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LUNT.

THE WHITE HOUSE

WASHINGTON

January 23, 1975

JAN 28 1975

MEMORANDUM FOR: Jack Marsh

FROM: Phil Buchen *T.W.B.*

SUBJECT: Lawrence Lunt

Checked with Justice. DOJ and State are having discussions. I would suggest that you call Congressman Steiger to advise him the matter is under consideration in the Departments and that, as soon as it may prove necessary or desirable for the White House to get involved, we will. Until all the pieces are put together, we should not take a position, I believe.



R - Call Steiger to give report -

Stakes

pm

3 Feb / RAR spoke w/ Fred Allerson in absence of Steiger -

sent copy of Armstrong letter to Gen. Lawson

THE WHITE HOUSE
WASHINGTON

January 23, 1975

Phil:

I would like to speak personally with
you about this sometime today.

Jack Marsh



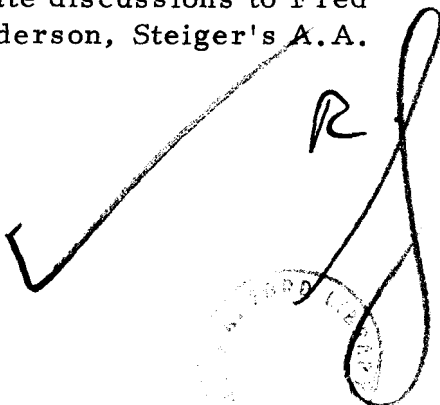
THE WHITE HOUSE
WASHINGTON

M

February 4, 1975

Jack, in the absence of
Sam Steiger, I relayed this
current report on the DOJ/
State discussions to Fred
Alderson, Steiger's A.A.

R

A large handwritten checkmark is drawn on the left side of the page. To its right is a signature that begins with a capital letter 'R' followed by a large, stylized loop.

RECORDED
LIBRARY

THE WHITE HOUSE
WASHINGTON

Wannop has to
talk to 9004-
loggerhead - it
is a rammer. -
problem etc. -



THE WHITE HOUSE
WASHINGTON

Tom Sullivan - Sam Stroger
Harry Hunt - wanted to
bring him up up to date

Gen. Soboleff in Kennedy's
office called to say that
H. had signed a memo to
"go ahead & 'work it out'" -
when he signed the memo
things started moving -

Still 3 areas of concern:
a. those in States who feel
in honor to be known committed
it may indicate condoning
of terrorism

Mr. Wood has gotten to
State that howta has been



THE WHITE HOUSE
WASHINGTON

certified as rehypocrite -
3, the terms of the Jan 14
Cuban offer - if you let
Lolita out, we'll give her
back

Wanted to point these
things out to Jerry &
perhaps it would be
wise to put this to
rest now



Thanks
FEB 24 1975
JOHN T. WAINWRIGHT
ATTORNEY AT LAW
lots
SUITE 450
1707 L STREET, N.W.
WASHINGTON, D. C. 20036
Good (202) 223-5065
home 3371745

THE WHITE HOUSE
WASHINGTON

Mr. Wainwright, the lawyer for the Larry Lunt family, called and needs to talk with Mr. Marsh. He has run into a purely administrative problem at State Department.

Would like Mr. Marsh to call him either tonight or tomorrow at home.

Office -- 223-5067
Home -- 337-1745

*called Wainwright
2/25 - Tom spoke
w/NSC - hopes it is
donna helpful*

*(SAM
Steiger CASE)*

GERALD R. FORD LIBRARY

JOHN T. WAINWRIGHT
ATTORNEY AT LAW
1707 L STREET, N.W., SUITE 450
WASHINGTON, D. C. 20036
(202) 223-5065

John Wainwright
Larry Lunt

February 20, 1975

MEMORANDUM

To: O. Thomas Johnson, Jr., Esquire
Special Assistant to
The Legal Adviser
Department of State

From: Jack Wainwright *[Signature]*

Subject: Response to the Cuban Offer to Free Lawrence Lunt in
Consideration of the Release of Lolita Lebron

Two issues have been brought to my attention as being considered by some, involved in seeking a solution to this matter, as being pertinent to the posture that should be taken in formulating a reply to the Cuban offer.

First, there is the pervasive concern that the US response should on no account create an impression that there has been any compromise with our position calling for a "firm international stand against terrorist extortion and blackmail"¹ lest this encourage the exportation of terrorist activities and give rise to attacks upon American embassies abroad.

Secondly, there is the problem as to what conditions may lawfully be attached to the release of Mrs. Lebron so as to both safeguard the

¹See remarks of President Nixon concerning the deaths of Ambassador Noel and Mr. Moore, March 6, 1973, LXVIII, DEPT. OF ST. BULL., Mar. 26, 1973, p. 353.



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February 20, 1975
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public against intensified activities by FALN and similar Puerto Rican organizations, and to avoid a distortion to the criminal justice system.

