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COLBY, WILLIAM E.
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P/ Intelligence Wty
(K, S, L, H, M, B, 13 Oct 75
March, Rumsfeld)

S (Argued that Atty Gen should not oppose ~~the~~ NSA surveillance)

P Dir. case of tele. taps for a particular embassy you sign each one. For NSA, you would sign a general one that it is within a law

L Yes, but I think it should be periodically reviewed

S Question is whether Atty Gen should rule on surveillance. JFK Act 5 (g) (2) (D) cases in issue of Atty Gen ruling on overseas surveillance.

C The technology is advancing so fast that phone calls could be tapped overseas for call bet. Wash + Rich.

L 2nd circuit has held that eavesdropping on Am. abroad is a violation.

R I would think Pres would want Atty Gen involved in periodic review so he would know what might come up in a paper.

S The articles in a paper today result from Presidentially directed press.

K What is in a paper today results from us dumping exact quantitative figures on a matter. The paper has put out we have broken an Egyptian code - it has been known. I think rather than just say a law is filed we should try to educate - commit to the realities of a world + our national security needs.

L Over a century, a committee are moving, but in a crossing direction. We may need a statute but we have to be careful about our practices as we prepare our case

P I think trying to get a statute could be a disaster

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in today's environment. Maybe a statute in a year or so, but now will just have to use guidelines.

K Does Ed want to appear only U.S.A. op.

L I think we have to have some guidelines, perhaps as % of incidental US traffic overheard.

S I do. We can work out guidelines. I am worried about a Atty Gen being the biggest intel officer justice proposes.

P Let's have State, Dep, CIA draw up guidelines and then submit it w/ Atty Gen.

B Church is ready on asstr report. They will let me review a document for security & sensitivity, but not on a merits or a case. We don't want to get you in position of resp. for a report. They won't let us edit it or approve it.

P I guess on a mutual basis they would handle it as carefully as we have.

Sc. If they publish a report at all it is irresponsible.

K If these things get put out, senior officials will stop speaking frankly and foreign govt will wonder about their ability to work w/ us confidentially.

P I think this is a more highly sensitive area than any we have had.

C Any document which officially shows US involvement in asstr is a F-P disaster.

P I never assumed they had a right to publish any of this.

L There is no legal way we can prevent it.

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P I don't know what the letters of transmittal was, but I said they had to handle these certain documents as we had - and we released none.

M Once they have a document, a speech & debate clause means there is no way we can prevent its release.

K The main element in these investigations is the turning over of documents. During the Curtis, etc, there was testimony but it did not involve all documents involved.

(Were discussion on this point)

P B The vote was wanted on a certain date

B We agreed that we would object to any report but that we would review ~~an~~ a document for a most damaging quotations. It was apparent that we wouldn't get a vote in a vote not to publish a report.

M The vote has reported with pass over a number of quotations. We agreed to do that except in context

P I think we should review it and then say it is not in such interest to release it at all.

S C We can send any letter we want following a review.

P I think we should review w/a tough eye and then say the document shouldn't be released, but if they determined, then some areas are more damaging than others.

K I think we have a proposed cert. issues which I think we have to face + establish some focus around this issue as a court has let's remember them open.

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- B All we are fighting is official information of material which is already widely known. This is not a good reason on which to go to court.
- P I don't want to be any part of their publishing material like this. If they want to do that, it's their resp.
- B That is position we have taken.
- P We have to say very strongly we oppose report, but that there are some more damaging than others.
- M Let's get to the other issues.
- C Church is receiving a lot of press preliminary covered info. value to making them public - for revelation. They also want to go into sensitive current ops. One of them is Cuba, w/ a possible threat to Korea; Congo, w/ threat to Thailand, Laos, Indonesia, Chile. Peto wants to get into Portugal & Angola. We already get info from country of Portugal. We ~~know~~ ^{know} Peto & the others on Angola. I think we do but he has 2 questions - was a decision making really seriously done. The other is ~~is~~ ^{is} ~~the~~ ^{the} ~~also~~ ^{also} Angola meet a participation of secret & with security.
- P I think in a world without they should stay away from current ops.
- R If any Centre has right to participate in Pres' participation, we are in another legal less retention.
- C The same rule is about of trans. They have asked

