

EE

DISPATCH		CLASSIFICATION SECRET	DISPATCH SYMBOL AND NO. EGOA-9215
TO INFO	Office of General Counsel ATTN: [] EE		HEADQUARTERS FILE NO. []
FROM	Chief of Station, Germany	DATE	29 March 1960
SUBJECT	Operational [] [] [] Lajos Schmidt of Baker, McKenzie & Hightower	RE: "43-3" - (CHECK "X" ONE)	
		<input type="checkbox"/> MARKED FOR INDEXING	<input checked="" type="checkbox"/> NO INDEXING REQUIRED
ACTION REQUIRED		<input type="checkbox"/> INDEXING CAN BE JUDGED BY QUALIFIED HQ. DESK ONLY	
<p>REFERENCE(S) EGOW 1396, 14 March 1960 <i>orig. by OGC</i></p> <p>1. The Reference states that the Subject has been granted a Covert Security Clearance. The clearance granted, however, is so qualified as to make it impractical to meet Schmidt, much less utilize him. <u>We request that you ask KUSODA to cancel the clearance.</u></p> <p>2. As you know, it has been our practice to try to clear individuals for use in advance of actual need. As the representative for Europe of one of the most prominent American law firms operating abroad, Schmidt appeared to be a likely candidate for a variety of then unforeseen uses. <u>The Covert Security Clearance granted, however, becomes invalid if his services are not utilized within six months and his services are to "be utilized only when deemed absolutely necessary".</u> KUSODA may define "absolutely necessary" differently than I, but I have yet to recall a case in which the services of a given lawyer were "absolutely necessary".</p> <p>3. The caveat of paragraph 2 b of the Reference contributes nothing to our understanding of exactly how he might be used and appears to be a truism of covert operations. The recommendation in paragraph 3 of the Reference, i.e., that "due caution should be exercised to insure that he does not cause KUBARK any embarrassment" is, we assume, directed at his potential for embarrassment rather than our general lack of due care, but wherever it is directed, it appears to divest KUSODA with the ability to say "I told you so" in the event of a flap. We strongly suspect that this potential is always there but this clear forewarning makes it a bit too much so. All in all we regretfully request that you cancel this one out.</p> <p style="text-align: center;">[]</p> <p>Distribution: 3 - OGC 2 - EE</p>			
<p>DECLASSIFIED AND RELEASED BY CENTRAL INTELLIGENCE AGENCY SOURCE METHOD EXEMPTION 3B2B NAZI WAR CRIMES DISCLOSURE ACT DATE 2006</p>			
FORM 53b 10-67 (40)	USE PREVIOUS EDITION. REPLACES FORMS 51-28, 51-28A AND 51-29 WHICH ARE OBSOLETE.	CLASSIFICATION SECRET	<input type="checkbox"/> CONTINUED

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