These two concerns are interrelated and require careful consideration. I believe that they should be discussed.

I. STAND AGAINST INTERNATIONAL TERRORIST
EXTORTION AND BLACKMAIL.

We are conscious that two foreign service officers have given their lives in maintenance of this principle. All agree that there must be "no compromise with terrorism."²

As Ambassador Scali stated before the General Assembly on April 21, 1973:

" . . . the United States as a matter of firm principle opposes international violence from whatsoever source and of whatsoever kind. States must not export violence and terrorism."³

And, as stated on a previous occasion before the General Assembly,⁴ the US position on terrorism is based on affirmation of the General Assembly's Declaration on Friendly Relations⁵ as well as upon general principles of

²Supra, p. 354.

³LXVIII DEPT. OF ST. BULL., May 21, 1973, p. 659.

⁴Statement of Ambassador Scali, April 17, 1973, supra; pp. 657-659, 659.

⁵Declaration of Principles on International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, U.N. doc. A/RES/2625 (XXV); adopted by the Assembly on Oct. 24, 1970.



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international law. Thus, it would appear to be necessary that both the language contained in the reply to the Cuban Government and the circumstances surrounding the release of Mrs. Lebron be structured in such a manner so as to be in accordance with this position and to preclude the establishment of a precedent which may be regretted in the future.

Of course, in a strict sense, the Cuban offer of January 14 is based upon reciprocity and may be not considered as either extortion or blackmail. There is no attempt here to obtain the release of Mrs. Lebron by threat of force, as through a corrupt demand; neither is there an implication involved of any effort to promote their objectives through threat of the disclosure of any activity by the US Government.⁶ However, the very suggestion of an indirect relationship between this offer and the bombing of the Fraunces Tavern necessitates that there be no implication of a compromise with terrorism.

Thus, in preparing a response it must be remembered that while there is ample evidence that the Cuban Government, through its Communist Party (CCP), stands "shoulder-to-shoulder" with the Socialist Party of Puerto Rico and supports the general Puerto Rican independence

⁶While the popular meanings of the terms extortion and blackmail may be synonymous; and blackmail is generally regarded as a form of extortion, common law regards extortion to be a corrupt demanding and taking of money or something of value, La Tour v. Stone, 190 So. 704, 709, 710 (1939), and blackmail as involving a threat of disclosure, Application of Hank Greenspan, 338 P.2d 297, 299 (1958).



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movement,⁷ there is no established connection between that government and its associates with this outfit in New York, terming itself the FALM and using the detention of Puerto Rican "political prisoners" as convenient publicity in justification for its outrages.

We must also remember that from the standpoint of the Cubans the concurrent release of Larry Lunt and Lolita Lebron would be the reciprocal release of one terrorist for another. This is because we now know that, as the Cubans have admitted,⁸ the Cuban Government's extreme reticence to release Lunt derives from their conviction that Lunt had, acting under the direction and control of our government, been involved in a "terrorist attack against the Prime Minister" and that this terrorist activity constituted an "unspecified charge" in addition to the specified charges of "crimes against the Revolution" for which he was tried and convicted.⁹

⁷The Cuban Delegation to the UN has long sought to get Puerto Rico declared a colony of the US and on Oct. 11, 1973 the Cuban representative Ricardo Alarcon Quesada stated that Cuba would ". . . continue to do its duty towards Puerto Rico, both within and without the UN."

Also, Juan Mari Bras, Socialist Party Secretary General, has repeatedly affirmed the solidarity of the Cuban and Puerto Rican peoples in "the struggle against North American imperialism."

⁸Conversation between Sr. Felix Peta, Chief of the North American and Caribbean Section, Cuban Ministry of External Affairs, and Mr. David McKillop of Senator Pell's Staff, Sept. 30, 1974.

⁹Groundless though this may be, it is reflective of Castro's continuing preoccupation with the conviction that during the early 1960's the CIA was attempting to overthrow his regime and to have him killed. See the interviews with Castro published in OUI, January 1975, pp. 113-160 and in L. Lockwood, CASTRO'S CUBA, CUBA'S FIDEL (1958). In the Lockwood interview, Castro



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And, furthermore, we are mindful that Mrs. Lebron has already served over 20 years of a sentence of between 16 and 50 years and would normally long since be entitled to parole had not she rejected parole and insisted that those others convicted with her be released also. I think that we are all in agreement that any desires and conditions of her own should not be made to intrude in a matter between the US and Cuba and that she should not be given the opportunity to expand this matter for her own objectives. Likewise, the state of her mental health and the diagnosis of schizophrenia by the doctors of the Bureau of Prisons is irrelevant so long as she is not now requiring hospitalization. The only relevant fact is that she has been confined for over 20 years and would normally be entitled to release under 18 USCA § 5303 (1964).

