

An early reply will be appreciated in order that we may promptly inform the Criminal Division of CIA's position in this matter.¹

As a result of this request, the CIA did object to the prosecution of those involved in the wiretap case, thereby avoiding exposure of Giancana's and Rosselli's involvement with the Agency in an assassination plot. We now turn to events which occurred during April and May 1962 which culminated in the formal decision to forego prosecution in the wiretap case.

(2) *The Formal Decision to Forego Prosecution.*

(a) Events Leading up to a Formal Briefing of the Attorney General.

A memorandum for the record of April 4, 1962, reflects that Edwards met with Sam Papich, the FBI liaison to the CIA, on March 28 or 29 and told Papich that:

Any prosecution in the matter would endanger sensitive sources and methods used in a duly authorized intelligence project and would not be in the national interest. (Edwards' memorandum, 4/4/62)

A memorandum for Assistant Attorney General Miller from Hoover dated April 10, 1962, stated that Edwards:

Has now advised that he has no desire to impose any restriction which might hinder efforts to prosecute any individual, but he is firmly convinced that prosecution of Maheu undoubtedly would lead to exposure of most sensitive information relating to the abortive Cuban invasion in April 1961, and would result in most damaging embarrassment to the U.S. Government. He added that in view of this, his agency objects to the prosecution of Maheu. (Memo, Hoover to Miller, 4/10/62)

On April 16, 1962, Lawrence Houston, CIA General Counsel, met with Miller.² Houston reported to Edwards that Miller envisioned "no major difficulty in stopping action for prosecution." Houston offered to brief the Attorney General, but said that he "doubted if we would want to give the full story to anyone else in the Department," and Miller did not desire to know the "operational details." On April 20 Houston told Miller's first assistant that he was requesting Justice not to prosecute "on grounds of security," and asked to be informed if it was necessary to brief the Attorney General. (Memo, Houston to Edwards, 4/26/62)

In the latter half of April 1962 William Harvey, head of the CIA's anti-Castro effort, gave poison pills to Roselli for use in the post-Bay of Pigs assassination effort against Fidel Castro using underworld figures.

(b) Briefing of the Attorney General on May 7, 1962.

An entry in Attorney General Kennedy's calendar for May 7, 1962, states "1:00—Richard Helms."³ At 4:00 the Attorney General met

¹This memorandum is peculiar in two respects. First, the CIA had already orally objected to prosecution on two occasions. Second, Hoover was quizzing the CIA on behalf of the Department of Justice, a task that would normally be performed by the Department's Criminal Division.

²Houston testified that he did not remember these meetings. (Houston, 6/2/75, p. 3) Miller recalled only that Houston had spoken to him about a wiretap and possible CIA embarrassment. (Miller, 8/11/75, p. 16)

³Helms testified that he did not recall meeting with the Attorney General on May 7 and his desk book does not reflect any such meeting. When asked if he had ever met with the Attorney General to set up a knowingly inaccurate briefing, Helms testified that he had not and that if he had, he would certainly remember it because "I would have been coniving or colluding, and I have no recollection of ever having done anything like that." (Helms, 9/16/75, p. 8)