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OGC 77-0428
19 January 1977

MEMORANDUM FOR: C/SE/SS

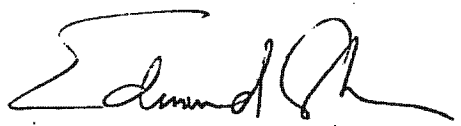
FROM: Edmund Cohen
Assistant General Counsel

SUBJECT: Reimbursement of Travel Expenses of [redacted] 03
Witness on Behalf of U.S. Government

REFERENCES: A. Memo for Record, Same Subj. 03
B. Memo for C/SE Div. fm [redacted] 03 Subj:
Appearance as Witness on Behalf of U.S.
Government

1. In accordance with instructions contained in reference A, [redacted] 03
[redacted] traveled to Miami for a pre-trial conference in the case of U.S. v. Hemming, et al., No. 76-371-CR-CA (S.D.Fla.) Reference B seeks reimbursement for this trip.

2. The undersigned spoke with Mr. Jim Williams, Budget Section, Drug Enforcement Administration (128-4266), about obtaining reimbursement for Mr. [redacted] 03 travel expenses. Mr. Williams was informed that insofar as [redacted] 03 testimony related to his official duties as a DEA employee, DEA should absorb the costs. Mr. Williams agreed and indicated that Mr. [redacted] should call him to arrange reimbursement.


Edmund Cohen

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OGC 77-0427
19 January 1977

MEMORANDUM FOR THE RECORD

FROM: Edmund Cohen
Assistant General Counsel

SUBJECT: [redacted] -- Involvement as Witness in
Gerald Patrick Hemming Case

1. In the late afternoon on 7 January 1977, Mr. [redacted] informed the undersigned that he was being asked to attend a pre-trial conference on 10 January in Miami, Florida, and expected to be a witness for the Government in the case against Gerald Patrick Hemming. Mr. [redacted] stated that he had been under cover while employed by the Agency from 1969 to 1974. He had then transferred to DEA where he became involved with Mr. Hemming. Mr. [redacted] was now back with the Agency and expected to be put under cover very shortly. Both for cover considerations and because he felt the Hemming case had a great deal of "flap" potential, rivaling the Werbell case, he desired OGC to intercede for him to keep him from having to testify.

2. Mr. [redacted] noted that Hemming was a "walk-in", who was referred to his boss at DEA, Mr. Conein, by Mr. Werbell and that Conein, in turn, had sent Hemming to him to be interviewed. Subsequently, Mr. Hemming had "set up" Mr. Conein by first telling him that a brother wished to work with DEA and requesting permission to give Mr. Conein a resume, and later by publicly meeting Conein and handing him a manila envelope ostensibly containing the promised resume. In fact, the envelope contained a report with phony cryptonyms representing Hemming as an agent of Conein's. Hemming's report detailed a variety of alleged official activities and mentioned his prior contacts with Conein and with [redacted] indicated that Hemming would undoubtedly try to beat the narcotics charges pending against him in Miami by claiming to be a DEA or CIA agent. [redacted] testimony that he was a DEA employee when he met him but was a CIA employee both before and after would help cloud the issue. In addition, such exposure could affect [redacted] current usefulness to the Agency.

03

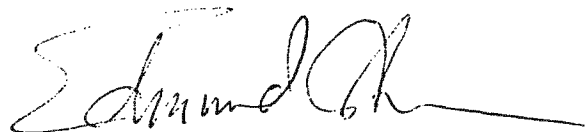
9/11/77

3. The undersigned checked with Mr. Robert Blandford, CCS, and learned that [redacted] cover had been removed when he left the Agency, thus his previous service was a matter of public record. In addition, he was not now under cover. Mr. [redacted] C/CCS, opined that no cover problem existed which would impede [redacted] testimony.

4. The undersigned then spoke with Ms. Karen Atkinson, Assistant U.S. Attorney in Miami (305) 350-5461, to inform her of Mr. [redacted] current status. Ms. Atkinson appreciated the potential problems, but concluded that Mr. [redacted] would be a necessary witness for the trial which was scheduled to begin on 11 January. The question of travel expenses was also broached. Ms. Atkinson stated that she did not have an expense fund to pay the travel expenses of Government witnesses and that the usual practice was for the employer Agency to pay the expenses of an employee testifying on behalf of the Government about his official actions. The instant case was somewhat unusual because CIA would be paying for Mr. [redacted] to, in effect, testify about his DEA experiences, but she opined that this was a matter best resolved in Washington.

5. In view of the limited time available, the undersigned informed Mr. [redacted] branch chief, [redacted] of the above and suggested that travel orders be cut for Mr. [redacted] trip to Miami.

6. On 11 January, following his return from Miami, Mr. [redacted] informed the undersigned that Hemming's motion that his trial be severed from that of his various co-conspirators had been granted and, therefore, his testimony had not been required. Ms. Atkinson had informed him that should Hemming raise as a defense the allegation that he was a DEA agent, [redacted] would be called as a rebuttal witness. Ms. Atkinson also noted that Hemming was alleging that DEA was representing him at the behest of CIA because in the past he had "crossed" CIA.



Edmund Cohen

cc: Mr. Robert Morris, EAB
Mr. Robert Blandford, CCS
OGC:EC:bm (21 January 1977)

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REQUEST FOR LEGAL ASSISTANCE

CONTROL NO.

77-0172

REQUESTER

[Redacted]

DATE OF REQUEST

1/7/76

OFFICE

DDO/SE

TELEPHONE

1556

ROOM NO. AND BUILDING

STATEMENT OF REQUEST

Requested guidance on court appearance in Miami related to his duties while with DEA

REQUESTER'S DEADLINE DATE

REQUEST INFORMATION IS

SECRET

CONFIDENTIAL

UNCLASSIFIED

ASSIGN TO:

GENERAL LAW

OPS. AND MGT.

FOIA/PRIVACY ACT

PROCUREMENT & CONTRACTS

COMMENTS/REMARKS

LAWYER ASSIGNED

Cohen

REQUEST TAKEN BY

VPD