All these factors should be formulated in such a manner so as to seek a solution which clearly asserts our policy of no compromise with terrorism; and also prevents any construction from being placed upon our actions which gives support to the assertion, prevalent in the Third World, that internal violence on behalf of emerging "peoples" is a recognized and legitimate form of struggle which falls outside the proscriptions of domestic law.

makes reference to the CIA's organization of counter-revolutionaries in Pinar del Rio Province, where Lunt lived, during 1964. Also you will note that the Statement of Charges prepared by the Swiss Embassy in Havana (a copy of which is in the file) makes specific reference to certain Cuban "counter-revolutionaries" and "terrorists" said to have been recruited by Lunt upon the orders of the CIA.



Thus, our response, I believe, should contain three elements:

first, that we oppose terrorist violence in all its forms as violation of basic human rights and regard support and acquiescence of violence as being contrary to the General Assembly's Declaration on Friendly Relations; secondly, that we consider the corresponding releases of Mrs. Lebron and Lunt as being justified on the basis of humanitarian principles which transcend the present status of Cuban-US relations; third, that the conditions placed upon Mrs. Lebron's release are such as to preclude her participation in activities in the nature of those for which she was convicted once again and, in accordance with the spirit of equality and strict reciprocity, it would likewise be available to the Cuban Government to impose corresponding conditions upon the release of Lunt.

II. A CONDITIONAL RELEASE OF LOLITA LEBRON.

A. Nature of Commutation

It is long established that a commutation, unlike a pardon, does not release an offender from all the consequences of his conviction.¹⁰

Judge Platt, in his recent decision in the Hoffa case, refers to the Presidential prerogative to issue commutations under Art. II § 2 as ". . . something beyond the normal limitations of the criminal justice system..."¹¹
As such, it cannot be regarded as being in any way related or impaired by

¹⁰Ex parte Wells, 18 How. (59 US) 307 (1856), Chapman v. Scott, 10 F.2d 156, 159 (1925), cert. denied 270 US 657 (1925).

¹¹Hoffa v. Saxbe (D.C. Cir. 1974), 378 F.Supp. 1221, 1229.



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the parole laws and regulations. As the Justice Department has pointed out [41 Op. Atty. Gen. 251, 254-256 (1955)], such a conclusion is apparent from the history of the parole statute itself in that Congress had no intention of interfering with the President's authority in this area.¹²

It is through commutation that the nature as well as the extent of the punishment may be changed.¹³ And, in the Hoffa case it was recently held that the President could exercise his discretion for any reason, including political reasons, and that it was not for the courts to inquire into the rationale of his decision.¹⁴

B. Conditional Commutation

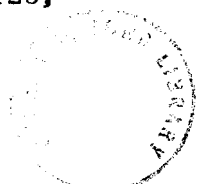
There is abundant authority that the President may grant a conditional commutation.¹⁵ And a commutation upon conditions need not be accepted by the prisoner to be effective. As the Supreme Court said in Biddle v. Perovich, ". . . the public welfare, not his (the prisoner's)

¹²The Attorney General's Opinion is quoted and approved by the Majority in Schick v. Reed (D.C. Cir. 1973), 483 F.2d 1266, 1268-1269, a case upholding the Executive's power to grant a conditional commutation.

¹³See Biddle v. Perovich, 274 US 480 (1927).

¹⁴Supra note 11, at p. 1231; see also, Bishop v. United States, 96 US App. D.C. 117, 123, 223 F.2d 582, 588 (1955), wherein the Court of Appeals held that this power is not subject to judicial review.

¹⁵See Biddle v. Perovich, supra, note 13, at p. 486; Ex parte Grossman, 267 US 87, 120 (1925); Semmes v. United States, 91 US 21, 27 (1875), United States v. Klien, 13 Wall. (80 US) 128, 142 (1871), Ex parte Wells, 18 How. (59 US) 307 (1855), Bishop v. United States, 96 US App. D.C. 117, 123,



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concern, determines what is to be done."¹⁶ In 1955, Attorney General Brownell adopted this position,¹⁷ which had also been that of Attorney General Speed ninety years before,¹⁸ going on to state that:

" . . . the condition imposed may be of any nature, so long as it is not illegal, immoral, or impossible of performance."¹⁹

The extent and nature of the conditions imposed in commutations is tremendously varied. One commutation, later upheld, was that granted by President Hoover to a bootlegger in Florida. Here, in addition to the condition that he commit no punishable crime, it was prescribed that he:

" . . . shall abstain from the use and possession of intoxicating liquor; shall not associate with persons of evil character; shall lead an orderly, industrious life; (and) . . . shall support his divorced wife and their children to the satisfaction of the Attorney General."²⁰

There has never been a case setting aside the conditions imposed in a Presidential commutation. In the recent Hoffa case, Judge Platt asserts
223 F. 2d 582, 588 (1955); Stroud v. Johnson (9th Cir. 1943), 139 F. 2d 171, 172; cert. denied, 321 US 796 (1944); Hoffa v. Saxbe, supra note 11, Ex parte Harlan (C. C. N. D. Fla. 1909), 180 F. 119, 127.

