

SECRET

27 September 1996

MEMORANDUM FOR: Executive Director
Assassination Records Review Board

FROM: John F. Pereira
Central Intelligence Agency

SUBJECT: Reconsideration of Releases in Scelso
Testimony and Lopez Report

(We request that this memorandum be returned to CIA once the Board has completed its deliberations on the issues discussed below.)

1. (S) Issue. This memo is to request that the JFK Board reconsider its decision to release certain information contained in the HSCA testimony of John Scelso and in the Lopez Report. Specifically CIA requests that the phrases "political action program" (pg. 64 Scelso Testimony, pg. 177, 178 Lopez Report); "Mexican police" (pg. 85 Scelso Testimony); and "is exposed by Agee in his book" (pg. 141 Scelso Testimony) be postponed from release. We also offer some suggestions for substitute language which we believe will not detract from the JFK assassination story, yet still protect the information at issue.

I. Mexican Political Action Program

"We were running, at that time, a vast political action program in Mexico City to try to swing Mexico around from its Leftist direction to a middle of the road direction and it succeeded. I don't know whether you informed yourself about the magnitude of our political action program there at the time -- absolutely enormous"

(Scelso, 64; Lopez, pp. 177, 178)

2. (S) From the early 1950's to the mid-1960's, Mexico City Station conducted a political action campaign to minimize leftist influence on and within the Mexican Government. The campaign utilized student groups, a front group of progressive businessmen, and Catholic lay group writers and operatives in political action and media placement efforts. The Station currently does not have a political action program designed to influence Mexican

CL BY 2224130
CL REASON 1.5(c)
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DRV FM LOC 3-82
LIA 3-82, HUM 4-82

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politics, nor has it undertaken such activity anytime in the recent past. Nevertheless, any public confirmation by the U.S. Government of those activities would risk an adverse reaction. Such adverse reaction would impact on current Mexico City Station operations and be harmful to U.S. interests.

WAVE
UNIVISION officers

3. (S) As has been described to the Board in previous briefings by the ~~Mexican~~ branch chief, Mexicans guard their sovereignty carefully. Nothing will infuriate them more than allegations of CIA meddling in their internal politics.

file?

In fact, earlier this year, the Mexican Government postponed a visit to Mexico by the DCI for fear that it might be perceived (and exploited) by the Mexican media and political opposition as the CIA being called in to assist with handling the problem of the Peoples' Revolutionary Army.

4. (S) The fact that the CIA activity to which the Mexicans would object occurred more than 30 years ago will not lessen the reaction. Release of the Scelso comments would risk an adverse reaction from the Mexicans, which would likely include calls for an examination by the Mexican Government of current CIA activities. This could lead to increased scrutiny of Station operations and personnel and could jeopardize our unilateral activities. It could also have a chilling effect on activities conducted jointly with the Mexican services, who will be reluctant to engage in programs that could become subject to public scrutiny and political debate.

*dropped
Tap
statement*

5. (S) Furthermore, the fact that these statements were made by Scelso amounts to an official confirmation of the underlying facts, making it very difficult for CIA to protect the same or similar information from further release in the future. Speculation in books, articles, and other publications, or disclosures by Congress are often perceived by the public as evidence that that information is in the public domain and therefore is no longer classified. The CIA has nevertheless been able to legally protect the information from unauthorized disclosure. The courts have held that because there has been no official confirmation, (i.e. declassification by the appropriate CIA official) the CIA may continue to protect from release ~~the~~ the information at issue even when there has been widespread public discussion on the issue in question.

*dropped
reference
to
FOIA*

6. (S) In this case, should there ^{be} a question raised as to the classification status of documents on the political program referred to by Scelso, it would be difficult to convince a court that such information had not been declassified because of the release by the Board. Scelso was a long-time CIA employee who was in charge of the investigation by the Agency into the assassination of the

*(change
Linn
Jubel (Gunn)*

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President, and his testimony was taken under oath, with the knowledge of the Agency, and in a classified setting. Furthermore, the attached letter to Louis Stokes, Chairman of the Select Committee on Assassination from former Acting DCI Frank Carlucci also indicates that Scelso was acting as an official of the CIA. The DCI states that any classified testimony made by Agency staff before the Committees would be considered "authorized provision" of the information. This was to ensure that "all persons respond fully and truthfully" to the Committee. Carlucci's letter, especially taken together with the first few pages of Scelso's testimony, make it clear that Scelso was speaking as an official of the CIA.

new P

7. (S) A court would, therefore, probably find that Scelso's statements were not just merely speculation by a former Agency employee, but in fact, were official confirmation of the political action program. Anything suggesting official confirmation of classified information would lead a judge to the conclusion that the information at issue had been declassified by the CIA. This would make it very difficult for CIA to continue to protect this information from unauthorized disclosure. When confusion arises as to the classification status of information, it could lead to complicated legal proceedings and protracted and unnecessary litigation at great expense to all parties.

