disclosure under the Freedom of Information Act.

For your information, Enclosure A was produced in my capacity as the Department of the Treasury's ad hoc liaison and coordinator with the Senate Select Committee on Intelligence during its 1975-1976 investigation of intelligence activities.

To the extent that my determination is a denial of your request, you may appeal my decision within 35 days after the date of this letter. Your appeal will be decided by Assistant Secretary John M. Walker, Jr. It should identify the matters at issue, as well as the dates of your original request and my denial. It should be addressed to:

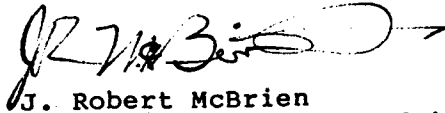
Freedom of Information Appeal |
Office of the Secretary
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

You are advised that in the event of denial upon appeal, the Freedom of Information Act, 5 U.S.C. § 552, makes judicial review available in the U.S. District Court in the district in which you reside or have your principal place of business or in the District of Columbia.

- 3 -

There will be no charges associated with this office's response to your request.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Robert McBrien", with a long horizontal stroke extending to the right.

J. Robert McBrien
Deputy for Security Affairs
and Crisis Management
Office of the Assistant Secretary

Mr. Bernard Fensterwald
Suite 900, Twin Towers Building
1000 Wilson Boulevard
Arlington, VA 22209

Enclosures



OFFICE OF THE SECRETARY OF THE TREASURY
WASHINGTON, D.C. 20220

ENCLOSURE A
PAGE ONE

~~TOP SECRET~~
UNCLASSIFIED
SENSITIVE

June 9, 1976

MEMORANDUM TO: Mr. James T. Burke
Assistant Director (Protective
Intelligence)
U.S. Secret Service

FROM: J. Robert McBrien
Special Assistant for Special
Legislation and Projects
(Intelligence Review Coordinator)

SUBJECT: Intelligence Review: Possible Subject
of Protective Interest

While reviewing the SSC's draft report on the performance of intelligence agencies regarding the assassination of President Kennedy, SSC staff members directed my attention to five pages dealing with a Cuban-American whose activities immediately prior to and following the assassination were suspicious. The individual was investigated by the FBI in a manner described by the SSC as inadequate.

Since his identity is not revealed in the draft report and he may be an appropriate subject of protective interest, the SSC has advised me of these identifying particulars:

Name: Gilberto Policarpo Lopez

DOB: January 23, 1940

POB: Havana, Cuba

Citizenship: Claims U.S. citizenship through mother's citizenship

SUMMARY OF EVENTS:

On November 20, 1963, Lopez was in Tampa, Florida, seeking an entry permit to Mexico. President Kennedy was in

*see opm date
5/10 for
acknowledging
Dexa*

*public release made at least in
3/29/79 Report of the Select Committee on
Assassinations,
U.S. House of Representatives
App. included
in file*

~~TOP SECRET~~
UNCLASSIFIED
SENSITIVE

CLASSIFIED BY *Seneca Select Com.*
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
EXEMPTION CATEGORY *5B(2)*
AUTOMATICALLY DECLASSIFIED ON *1/1/00*
Release of Information by *SSC*

SS-157-76-100

SENSITIVE

UNCLASSIFIED

Tampa on or about that date. On November 23, 1963, the day after the assassination, LOPEZ entered Mexico from the U.S. (Texas) although the Mexican Government had closed the border. On November 27, 1963, LOPEZ departed Mexico for Havana, Cuba. LOPEZ is alleged to have resided in Cuba since that time.

The SSC staff reports that it had earlier asked the Secret Service if this individual was listed of protective interest, and the Service had replied in the negative. I believe it is advisable to check again the Secret Service indices regarding this individual and to request from the FBI, CIA and other agencies the information, if any, they may have regarding LOPEZ.

The pertinent section of the SSC's draft report can be made available for Secret Service inspection prior to the official release during the week of June 21. If this is desired, please advise me.

I would appreciate being kept advised of the results of further inquiries concerning LOPEZ.

cc: Albrecht
Featherstone
Hawthorne
Macdonald

~~TOP SECRET~~
UNCLASSIFIED
SENSITIVE

ENCLOSURE B

PAGE ONE

Date: June 15, 1976
1200 hours

REF: June 9, 1976 Memorandum from J. Robert McBrien,
Special Assistant for Special Legislation and Projects.

The following notes were abstracted from pgs 111-117 of
SSC draft report:

12/1/63 information received from CIA indicated that
Cubana Airline Flight from Mexico City to Cuba was delayed from
5PM-10PM - awaiting unidentified passenger.

~~RELETED~~

[REDACTED] unidentified
individual arrived at 9:30PM. Boarded Cubana flight without
passing through Customs - travelled in cockpit to Cuba and did
not mingle with passengers.

When queried by SSC in 1/76 the CIA indicated that had no
info on any followup regarding the above.

In the section perused, Gilberto Policarpo Lopez is referred to
as the Cuban American.

Cuban American information originated from CIA to FBI who did a
followup "of sorts". One CIA source alleged that the Cuban
American was "involved" in the assassination; followup was not
part of FBI work for the Warren Commission.

CIA info: Cuban American passed from Texas to Mexico 11/23/63;
Immediately after the assassination of JFK the border had been
closed by Mexico - it was reopened on 11/23/63. CIA knew this.

b-3

Cuban American arrived Mexico City 11/25/63.