¹⁶Ibid. See also Chapman v. Scott (D. C. of Conn. 1925), 10 F. 2d 156, 159.

¹⁷41 Op. Attn. Gen. 225, 258-259 (1955).

¹⁸11 Op. Attn. Gen. 227, 229 (1865).

¹⁹Supra note 17, at p. 252. This was the language of Bishop v. United States, op. cit. note 15, where it was held that the power to commute includes the power to attach "reasonable conditions."

²⁰Ex parte Weathers (S. D. Fla. 1929), 33 F. 2d 294.



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that the power to impose conditions is only limited by the Bill of Rights.²¹ Elsewhere in his opinion he proposes a two-pronged test of reasonableness in determining the lawfulness of a condition:

" . . . first that the condition be directly related to the public interest; and second that the condition not unreasonably infringe on the individual commuttee's constitutional freedoms."²²

C. Release on Condition of Deportation

Lolita Lebron has, although once a US national, lost her citizenship by operation of law [8 USCA § 1481(a)(9) (1964), a copy of which is attached] in that she was convicted of ". . . violating section 2384 of Title 18 by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States. . ." And, therefore, she is subject to deportation under 8 USCA § 1252.

Deportation as a condition for executive clemency has been used by the Federal Government in at least two occasions: once involving the pardon of a white-slaver, presumably a citizen, in 1914²³ and once in the commutation of an alien's sentence in 1935.²⁴ I can find no recent usage of this

²¹Supra note 11, at p. 1231.

²²Supra at p. 1236.

²³Kavalin v. White (10th Cir. 1930), 44 F.2d 49, 50. The pardon was granted ". . . upon condition that he be deported from the United States and not returned thereto."

²⁴Vitale v. Hunter (10th Cir. 1953), 206 F.2d 826, 828, "The condition of commutation was well within the power of the sovereign."



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measure appearing in cases wherein it is challenged in the courts.

More recently, several states have used banishment from the state or from the country as a condition²⁵ under the powers of commutation for state offenses inherent in their own governments. Judge Platt, in a footnote to the Hoffa case,²⁶ postulates that there is an equivalent power to effect such a condition inherent in the President's power since ". . . the roots of the clemency power as exercised in the states are the same as the President's clemency authority."²⁷ This would be a reasonable condition, acceptable under the Court's two-prong test.

Thus, there is authority for the condition of deportation being attached to a commutation of Mrs. Lebron -- provided Cuba is willing to accept her as a resident there.

III. PROPOSAL.

I am aware that another alternative, distinct from the Lebron matter, is being proposed as a solution. However, this depends upon the willingness of the Cuban Government, whose offer is still open, to accept any counter-proposal. Consequently, the Lebron approach should be pursued and investigated; and I believe that a solution can be found through acceptance of the Cuban offer which would protect all the governmental interests involved.

²⁵See cases collected in 60 ALR 1415-1416.

²⁶Supra note 11, at p. 1229. See also Mansell v. Turner, 384 P.2d 394 (Utah 1963), cited by the Court in the Hoffa case.

²⁷Ibid.



O. Thomas Johnson, Jr., Esquire
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Thus, the response to the Cubans could be in language containing the following elements:

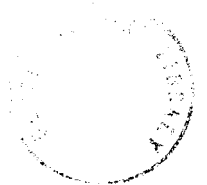
1. That Lolita Lebron will be released on the basis of humanitarian considerations applicable also to Lunt and in the spirit of complete equality and strict reciprocity.
2. That the US Government affirms its allegiance to the principles of the UN Declaration on Friendly Relations and firmly opposes any compromise with terrorism in any form and in any place; and opposes any support or acquiescence by states to terrorist activities.
3. The US is willing to release Lolita Lebron, in consideration of the corresponding release of Lawrence Lunt, and she will not be reincarcerated upon the charges for which she was convicted unless she once again pursues similar activities to those for which she was convicted. The same and reciprocal treatment would be expected of the Cuban Government as applied to the case of Lawrence Lunt.

-- or, as an alternative --

Lolita Lebron has, by her conviction of the activities for which she was charged, forfeited her status as a United States national. She will be released from the performance of the remainder of her sentence, in consideration for the release and delivery of Lawrence Lunt, provided that she be permitted to emigrate and assume residence in the Republic of Cuba.

Enclosure

cc: James A. Wilderotter, Esquire
Associate Deputy Attorney General



JOHN T. WAINWRIGHT

ATTORNEY AT LAW

1707 L STREET, N.W., SUITE 450

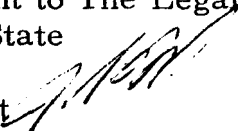
WASHINGTON, D. C. 20036

(202) 223-5065

February 24, 1975

ADDENDUM

To: O. Thomas Johnson, Jr., Esquire
Special Assistant to The Legal Advisor
Department of State

From: Jack Wainwright 

Subject: Response to the Cuban Offer to Free Lawrence Lunt
in Consideration of the Release of Lolita Lebron
(Re: Memorandum of February 20, 1975)

In that Mrs. Lebron was convicted under the subversive conspiracy statute, 18 USCA § 2384 (1964), she has lost her United States citizenship by operation of law and is now without nationality under the terms of 8 USCA § 1481(a)(9) (1964). Evidence of this conviction may be found as reported in Lebron et al v. United States, 22 F2d 531 (C.A. 2d Cir. 1955), which concerns appeal of an adverse judgment rendered by Judge Walsh of the Federal District Court for the Southern District of New York.