II. Liaison with Mexico

"We did not have any source of Cuban employees. We only had Mexican police"...We had a whole reporting set up there with that, two of them, who watched things like that. (Scelso pg. 185).

8. (S) Release by the Board of Scelso's comments about the Mexican police in conjunction with surveillance coverage of the Mexico City airport could similarly have a chilling effect on our current liaison relationship with the Mexicans. The Station has worked, and continues to work, with liaison against compatible targets, including tracking the arrival and departure at the Mexico City airport of targets of interest. Although the targets have obviously changed since the time that Scelso is speaking of, these surveillance operations are ongoing. The success of these current joint operations could be threatened by any revelation today of Mexican cooperation with the CIA in the past.

9. (S) CIA objects to this release on similar grounds as stated in the prior section - disclosure of the Scelso comments would constitute official acknowledgment by CIA of the assistance provided by Mexican liaison to the Agency. Such acknowledgment could affect not only current operations

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described above, but also result in reluctance by Mexican liaison to provide similar assistance in the future. The Mexican Government would likely be subject to criticism by groups and individuals opposed on nationalism and sovereignty grounds to such close cooperation with the U.S. Government and, even more so, with the CIA. The continued success of CIA cooperation with the Mexicans, whether it be with ~~the President~~, the intelligence service, or ~~the police~~, depends on the fact that those relationships are, and continue to be, secret.

any other
Mexican
government
entity

10. (S) CIA requests that the Board continue to withhold this phrase from release and substitute in "other sources" or something similar to this. Omitting the fact that the airport information was obtained from Mexican counterparts would probably leave the impression that the information was obtained unilaterally. **Although this still presents some risk to national security, it does achieve some level of protection to the Station's equities with liaison.**

III. Phillip Agee

(S) "That is, the variety and number of telephone taps, surveillance teams, photo operations and other technical operations *is exposed by Agee in his book*. That exceeds anyplace else that we had in the world by a lot..." (Scelso, pg. 141)

11. (S) CIA objects to the release of the highlighted phrase because, for reasons described in Section 1, it amounts to official CIA confirmation of the existence of a teltap operation conducted jointly with the Mexicans and with close collaboration with the President of Mexico. As this Board is well aware, CIA has consistently requested, the protection of liaison involvement in this teltap operation. As the Board has agreed with CIA's position on this matter, the only issue is whether this statement reveals what we have agreed meets the criteria for continued protection under the JFK Act.

12. (S) For the Board's convenience, several relevant pages from Agee's book (Inside the Company: CIA Diary) are attached. These pages explain in great detail the teltap operation and the fact that it was conducted jointly between the CIA and the Mexicans. Although such disclosures by former employees are disturbing, they do not amount to official confirmation of the underlying information. Standing by itself, Agee's book can be dismissed by the Agency as speculation, and do not compromise CIA's ability to keep the information classified. Scelso's testimony, however, amounts to official confirmation of Agee's book,

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The Lopez Report

HSCA Summary of Oswald and the CIA
in Mexico City

Warrenton site

p. 44

~~The~~ installation, under Army cover,
is a CIA facility. It is the
Archives for CIA holdings

teltap coverage of 30 lines

p. 54 and others ok

identification of Soviet officials
targetted

p. 56, 71 ok

identification of Cuban officials
targetted

p. 58 ok

political action program

p. 177, 178

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17 May 1996

MEMORANDUM FOR THE RECORD

SUBJECT: Interview with John Whitten (S)

1. On 22 April 1996, from approximately 1000 to 1600, Jeremy Gunn, General Counsel of the JFK Review Board, and I spoke with Mr. John Whitten at the U.S. embassy in Vienna. Gunn conducted the interview by showing Whitten various documents and his prior testimony before the HSCA. Mr. Whitten was eager to help the Board in any way he could and even offered to come to the US if need be. Gunn concluded that it would probably not be useful to take Whitten's deposition at a later date. Although Whitten had in general a good memory, Gunn felt he did not add anything of significance to his prior testimony before the HSCA. After the interview, Mr. Whitten took us to his apartment and then later to a restaurant with his wife. We left Mr. Whitten about 1900. (S)