11/27/63 the Cuban American departed on Cubana flight to Havana; He had Cuban "courtesy visa" and expired US passport. He was the only passenger aboard the flight with a crew of nine.

3/64, CIA reported a source alleged the Cuban American received a permit to enter Mexico on 11/18/63 while he was in Tampa; same source said the Cuban American was "involved" in the assassination. No followup indicated by CIA except to ask State.

FBI investigation of Cuban American after unusual travel - terminated with Warren Commission report and Cuban American was in Cuba, outside FBI jurisdiction.

Following taken by SSC from FBI reports on the Cuban American:
Applied for US passport at U.S. consul office in Havana in 6/60. Stated mother was American citizen although moved with parents to Cuban when very young; she married Cuban national. Cuban American born 1940.

7/60 - Cuban American obtained US passport, valid through 1/63. Asked Cuban permission to return to Cuban 5/62; Cuban American's cousin said Cuban American travelled there after 5/62.

8/62 - Cuban American married an American woman; lived at Key West until 6/63 - then moved to Tampa. 8/63 wife moved back to Key West; marital problems. Cuban American characterized as pro-Castro.

Cuban American told sources that he left Cuba to avoid military service but he registered with US draft 7/29/60 at Key West shortly after arrival.

2/62 classified 4-F; language barrier; doctor certificate that he had grand mal epilepsy. Same FBI sources said Cuban American returned Cuban in 1963 because feared draft; some say health problems; others because of worry for parents.

FBI source said Cuban American's brother in Cuban military and studied in Soviet Union.

11/17/63 - Cuban American at home of member of the Tampa Chapter of the Fair Play for Cuba Committee; some talk of waiting for important call from Cuba; getting "go ahead order" which would enable him to leave U.S.; statement that Cuban American was refused travel back to Cuba. * JFK had several public appearances in Tampa on 11/18/63.

11/20/63 - Mexican Tourist Card issued to Cuban American by Honorary Consul in Tampa.

11/23/63 entered Mexico at Nuevo Laredo (not listed as driver when crossed border; possible conclusion he was a passenger).

12/63 monthly meeting of Tampa FPCC - woman said called Cuban at 5AM - learned that Cuban American arrived safely via Texas and Mexico. 1/64 same woman reportedly said that Cuban American borrowed \$190 before left for Mexico. 9/64 FBI source said acquainted with Cuban American and said he borrowed \$150 but repaid only \$25.

9/64 another FBI source said that as of 9/64 Cuban American not working in Cuba but passing time playing dominoes.

Above indicated as extent of FBI and CIA investigation on items.

12/63 CIA did check US passport office file after Mexico station requested it. 5/64 defector from Cuban intelligence was queried with negative results.

FBI had told Warren Commission that Tampa chapter of FPCC had 16 members in 1961; and was active in 5/63. Did NOT mention Cuban American or FPCC meetings of 11/63 or 12/63.

Already indication of Oswald and Tampa FPCC connection when Oswald seeking to establish FPCC chapter in New Orleans. SSC indicates this had borne investigation.

IRS Marion E. Alsup

ID

The Service had no record of any previous info concerning the subject's inquiry was made of the FBI.

DEPARTMENT OF THE TREASURY
**CLASSIFIED DOCUMENT
 ACCOUNTABILITY RECORD**

Four copies of this form must
 remain affixed to document(s)
 transmitted, to-wit:
 (DATE RECEIVED) SUSPENSE DATE LOG NO

DATE OF DISPATCH

ENCLOSURE C

SECTION A — GENERAL

TO	FROM
----	------

CONTROL OR FILE NO	CLASSIFICATION	DATE OF DOCUMENT	DESCRIPTION <i>(Indicate items such as Report, Letter, Memo, Etc. Classified Subject or Subject Title, Page Number and Number of Attachments)</i>	ORIGINATOR	NO. OF COPIES

SECTION B — INTERNAL ROUTING

TO	COPY NO	DATE	PRINTED NAME	SIGNATURE
1.				
2.				
3.				
4.				
5.				

SECTION C — REPRODUCTION AUTHORITY

NO OF COPIES REPRODUCED	AUTHORIZED BY <i>(Printed or typed name)</i>	SIGNATURE	DATE

SECTION D — DESTRUCTION CERTIFICATE

MATERIAL DESCRIBED HEREIN HAS BEEN *(Check appropriate block)*

DESTROYED TORN AND PLACED IN A CLASSIFIED WASTE CONTAINER *(Burn bag)*

DESTRUCTION RECORD NO. PAGE OR COPY NO.

PRINTED NAME OF CERTIFYING/DESTRUCTION OFFICIAL	SIGNATURE	DATE
PRINTED NAME OF WITNESSING OFFICIAL	SIGNATURE	DATE

SECTION E — TRACER ACTION

SIGNED COPY OF RECEIPT FOR MATERIAL DESCRIBED ABOVE HAS NOT BEEN RECEIVED.
 PLEASE ACCOMPLISH APPROPRIATE SPACE IN SECTION F AND RETURN

SECTION F — RECEIPT ACTION

DOCUMENT(S) HAVE NOT BEEN RECEIVED RECEIPT OF DOCUMENT(S) ACKNOWLEDGED

(Typed or printed name) *(Signature)* *(Date)*

REMARKS:

