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FORD, GERALD R.
KISSINGER, HENRY A.
COLBY, WILLIAM E.
CIA
CHURCH COMMITTEE
SCOWCROFT, BRENT
ASSASSINATIONS, FOREIGN LEADERS
BUCHEN, PHILIP

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178-10004-10314

P/ Intelligence Wty
(K, S, Schae, Lynn, Baker, 13 Oct 75
Marsh, Rumsfeld)

Classified

(NSA)

(Wty under way)
S (Argued that Atty Gen should not oppose surveillance)

P In a 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) also an 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 overhearing 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 divulging exact parameters of national ex. c. com. The paper has just said we have broken Egyptian code - it has been blown. 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 One country, c. com. are moving, but in a wrong direction. We maybe 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 agree only N.S.R. opn.

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

S ~~Do~~ We can work out guidelines. I am worried about a Atty Gen being the biggest intel officer factors proposed.

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

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

P I guess it's mutual on basis they would handle it as carefully as we have

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

K If those things get put out, senior officials will stop speaking freely and foreign govt will wonder about this 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 asstn 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 were, 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 new element in this investigation is the turning over of documents. During the Gandy, etc, there was testimony, but it did not involve all documents involved.

(More discussion on this point)

P: The vote was wanted on a certain date

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

M: The vote has reported us to pass over a series 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: 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, that some areas are more damaging than others.

K: I think we have a proposed secret. issues article. I think we have to face + establish some fences around the issue as a court has let the transmitters then give.

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- B. All we are fighting is official information of material which is already widely known. This is not a good issue 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 a report, but that there are some more damaging than others.
- M. Let's get to the other issues.
- C. Church is running a lot of cover primarily cover up a matter to making them public - for dissemination. They also want to go into sensitive current ops. One of these is Cuba, and a possible threat to Korea; Congo, w/ threat to Thailand, Laos, Indonesia, Chile. Peko wants to get into Portugal & Angola. We think have turned off Portugal. We ~~think~~ ^{think} Peko & the others on Angola. I think we do but he has 2 questions - was a decision making really seriously done. The other is ~~is the other~~ ^{Angola} meet a paraphrase of essential & with security.
- P. I think in a world without they should stay away from current ops.
- K. If any state has a right to protection & Pres' certification, we are in another legal situation.
- C. The same job is that of trans they have asked

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- for all records from relation of Penetration, brief
- ITT & If we acknowledge relationship, we will kill the ingenuity & our ability to place agents & get away. We would prefer revealing & to write only areas where there may be a question of impropriety.
- K. We will have a monumental job getting any company to stop w/ us in a future.
- C. True, but if an allegation of impropriety, we can't say we'll defend that.
- M. (More discussion of - Congo issue)
- K. Here, you are right. There is one issue apparently pertaining to State permitting junior personnel to testify as to policy formulation. The danger is that juniors would use this to get at their seniors who attended them as face events & hindered business then for decisions they made. To do otherwise would work a F.S. This to me is a question of absolute principle. It is like the earth against people ^{who} depend themselves.
- L. Before we get into this on location, I think we should go thru a Bergart letter & remove those parts which do contain names & policy. The letter has a strong special character & I think it is wrong to discuss ourselves. If it is going into litigation, I think we should see if we cannot rewrite & document.
- K. The basic point of dissent was on the part of embassy in Athens had a predilection for - private & thus didn't ~~have~~ letter to - desk effects.
- 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 a Secy w/o fear of being exposed.

L. 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. There ~~is~~ think we are weak.

S. Still in dip. To the future, where a bureau in alliance w/ Cong can stop a Secy.

R. I am concerned about integrity of C.F.S. It took 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 plots.

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 does it.

P. There are 2 issues: one is the sanctity of a document channel to ~~some~~ cable is testifying as to a fact. Henry says a letter is acceptable. W/o having read a memo, I would say we strengthen our case if we cut out extraneous material in a memo.

L. I think it is fanciful 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 or which to make

an case.
U. ~~of~~ ~~which~~ ~~would~~ ~~be~~ ~~it~~ ~~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 decide parking & sensitive matter & give a route what is left, if there is sensitive elements, then we in a strong position to defend & issue

K What is your position about giving of private testimony opinions

L# That might - 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 secret doc & a former officer w/ a division of testimony

M I agree w/ strong position ~~we~~ w/ respect to oversight center. But this is a special case & circumstance

P I think we want a compensation where in a law & w/c public we can work. We ought to find a case which will give us both of those. How we handle this case ~~has~~ ^{ought} to fall w/ in these parameters. Our witnesses I think are on a secret track & should stand. In a name, I think we should take a bet at

K 200 F-50'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 initial & dissent principle.

Many dissents are based on a ~~secret~~ ~~assertion~~ that a Secy doesn't believe a fact. (over)

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David: How about expending the amount by providing a summary of it?

H: Might be.

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

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

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

P: But contrary is that if you get a hard case & lose it you have done ^{what possible} ~~what possible~~ 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 ad hoc / other events.

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