

THE WHITE HOUSE

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SECURITY CLASSIFICATION APPEALS PANEL.

E.O. 13526, SECTION 5.3(b)(3)

ISCAP No. 2010-009, document 10

Dear Mr. Chairman:

This is in response to your letter of January 22, 1976, requesting that your staff be permitted to see the minutes of a November 6, 1970 National Security Council meeting called to discuss policy options with respect to Chile. Your letter indicates that the Select Committee feels this is essential "to complete its inquiry into U. S. involvement in Chile, and the assassination question."

Unlike the NSC materials previously provided to the Select Committee in these and related areas, the record of the November 6, 1970 meeting -- actually entitled "Memorandum of Conversation - NSC Meeting - Chile (NSSM 97)" -- is in fact a virtually verbatim transcript of a candid discussion of policy options between the President and his closest advisers, including the Vice President, the Secretary of State, the Secretary of Defense, the Assistant to the President for National Security Affairs, the Director of Central Intelligence, the Director of Emergency Preparedness, and others. As such, the Memorandum of Conversation is in that category of materials Constitutionally protected against disclosure to another branch of government. Consequently, I am unable to accede to your request that Select Committee staff be permitted to review the Memorandum of Conversation.

Committee staff members have informed us that they are particularly interested in any reference in the minutes of this meeting to an assassination of Allende. I can assure you that there is no statement of any kind in these minutes which could be interpreted as a reference to any assassination of Allende.

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There is, however, a document prepared for the use of the Director of Central Intelligence in briefing this NSC meeting which refers to the assassination of Army commander Rene Schneider. We are prepared to make this briefing paper available to appropriate Committee staff on the understanding that there will be no release or disclosure of the information without our permission.

As you know, National Security Decision Memorandum No. 93, a copy of which has been provided to the Committee, reports the decisions reached at the November 6, 1970 NSC meeting.

Very truly yours,

Philip W. Buchen
Counsel to the President

The Honorable Frank Church
Chairman
Select Committee to Study Governmental
Operations With Respect to
Intelligence Activities
United States Senate
Washington, D. C. 20510