2. Mr. Whitten was extremely worried and upset about the release of his name and on several occasions in the interview was on the verge of tears. Although I was expecting him to be angry with CIA and the Board, instead, he clearly felt hurt and betrayed. His obvious physical problems add to this feeling of being vulnerable. Physically he is not well; he is paralyzed on his left side and has great difficulty walking. On a map, he pointed out his apartment and indicated what he believed to be serious threats to his safety should his affiliation with CIA become known. Within a block of his apartment, he pointed out the headquarters of the PKK, the Anarchist party and a bar where many Middle Easterners would congregate. He then pointed out these places to us when we went to his apartment. He made it clear that there was no way he could defend himself from any attack. (S)

3. Mr. Whitten also stated that he has been retired for almost as long as he worked for the CIA, and that he has a completely different life now in Vienna. He and his wife have lived in Vienna approximately 25 years. He is a member of various musical and art societies. He sings in a prominent Vienna Men's Choir. He has published various articles on music (his specialty is Johann Strauss). He has received many medals for his work in the arts in Vienna which we saw when we went to his apartment. (S)

4. Mr. Whitten is also greatly worried about the fact that he committed perjury when applying for Austrian residency by stating he worked for the State Department. He believes this

CL BY: 2224130
CL REASON: 1.5(c)
DECL ON: X1
DRV FM: HUM 4-82

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24 April 1996

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20 November 1995

MEMORANDUM FOR: Eleanor Neiman

FROM: Sue A. Burggraf

SUBJECT: Per our telecon, here is a copy of the cable that came in on Friday from Vienna

REFERENCE:

Edit cable

Document displayed with Header, Body, and Footer zones
Categorize cable

Print this cable

CATEGORIES:

ROUTE SUBJECT: RESPONSE FOR JFK ASSASSINATION RECORDS COLLECTION ACT
ROUTE COMMENTS:

S E C R E T 171648Z NOV 95 STAFF

CITE VIENNA 28456

TO: DIRECTOR.

FOR: LIMIT CHIEF/OCC INFO OCC/OSG, CHIEF/PCS, C/EUR/SA, EUR/LGL,
OGC/OSD, OGC/OFLD

SLUGS: WNINTEL

SUBJECT: RESPONSE FOR JFK ASSASSINATION RECORDS COLLECTION ACT

REF: A. DIRECTOR 493642 95 2040015
B. DIRECTOR 493658 95 2040060

TEXT:

1. ACTION REQUIRED: NONE, FYI.

2. ON 14 NOVEMBER 1995, C/O NOBLEHORSE DELIVERED REF TEAR LINE INFORMATION AS REQUESTED. REF IDEN THEN ASKED FOR TIME TO FORMULATE HIS THOUGHTS AND SUBMIT THEM ON PAPER. ALTHOUGH NOBLEHORSE EXPLAINED THAT WE WOULD PREFER HE PASS THE RESPONSE DIRECTLY TO C/O, HE WAS APPARENTLY SO ANGERED OVER THE CONTENTS OF REF, THAT HE LATER TRIED TO CONTACT BERT MILLS DIRECTLY AND WITHOUT SUCCESS. ON 15 NOVEMBER, REF IDEN PROVIDED THE FOLLOWING RESPONSE IN WRITING, WHICH IS BEING POUCHED TO HQS VIA TM 902-825:

NOV 14, 1995

TO BERT MILLS:

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SECRET

I OBJECT VIOLENTLY TO THE REVELATION OF MY NAME REGARDLESS OF THE LAW. HERE ARE SOME REASONS:

1. I EMIGRATED TO AUSTRIA TWICE, FIRST IN 1971 AND AGAIN IN 1983. BOTH TIMES I HAD TO FILL OUT AND SWEAR TO LENGTHY FORMS ABOUT MY BACKGROUND. I USED MY RETIRED ~~STATE COVER~~ BOTH TIMES, THEREBY COMMITTING PERJURY TWICE UNDER ~~AUSTRIAN LAW~~. MY OLD FRIENDS IN HIGH PLACES WHO MIGHT HAVE BEEN ABLE TO PROTECT ME HAVE ALL RETIRED OR, EVEN MORE, DIED. AUSTRIAN JUSTICE IS NOTORIOUSLY IMMUTABLE. DO YOU WANT ME TO GO TO JAIL?

