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ROLANDO MASFERRER

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MM 115-249

On September 9, 1970, MM 1298-C-TE advised that he received information subject was visiting his Miami residence every Thursday. Based on this information, a fisur of subject's residence was established on September 17, 1970, which resulted in the apprehension of the subject.

The confidential source abroad is Legat, Madrid. ~~(U)~~

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When interviewed on May 8, 1968, MASFERRER stated that he was not then engaged in any plan of a military nature and was awaiting the results of his appeal from the conviction mentioned above, which he expects will take at least another year.

On June 19, 1970, a confidential source abroad advised the Alto Estado Mayor (Spanish High General Staff), Madrid, Spain, advised that subject, a Cuban national, about 52 years old, who was born in Holguin, Oriente, Cuba, and who is a lawyer and director of the periodical named "Libertad", recently arrived in Spain. Subject reportedly resides in Miami, Florida. (u)

LOUIS GIDEL, Assistant District Director for Travel Control, Immigration and Naturalization Service, Miami, Florida, advised on July 2, 1970, that MASFERRER, because of his criminal conviction, would be clearly excludable from the United States and therefore would not be eligible for entry into the United States but should MASFERRER arrive in the United States in any manner by either deportation from a foreign country or on formal extradition because of the outstanding criminal warrant, he would be paroled into the United States to the custody of the United States Marshal for purpose of prosecution or service of sentence previously imposed.

Assistant United States Attorney LLOYD G. BATES, JR., Miami, Florida, was apprised of the above facts on July 2, 1970. He conferred with MURRAY STEIN, Attorney, Criminal Division, United States Department of Justice, on July 2, 1970, and stated that it was Mr. STEIN's opinion that ROLANDO MASFERRER ROJAS cannot be extradited from a foreign country.

The crimes for which MASFERRER were convicted were that of conspiracy and the substantive violation of mounting an expedition against a friendly country government, to wit: Haiti. Since the nature of these offenses is political, he could not be extradited from a foreign country. Mr. BATES was further advised that while the government of the United States would not oppose MASFERRER's parole into the United States for purpose of prosecution and service of sentence previously imposed, the Department of Justice was

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