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- for all records have relation of Power, and
ITT & If we acknowledge relationship, we will
kill the integrity & our ability to place agents & get
copy. We would prefer avoiding to write only areas
where there may be a question of propriety.
- K. We will have a monumental job getting any company to
copy w/ us in the future.
- C. True, but if an allegation of impropriety, we can't say
we'll defend that.
- M. (True discussion of - Angolan issue)
H. Yes, you are right.
- K. There is one issue apparently pertaining to State-
promoting junior personnel to testify as to policy
manipulation. The danger is that junior would
use this to get at their seniors who attended them as
for a couple of months harass them for decision
they made. To do otherwise would weaken F.S.
This to me is a question of absolute principle. It is
like the oath against public ^{into} ~~secret~~ ~~document~~ ~~charters~~.
- K. Before we get into this on emotion, I think we should
go thru a Boyart letter & remove those parts which
do contain names & policy. The State has a
strong special charter & I think it is wrong to
decide ourselves. If it is going into litigation, I think
we should see if we cannot sanitize & document.
- K. The basic point of dissent was on to prove a embassy
in Ankara had a predilection for - fronts & thus didn't
~~was~~ better to - dish officers.
- S. Seems to me you are saying there is a principle
involved - that is, a right of junior officers to get

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to the Secy w/o fear of being exposed.

K. You have a strong public position now, but I think it will weaken when the letter becomes known, because 90% of a document is a recitation of fact.

Lyons: The question is not one of importance - it is how important to let it happen - but what is a legal handle on it. I have to think we are weak.

S. State is deep. Take Britain, where a bureau in alliance w/ Casey can strangle a Secy.

R. I am concerned about - integrity of C.F.S. It takes us 15 yrs. to recover from the Century.

P. If Boyatt was up there testifying what happened day by day, what would you say?

K. I'd have no plot.

L. ~~There~~ There is no doubt State & Def have prepared position, but I'm trying to preserve it for you & that means a long one can which ticks it.

P. There are 2 issues: one is the sanctity of a closed channel & ~~second~~ other is testifying as to a fact. If you say a letter is acceptable. w/o having read a memo, I would say we strengthen our case if we cut out irrelevant material in a memo.

L. I think it is foolish to imagine this case into what you want it to be. When a document gets printed in a paper I think you will wonder whether this is a case on which to make an case.

W. ~~thing which would be~~ ~~is possible that Boyatt~~

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wright agree to release

P From lawyer point of view, what do you recommend

L Review of document to check for any sensitive matter + give a quote what is left, if there is sensitive information. Then we in a strong position to defend the issue

K What is your position about giving of your testimony on opinion

L# That's tough. Don't know how you can hold it

R You have to depend that on political not legal ground.

P I think we have a defensible position if we send a cert. to a former officer w/ a division of testimony.

M I agree w/ strong position ~~on~~ w/ respect to oversight controls. But this is a special case + circumstance

P I think we want a compensation where in a law + as/c public we can win. We ought to find a case which will give us both of those. How we handle this case ~~has~~ ^{ought} to fall w/ in those parameters. Our witnesses I think are on a cert track + should stand. On a memo, I think we should take a best bet.

K Two FSO's have written letters, as have 10 retired people like George Kennan, etc.

P Let's see if we can separate a fact from opinion

R Except from your initiative + dissent principle.

Many dissents are based on a ~~single~~ ^{single} assertion that a Secy doesn't believe facts. (over)

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Doesn't Harvard depending on document by
providing a summary file?

L: Might be.

K: That I would do only in context of saying
these are all the contrary views expressed to
me.

P: Let's look at all these options & see where we
go.

K: If I am asked to do it. I'll do it, but I
think this is a profound issue of foreign
policy & a foreign travel. We are exceedingly
to a certain point & arguing only on
fact.

P: But contrary is that if you get a hard case
& lose it you have done ^{an irreparable} ~~some~~ damage

K: That is true.

P: I think we can confront them & win if
we have the right case.

R: I think we better offer a potential cooperation
than a by and by one (other matters).

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