2. LIVING SINCE RETIREMENT IN AUSTRIA FROM 1971 TO 1980 AND FROM 1983 TO THE PRESENT, I HAVE ACHIEVED HIGH POSITIONS IN VIENNA'S MUSICAL BODIES, BOARD OF DIRECTORS OF THE JOHANN STRAUSS SOCIETY AND VICE PRESIDENT OF THE VIENNA MEN'S SINGING SOCIETY, AND I AM PERSONALLY KNOWN TO SEVERAL RECENT AUSTRIAN PRESIDENTS, MANY REPORTERS AND RADIO FIGURES. I SUFFERED A DISABLING STROKE IN DECEMBER 1993 AND MY WIFE AND I, BOTH 75, CAN CONTINUE TO EXIST HERE BECAUSE OUR 2000 SQ. FT. APARTMENT IS WITHIN WALKING DISTANCE OF 2 POST OFFICES, SEVERAL SMALL SUPER MARKETS, MY FAMILY PHYSICIAN, OUR DENTIST, MY UROLOGIST, AND AN EYE DOCTOR AND OPTICIAN. WE ARE WITHIN WHEEL CHAIR DISTANCE OF THE CONCERT HALLS AND THE OPERA. WHERE CAN YOU DUPLICATE THIS FOR ME?

3. DURING MY ACTIVE CAREER IN VIENNA AROUND 1959 I INTERROGATED AND BROKE AN INTELLIGENCE SWINDLER WHO HAD BEEN A NAZI ASSASSIN. I PROMISED HIM SECRECY IF HE CONFESSED, BUT THE US ARMY PUT OUT A "BURN NOTICE" ON HIM, FORCING HIM TO MOVE TO GERMANY. I AM SURE HE WOULD LOVE TO FIND ME AND SHOOT ME.

4. VIENNA IS FULL OF ISLAMIC TERRORISTS. THERE HAVE BEEN SEVERAL ASSASSINATIONS, EVEN OF A CITY COUNCILMAN, BY THEM IN RECENT YEARS. UNDER AUSTRIAN LAW, I, AS A FOREIGNER, CANNOT EVEN GET A PISTOL LICENSE. YOU MUST KNOW ABOUT THE KIDNAPPING AND KILLING OF OUR COLLEAGUES AROUND THE WORLD.

4. I HAVE TWICE TESTIFIED BEFORE HOUSE AND SENATE COMMITTEES ABOUT THE KENNEDY ASSASSINATION. THEIR FULL REPORTS SIMPLY CALLED ME THE "DESK OFFICER" AND THAT HAS SEEMED TO SATISFY EVERYONE. NEEDLESS TO SAY, IF YOU DO EXPOSE MY NAME, I WILL NOT EVER TALK TO ANY JOURNALISTS OR SO-CALLED HISTORIANS.

5. IF MY NAME IS EXPOSED, I WILL OBVIOUSLY HAVE TO LEAVE VIENNA, WITH THE WHOLE HOUSE FULL OF FURNITURE, PICTURES, LIBRARY, CLOTHING, ETC. WHICH I PACKED AND PAID TO HAVE MOVED OVER HERE IN 1983. BECAUSE OF MY STROKE, I WILL BE UNABLE TO DO ANY PACKING AND THE MOVE WILL BE VERY EXPENSIVE. WHERE CAN I RESETTLE IN A 2000 SQ FT. APT. SO CONVENIENTLY LOCATED.

6. MY WIFE AND I LOVE LIVING HERE FOR MANY REASONS, AND LEAVING WOULD BE A CRUEL AND NEEDLESS FATE.

7. I REGARD THIS LAW AS DISHONORABLE AND UNWORTHY OF THE UNITED STATES OF AMERICA. IF YOU DECIDE AGAINST ME, I WANT TO APPEAR BEFORE THE BOARD AND EVEN THE PRESIDENT, WHOM I HAPPEN TO ADMIRE. I WILL PAY MY OWN WAY BACK TO DO SO. I SERVED IN WWII AND NEVER SPARED MYSELF; IN THE OUTFIT I WORKED HARD, WAS FEARLESS IN DEALING WITH MY SUPERIORS (CORD MEYER AND DICK HELMS CAN TESTIFY TO THAT) AND MY ADVERSARIES. I WOULDN'T EVEN THINK OF THREATENING TO EXPOSE THINGS TO PRESSURE YOU. I WILL BE EMPLOYING AN ATTORNEY OR TWO, FAMILIAR WITH OUR AFFAIRS, TO REPRESENT ME. I WILL NOT DENY, THAT I CONSIDER YOU AND EVERYONE ELSE IMPLEMENTING THIS LAW TO BE ENGAGING IN DISHONORABLE CONDUCT, UNWORTHY OF OUR GOVERNMENT SERVICE.