Consequently, Mrs. Lebron is currently a stateless person de jure (8 WHIT. Ch. XXI § 9), in accordance with the process of denationalization which had occurred upon her conviction (WHIT. supra § 10). In the treatment of her status there is no violation of any United States commitment



under the Convention on the Reduction of Stateless Persons (signed at New York, August 30, 1961) in that she qualifies under the exception of the applying to those persons, "...convicted of an offense against national security" [Art. II(2)(c)].

This makes finding a solution to this matter immensely easier in that our government is in a position to reply to the Cuban offer of January 14, 1975 to the effect that Mrs. Lebron may be released in consideration of the corresponding release of Lunt, provided that she is permitted to emigrate and to assume residence in the Republic of Cuba.

It would appear that Mrs. Lebron's status took effect upon the date of her conviction but that it would be necessary to serve Mrs. Lebron by letter, with a "preliminary determination" of her loss of nationality which occurred at such time so as to give her an opportunity to appeal to the Department's Board of Review on the Loss of Nationality. In that these Puerto Ricans make no claim to United States citizenship in accordance with their position that the United States has no jurisdiction over them, it would seem unlikely that any appeal would be taken.

THE WHITE HOUSE
WASHINGTON

D-

Send w/memo
to Brent S.

M



SAM STEIGER
3RD DISTRICT, ARIZONA

125 CANNON BUILDING
WASHINGTON, D.C. 20515
202-223-4576

COMMITTEES:
INTERIOR AND INSULAR AFFAIRS
GOVERNMENT OPERATIONS

DISTRICT OFFICE:
5015 FEDERAL BUILDING
PHOENIX, ARIZONA 85023
602-261-4041

Congress of the United States
House of Representatives
Washington, D.C. 20515

January 22, 1975

The Honorable John O. Marsh, Jr.
Counsellor to the President
The White House
Washington, D. C. 20500

Dear John:

You will recall our past conversations about my concern for the plight of my friend Lawrence Lunt who has long been imprisoned in Cuba for activities said to have been conducted upon direction of the CIA. I know that you are also aware of the interest expressed by the Leadership here in the House and of various other Members of the Senate in resolving this situation and in support of the efforts of the Vatican. A letter advising you of this interest is attached.

Last Monday, I am told, the State Department received a communication from the Cubans offering to release Lunt upon condition that Lolita Lebron, a U.S. citizen sentenced to 56 years in prison for participating in the shooting incident of March 1954 in the House Gallery.

This, I understand, is not an offer in the nature of an exchange of prisoners, but rather an offer making Mrs. Lebron's release a condition precedent to their rescinding the remainder of Larry Lunt's thirty-year sentence.

The State Department, I understand, has referred the matter to the Justice Department who are currently objecting that a release of Mrs. Lebron would pervert the criminal justice system.

This matter can be speedily solved by the use of the President's powers of executive clemency in the form of commutation of sentence to the amount already served. This method of release by commutation has no overtures of forgiveness as does a pardon and does not involve the restoration of civil rights. Also, it does not involve the consent of Lolita Lebron and permit her to attach political considerations of her own as does the parole procedure.

January 22, 1975

-2-

John O. Marsh, Jr.

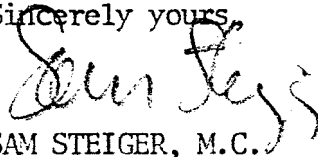
I cannot imagine that there would be serious Congressional criticism to release Mrs. Lebron upon these circumstances. She has now been jailed for over twenty years and her continued detention merely adds impetus to the efforts of the Puerto Rican nationalists.

I can understand why the Justice Department is so cautious, given the dramatic circumstances of this case, but apart from my concern for Larry, I would think it regrettable if this situation should be extended so as to provide an excuse for more disturbances in Puerto Rico -- to say nothing of our relations with Cuba. It would be a pity if the exercise of extreme caution and fear of Congressional criticism should rescind this offer and provide the Cubans and Puerto Ricans of a radical persuasion with an opportunity to make trouble.

From Larry's point of view, his situation as you know is quite desperate. He not only has a family of his own but his mother, I understand, is most gravely ill.

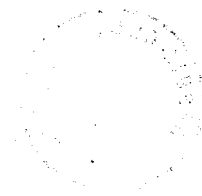
With many thanks for your continued assistance in this tragic matter, I am

Sincerely yours,



SAM STEIGER, M.C.

