AGENCY INFORMATION

AGENCY: CIA
RECORD NUMBER: 104-10331-10301
RECORD SERIES: JFK
AGENCY FILE NUMBER: PROFILES-CORRESPONDENCE

DOCUMENT INFORMATION

AGENCY ORIGINATOR: CIA
FROM: ASST. GENERAL COUNSEL
TO: CHIEF HISTORICAL REVIEW GROUP
TITLE: MEMO: TRIAL OF ROLANDO MASFERRER ROJAS
DATE: 11/05/1993
PAGES: 3

SUBJECTS: JFK ASSASSINATION
DIOSSADO

CLASSIFICATION: SECRET
RESTRICTIONS: 1A
CURRENT STATUS: RELEASED IN PART PUBLIC - RELEASED WITH DELETIONS
DATE OF LAST REVIEW: 04/30/03

Released under the John F. Kennedy Assassination Records Collection Act of 1992 (44 USC 2107 Note).
Case#:NW 53217 Date: 06-24-2017

[R] - ITEM IS RESTRICTED 104-10331-10301

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MEMORANDUM FOR: Chief, Historical Review Group
FROM: Robert J. Eatinger, Jr.
       Assistant General Counsel
       Litigation Division, OGC
SUBJECT: Trial of Rolando Masferrer Rojas (S)

1. Your staff requested information concerning the subject
criminal trial because some records pertaining to this trial are
contained in the segregated collection of JFK assassination
records. These records indicate that CIA reimbursed the U.S.
Customs service for the salary of Cesario Diosado, the U.S.
Customs officer who arrested some of the defendants in the case.
The records in your possession further indicate that the defense
in the case intended to call Mr. Diosado as a witness. Two
issues therefore arose:

   a. Did Mr. Diosado testify at the trial?

   b. Would public revelation that Mr. Diosado's salary
      was paid by CIA affect the convictions because of the
      statutory prohibition against CIA exercising any law
      enforcement powers? (S)

2. With respect to the first issue, OGC records show that
Mr. Diosado did not testify at the trial. With respect to the
second issue, the CIA General Counsel in a letter dated
31 October 1967 notified Assistant Attorney General J. Walter
Yeagley of CIA's relationship with Mr. Diosado. In this letter,
the General Counsel noted that the relationship "might raise a
question of the validity of the arrest in view of the statutory
prohibitions on the Agency against the exercise of any police,
subpoena, or law-enforcement functions." We could not find a DOJ
response to this letter in OGC files. (S)

3. In light of the General Counsel's letter to AAG Yeagley,
we must assume that DOJ determined in 1967 that Mr. Diosado's
relationship with CIA did not affect the legality of the arrest
or otherwise present information that had to be disclosed to the
defense. However, release of the information undoubtedly would
generate publicity and cause the convicted defendants to move to
vacate their convictions by alleging the government improperly
withheld information from them. Regardless of the legal merits
of such a motion, DOJ would have to contest the matter in open
court proceedings. Further, discovery might be sought of CIA
records in order to define precisely Mr. Diosado's relationship
SUBJECT: Trial of Rolando Masferrer Rojas (S)

with CIA. Therefore, if CIA's relationship with Mr. Diosado is to be released under the JFK Act, please advise me in advance of the release so I can give the DOJ Criminal Division the courtesy of a heads-up. (S)

4. Please call me with any questions. (U)

[Signature]
Robert J. Batinger, Jr.
OGC-93-53509

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