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TO : PARSONS

TITLE :

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SUBJECTS :

ROLANDO MASFERRER  
JUAN FERNANDEZ DE CASTRO RODRIGUEZ

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CONFIDENTIAL

UNITED STATES GOVERNMENT

# Memorandum

Tolson	_____
Mohr	_____
Parsons	_____
Belmont	_____
DeLoach	_____
Malone	_____
McGuire	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Ingram	_____
Gandy	_____

TO : MR. PARSONS

DATE: 4/7/60

FROM : A. H. Belmont

cc Mr. Parsons  
 Mr. Belmont  
 Mr. Donahoe  
 Mr. Cotter

DECLASSIFIED BY SP8 MAC/KSR  
 ON 5-6-94 (JFK)

SUBJECT: JUAN DE CASTRO RODRIGUEZ,  
 et al,  
 ROLANDO MASFERRER, Victim  
 Internal Security - Cuba  
 KIDNAPING

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED EXCEPT  
 WHERE SHOWN OTHERWISE.

On the afternoon of 4/6/60, Assistant AG Wilkey of the Criminal Division called re this case. He said that on 2/11 or 12/60, Judge Choate in Miami conferred with USA Madsen and an FBI agent, and subsequently reduced the bond of the two subjects in this case from \$30,000 to \$5,000. Mr. Wilkey noted that, by memorandum of 1/27/60 we advised the Department that there was a possibility that if the two subjects were not kept in jail, they would depart for Cuba. Wilkey noted that the two subjects are now in Cuba, inasmuch as they met the lower bail.

Mr. Wilkey wanted to know whether, at the time the bail was reduced, the FBI had rendered an opinion that it would be desirable to reduce the bail in order that the subjects could get out of jail, bearing in mind that one of the subjects is an FBI informant, and from an intelligence standpoint he could produce after he left jail.

I told Mr. Wilkey that we would not ordinarily express opinions in matters of bail or prosecution, but that I would like to check and find out just what happened here.

I checked with SAC Teague in Miami. He said that, in accordance with Bureau instructions, SA George Davis advised USA Madsen on 1/29/60 (2 days after the subjects were apprehended) that one of the subjects had been an FBI informant, and the USA was being so informed, as the matter could well come out during the trial. The USA said he would like to think this matter over, and might request an agent to accompany him later to see the Judge, as the Judge should know of the informant status of one of the subjects.

On 2/12/60 the USA asked Agent Davis to come to see him, and the two of them went together to the chambers of Judge Choate. The USA advised the Judge that one of the subjects had been an

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Mr. Parsons

FBI informant, and that Agent Davis could furnish the details. Davis told the Judge that the informant, MM 635-S, had been cooperating with the Bureau for a considerable period of time prior to his arrest, and had been an effective paid informant. The Judge asked if the informant could be used again in view of his arrest. Davis told him that we would try to continue to use him if the opportunity presented itself. (u)

According to Teague, neither Agent Davis, nor the USA, made any recommendation to the Judge regarding possible leniency, or reduction in the bond, either directly or by inference. The Judge said that he had recently had a case brought before him regarding Rolando Masferrer and his brother, wherein Immigration and Naturalization Service wanted to exclude these individuals. The Judge said he wanted to be fair and objective; that if he decided the Masferrers should be excluded, this could be constructed as favorable to the Castro government. On the other hand, if he took action against the two Cuban defendants in this case, this would be inconsistent with granting an exclusion order against the Masferrers. The Judge said he wanted to consider the case involving the exclusion order first, and would wait to act on the kidnaping case. The Judge said he would consider reducing bail for the two defendants, if the defense attorney so requested. USA Madsen said he would work this out with the Defense Attorney.

I called Mr. Wilkey back and advised him of the above. I pointed out that, as I had previously indicated, it was not in the province of the Bureau to make recommendations as to bonds, or whether a man should stay in jail, and that no such opinion was expressed by the Bureau in this case.

I asked Wilkey what he had in mind. He said that he knew this was the Bureau policy and he was trying to satisfy himself as to what caused the reduction in bail, and whether it was better for these defendants to remain in Cuba, or whether the Department should try to bring them back and try them. He asked if the Bureau had an opinion on this from an intelligence standpoint.

I told him we did not; that while we would receive any information that this informant sent to us, we would make no request that the trial be held up, or that the Department hold up on any attempts to get the defendants out of Cuba. (u)

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Mr. Parsons

I told Mr. Wilkey that, as far as we were concerned, he could disregard any intelligence aspects in connection with prosecution of this case. I told him, however, that he would probably want the case carefully reviewed, from the standpoint of its strength, bearing in mind that one of the principal witnesses was Catherine Taafe, whose reliability was questionable, and one of the defendants had been an informant of the Bureau. (u)

It would appear that Wilkey is examining this case from the standpoint of action at this time. He understands clearly that the Bureau has made no requests and will make no requests to delay action in the case, either from an intelligence standpoint or from the standpoint that one of the defendants was a Bureau informant. (u)

For information.

GRE  
4/7

*[Handwritten signature]*

*[Handwritten mark]*

*[Handwritten initials]*

*Be certain to brief our  
guard info so Wilkey  
doesn't box us in -*

*K*