SS:pk
Enclosure



Congress of the United States

House of Representatives

Washington, D.C. 20515

February 27, 1974

The Honorable Henry A. Kissinger
Secretary of State
Washington, D.C.

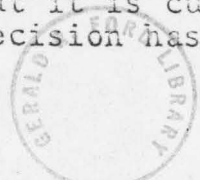
Dear Mr. Secretary:

Congressman Sam Steiger has brought to our attention the tragic situation of his friend, Mr. Lawrence K. Lunt, and of the opportunity currently available to secure the release of this political prisoner.

It is our understanding that the Cuban Government, acting in response to a plea of the Holy Father which was made upon the request of Ambassador Lodge, has officially proposed that the remainder of Mr. Lunt's thirty year sentence, imposed for activities alleged by the Cuban Government to have been undertaken on behalf of the United States, be commuted upon the condition that the Portuguese Government also release Captain Rodriguez Peralta, a Cuban Army officer, convicted on similar charges for activities in Guinea (Bissau) and sentenced in 1972, to ten years imprisonment by a Portuguese Military Court. We are informed that, as the young Cuban officer has been severely wounded, the Cubans are anxious for his return and that they have reiterated this proposal, first made to the Holy See, to both Mr. Lunt's wife and to the Belgian Government.

It appears that Mr. Lunt's position is quite desperate in that, after nine years in prison, he is now over fifty years old and has a wife and three minor children. The prospects of twenty-one more years imprisonment in Cuba do not appear very encouraging; and therefore the successful negotiation of this proposed exchange may be his only opportunity for freedom. Moreover, we understand that his mother in Colorado is hospitalized and is in her final illness.

It is encouraging to know that the Department of State has recently undertaken to persuade the Portuguese Government to participate in this proposal for the sake of the overriding humanitarian considerations involved. We understand that the Portuguese Government has now informed our Embassy in Lisbon that it is currently considering the matter and that no definite decision has yet been made.



The Honorable
Henry A. Kissinger
Page Two

Thus, it is because of our government's obligation to this American citizen that we commend the Department of State for this undertaking and ask that the Portuguese Government be fully and adequately informed as to our concern and that of other Members of Congress. We hope that this matter will be successfully resolved in accordance with our country's friendship and mutual regard for its NATO ally, and that due notice be taken of the urgent humanitarian considerations that are involved. In that this situation has been permitted to drag on since the Cubans first proposed it in 1971, it seems that speedy and effective measures should be taken to resolve it while the opportunity still exists.

With all personal good wishes,

Sincerely yours,

Carl Albert

Carl Albert
Speaker of the House
of Representatives

John J. Rhodes

John J. Rhodes
Minority Leader

Thomas P. O'Neill, Jr.

Thomas P. O'Neill, Jr.
Majority Leader

Leslie C. Arends

Leslie C. Arends
Minority Whip

John J. McFall

John J. McFall
Majority Whip



Cuba Offers Trade: 'Spy' for Prisoner

Associated Press

Cuba has proposed to the United States a prisoner exchange involving the release of an alleged CIA agent for a Puerto Rican nationalist convicted in the 1954 U.S. House of Representatives shooting incident informed sources say.

Under the proposal, Cuba would release Lawrence K. Lunt, a Massachusetts native arrested in June 1965 on charges of espionage and harboring counter-revolutionaries, the sources said. Lunt, now about 50, was sentenced to a 30-year jail term in 1966.

IN EXCHANGE, Cuba has asked for the release of Lolita Lebron, one of four Puerto Rican nationalist who wounded five congressmen in the House chamber on March 1, 1954.

It was understood the proposal has been referred to the Justice Department, but Justice and State Department officials declined comment.

Mrs. Lebron, now about 55, was sentenced to 16 to 50 years in prison on a charge of assault with a deadly weapon. She is an inmate at the federal prison in Alderson, W. Va. Her three male companions were given stiffer sentences on their

convictions of assault with intent to kill.

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One State Department official said that to his knowledge, Lunt was not employed by the CIA or any other U.S. government agency prior to his arrest in Cuba.

THE WHITE HOUSE
WASHINGTON

Lawyer

Jack Wainwright

223-5065

THE WHITE HOUSE
WASHINGTON

January 23, 1975

Brent:

I would like to speak personally with
you about this sometime today.

Jack Marsh


THE WHITE HOUSE
WASHINGTON

January 23, 1975

Phil:

I would like to speak personally with
you about this sometime today.

Jack Marsh



February 6, 1975

Dear Bill:

I have your letter of January 29 in which you advise me of your interest in the Lawrence Lunt case.

As you may know, Sam Steiger is also extremely concerned over the Lunt matter, and has communicated with me in an effort to secure Mr. Lunt's release from imprisonment in Cuba.

For your information, I am advised that the Departments of Justice and State are currently having active discussions on this question. It is my understanding there are several matters these two departments must address which are both delicate and complex.