SECRET

SECRET

1. SAW SUBJ IN HIS APT NOV 14. CORDIAL
2. REASONS: SUBJ HAS EMIGRATED PRIVATELY TO AUSTRIA TWICE, 1971 AND 1983, USING RETIRED **STATE COVER** ON SWORN AUSTRIAN FORMS THUS COMMITTING PERJURY TWICE BY AUSTRIAN LAW. HIGH OFFICIAL HERE WHO COVERED FOR HIM NOW DEAD. WOULD FACE SCANDAL TRIAL, JAIL, AND DEPORTATION.
3. SUBJ PROMINENT IN LOCAL MUSIC CIRCLES, RADIO, TV, AND POLITICS AND MILITARY, GREAT SCANDAL POTENTIAL.
4. SUBJ INVESTED 50 THOUSAND DOLLARS IN APT AND WOULD LOSE IT IN HURRIED DEPARTURE, PLUS EXPENSE OF MOVING EFFECTS TO Z1, AND OWN FARES.
5. SUBJ NOW 75 HAD CRIPPLING STROKE DEC 93. WIFE ALSO 75 ABLE TO CARRY ON BECAUSE STORES, DENTIST, DOCTOR, UROLOGIST OF SUBJ, POST OFFICE ALL IN WALKING DISTANCE OF APT. CANNOT DUPLICATE THIS IN Z1.
6. SUBJ WOULD BE ENDANGERED BY ISLAMIC GROUPS HERE WHO HAVE ASSASSINATED SEVERAL INCL ONE CITY COUNCILMAN. EMBASSY GETS THREATENING PHONE CALLS. AS FOREIGNER SUBJ DENIED AUSTRIAN PISTOL PERMIT. SUBJ ALSO ENDANGERED BY FORMER NAZI ASSASSIN AND INTEL SWI NDLER HE INTERROGATED AND BROKE 25 YEARS AGO, PROMISING HIM SECRECY; BUT US ARMY PUT OUT BURN NOTICE, FORCING NAZI TO MOVE TO GERMANY.
7. SUBJ HAS TESTIFIED FULLY BEFORE HOUSE AND SENATE COMMITTEES, TERMED "DESK OFFICER," OWN ROLE MINOR. ALTHO PUT IN CHARGE OF AGENCY INVESTIGATION BY HELMS THEN DDO, HIS WORK WAS SABOTAGED BY ANGLETON WHO WITHHELD HUNDREDS OF BEST FBI REPORTS AND CONFERRED DAILY WITH FBI WITHOUT PRESENCE OF SUBJ, ALL IN FLAGRANT VIOLATION OF HELMS ORDERS.
8. SUBJ AVERS HE WILL NEVER THREATEN TO EXPOSE AGENCY. EVEN IF SURFACED WILL DENY EVERYTHING.

4. FILE: 785-120-034.
CL BY: 618711
CL REASON: 1.5(C)

DECL ON: X1
DRV FROM: HUM 4-82.

END OF MESSAGE

SECRET

CC:

SECRET

EYES ONLY

INTERNAL USE ONLY

SECRET

Nov 14, 1994

CL BY:

618711

CL REASON:

1.5 C

DECL ON:

X1

DRV FROM:

HUM 4-82

To Bert Mills:

I object violently to the revelation of my name regardless of the law. Here are some reasons:

1. I emigrated to Austria twice, first in 1971 and again in 1983. Both times I had to fill out and swear to lengthy forms about my background. I used my retired State cover both times, thereby committing perjury twice under Austrian law. My old friends in high places who might have been able to protect me have all retired or, even more, died. Austrian justice is notoriously inmutable. Do you want me to go to jail?

2. Since retirement in Austria from 1971 to 1980 and from 1983 to the present, I have achieved high positions in various musical bodies, Board of Directors of the Johann Strauss Society and Vice President of the Vienna Men's Singing Society, and I am personally known to several recent Austrian Presidents, many reporter and radio figures. I suffered a disabling stroke in December 1993 and my wife and I both 75, can continue to exist here because our 2000 sq. ft. apartment is within walking distance of 2 post offices, several small super markets, my family physician, our dentist, my urologist, and an eye doctor and optician. We are within wheel chair distances of the concert halls and the opera. Where can you duplicate this for me?

3. During my active career in Vienna around 1959 I interrogated and broke an intelligence swimmer who had been a Nazi assassin. I promised him security if he confessed, but the US Army put out a "bun notice" him to move to my. I am sure

SECRET

CIA
INTERNAL USE ONLY

1. SAW SUBJ IN HIS APT NOV 14, CORDIAL.
2. SUBJ HAS ~~PRE~~ WRITTEN PLEA **TO REMAIN UNDER COVER**
 2. REASONS: SUBJ HAS EMIGRATED ^{PRIVATELY} TO AUSTRIA TWICE,
 1971 AND 1983, **USING RETIRED STATE COVER ON**
 SWORN AUSTRIAN FORMS THUS COMMITTING PERJURY
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