I do not know what their final position will be, but I appreciate your interest, and we'll keep you advised as the matter progresses.

With all good wishes, I remain,

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Honorable William L. Armstrong
House of Representatives
Washington, D. C. 20515
JOM:rcb



WILLIAM L. ARMSTRONG
5TH DISTRICT, COLORADO

WASHINGTON OFFICE:
223 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-4422

Congress of the United States
House of Representatives
Washington, D.C. 20515

JAN 30 1975

COLORADO OFFICES:
SUITE #736
1450 SOUTH HAVANA
AURORA, COLORADO 80012
(303) 837-2655

106 CASCADE SQUARE
228 NORTH CASCADE
COLORADO SPRINGS, COLORADO 80903
(303) 634-6071

January 29, 1975

Honorable John Marsh
Counsellor to the President
The White House
Washington, D.C.

Dear Mr. Marsh:

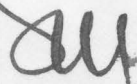
As you may know, I have been following efforts over the past few years to negotiate the release of Lawrence Lunt from imprisonment in Cuba.

According to recent news reports, another exchange possibility exists. If it does, I would appreciate any help you could provide in obtaining Mr. Lunt's release.

In any event, I would greatly appreciate an updating on Mr. Lunt's case.

Many thanks!

Sincerely,



William L. Armstrong

WLA:lq



SAM STEIGER
3RD DISTRICT, ARIZONA

126 CANNON BUILDING
WASHINGTON, D.C. 20515
202-225-4578

COMMITTEES:
INTERIOR AND INSULAR AFFAIRS
GOVERNMENT OPERATIONS

DISTRICT OFFICE:
5015 FEDERAL BUILDING
PHOENIX, ARIZONA 85028
602-261-4041

Congress of the United States
House of Representatives
Washington, D.C. 20515

January 22, 1975

The Honorable John O. Marsh, Jr.
Counsellor to the President
The White House
Washington, D. C. 20500

Dear John:

You will recall our past conversations about my concern for the plight of my friend Lawrence Lunt who has long been imprisoned in Cuba for activities said to have been conducted upon direction of the CIA. I know that you are also aware of the interest expressed by the Leadership here in the House and of various other Members of the Senate in resolving this situation and in support of the efforts of the Vatican. A letter advising you of this interest is attached.

Last Monday, I am told, the State Department received a communication from the Cubans offering to release Lunt upon condition that Lolita Lebron, a U.S. citizen sentenced to 56 years in prison for participating in the shooting incident of March 1954 in the House Gallery.

This, I understand, is not an offer in the nature of an exchange of prisoners, but rather an offer making Mrs. Lebron's release a condition precedent to their rescinding the remainder of Larry Lunt's thirty-year sentence.

The State Department, I understand, has referred the matter to the Justice Department who are currently objecting that a release of Mrs. Lebron would pervert the criminal justice system.

This matter can be speedily solved by the use of the President's powers of executive clemency in the form of commutation of sentence to the amount already served. This method of release by commutation has no overtures of forgiveness as does a pardon and does not involve the restoration of civil rights. Also, it does not involve the consent of Lolita Lebron and permit her to attach political considerations of her own as does the parole procedure.

January 22, 1975

-2-

John O. Marsh, Jr.

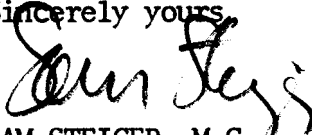
I cannot imagine that there would be serious Congressional criticism to release Mrs. Lebron upon these circumstances. She has now been jailed for over twenty years and her continued detention merely adds impetus to the efforts of the Puerto Rican nationalists.

I can understand why the Justice Department is so cautious, given the dramatic circumstances of this case, but apart from my concern for Larry, I would think it regrettable if this situation should be extended so as to provide an excuse for more disturbances in Puerto Rico -- to say nothing of our relations with Cuba. It would be a pity if the exercise of extreme caution and fear of Congressional criticism should rescind this offer and provide the Cubans and Puerto Ricans of a radical persuasion with an opportunity to make trouble.

From Larry's point of view, his situation as you know is quite desperate. He not only has a family of his own but his mother, I understand, is most gravely ill.

With many thanks for your continued assistance in this tragic matter, I am

Sincerely yours,



SAM STEIGER, M.C.

SS:pk
Enclosure



Congress of the United States

House of Representatives

Washington, D.C. 20515

February 27, 1974

The Honorable Henry A. Kissinger
Secretary of State
Washington, D.C.

Dear Mr. Secretary:

Congressman Sam Steiger has brought to our attention the tragic situation of his friend, Mr. Lawrence K. Lunt, and of the opportunity currently available to secure the release of this political prisoner.

It is our understanding that the Cuban Government, acting in response to a plea of the Holy Father which was made upon the request of Ambassador Lodge, has officially proposed that the remainder of Mr. Lunt's thirty year sentence, imposed for activities alleged by the Cuban Government to have been undertaken on behalf of the United States, be commuted upon the condition that the Portuguese Government also release Captain Rodriguez Peralta, a Cuban Army officer, convicted on similar charges for activities in Guinea (Bissau) and sentenced in 1972, to ten years imprisonment by a Portuguese Military Court. We are informed that, as the young Cuban officer has been severely wounded, the Cubans are anxious for his return and that they have reiterated this proposal, first made to the Holy See, to both Mr. Lunt's wife and to the Belgian Government.

It appears that Mr. Lunt's position is quite desperate in that, after nine years in prison, he is now over fifty years old and has a wife and three minor children. The prospects of twenty-one more years imprisonment in Cuba do not appear very encouraging; and therefore the successful negotiation of this proposed exchange may be his only opportunity for freedom. Moreover, we understand that his mother in Colorado is hospitalized and is in her final illness.

It is encouraging to know that the Department of State has recently undertaken to persuade the Portuguese Government to participate in this proposal for the sake of the overriding humanitarian considerations involved. We understand that the Portuguese Government has now informed our Embassy in Lisbon that it is currently considering the matter and that no definite decision has yet been made.



The Honorable
Henry A. Kissinger
Page Two

Thus, it is because of our government's obligation to this American citizen that we commend the Department of State for this undertaking and ask that the Portuguese Government be fully and adequately informed as to our concern and that of other Members of Congress. We hope that this matter will be successfully resolved in accordance with our country's friendship and mutual regard for its NATO ally, and that due notice be taken of the urgent humanitarian considerations that are involved. In that this situation has been permitted to drag on since the Cubans first proposed it in 1971, it seems that speedy and effective measures should be taken to resolve it while the opportunity still exists.

With all personal good wishes,

Sincerely yours,

Carl Albert

Carl Albert
Speaker of the House
of Representatives

John J. Rhodes

John J. Rhodes
Minority Leader

Thomas P. O'Neill, Jr.

Thomas P. O'Neill, Jr.
Majority Leader

Leslie C. Arends

Leslie C. Arends
Minority Whip

John J. McFall

John J. McFall
Majority Whip



Cuba Offers Trade: 'Spy' for Prisoner

Associated Press

Cuba has proposed to the United States a prisoner exchange involving the release of an alleged CIA agent for a Puerto Rican nationalist convicted in the 1954 U.S. House of Representatives shooting incident, informed sources say.

Under the proposal, Cuba would release Lawrence K. Lunt, a Massachusetts native arrested in June 1965 on charges of espionage and harboring counter-revolutionaries, the sources said. Lunt, now about 50, was sentenced to a 30-year jail term in 1966.

IN EXCHANGE, Cuba has asked for the release of Lolita Lebron, one of four Puerto Rican nationalists who wounded five congressmen in the House chamber on March 1, 1954.

It was understood the proposal has been referred to the Justice Department, but Justice and State Department officials declined comment.

Mrs. Lebron, now about 55, was sentenced to 16 to 50 years in prison on a charge of assault with a deadly weapon. She is an inmate at the federal prison in Alderson, W. Va. Her three male companions were given stiffer sentences on their

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Congress of the United States

House of Representatives

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February 27, 1974

Henry A. Kissinger
Secretary of State

File

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Thomas P. O'Neill, Jr.
Majority Leader

Leslie C. Arends

Leslie C. Arends
Minority Whip

John J. McFall

John J. McFall
Majority Whip



February 28, 1975

MEMORANDUM FOR: BRENT SCOWCROFT
FROM: JACK MARSH

Per our conversation, I am forwarding the attached materials to you for your handling. They concern Lawrence Lunt who is being held prisoner in Cuba.

Thank you for your assistance.



THE WHITE HOUSE
WASHINGTON

Shall I relay the
attached report by
Telephone to Sam
Steiger and Bill
Armstrong?

Yes

No

What about
Wannwright? Yes
No



THE WHITE HOUSE
WASHINGTONCONFIDENTIAL

March 10, 1975

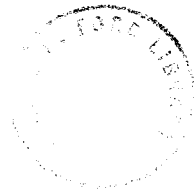
MEMORANDUM FOR: JACK MARSH
FROM: BRENT SCOWCROFT *BS*
SUBJECT: The Lawrence Lunt case

Thank you for the package of materials on the Lunt case.

We continue to follow this closely. The Lebron solution is complicated by the fact that she has refused parole and is insisting on full pardon for herself and her accomplices. Justice and State both believe that it would be a mistake to grant this. There is an understandable concern that her freedom might contribute to a difficult and potentially volatile situation.

Although this solution appears improbable, we are continuing to explore it as well as all other possibilities and remain actively engaged in seeking Lunt's release.

cc: Philip W. Buchen

CONFIDENTIAL

DECLASSIFIED
E.O. 12958, Sec. 3.5
NSC Memo, 11/24/98, State Dept. Guidelines
By *W. H. H.*, NARA, Date *11/28/00*