

Agency Information

AGENCY : KISS/SCOW
RECORD NUMBER : 178-10004-10314
RECORD SERIES : SCOWCROFT MEMCONS, HANDWRITTEN
AGENCY FILE NUMBER : OCTOBER 1975

Document Information

ORIGINATOR : WH
FROM : SCOWCROFT, BRENT
TO : [Restricted]
TITLE : P/INTELLIGENCE MTG 13 OCT 75

Released under the John F. Kennedy
Assassination Records Collection Act of 1992
(44 USC 2107 Note). Case#:NW 88608
Date: 03-18-2025

DATE : 10/13/1975
PAGES : 8

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

DOCUMENT TYPE : NOTES
CLASSIFICATION : Secret
RESTRICTIONS : 1B; 1C
CURRENT STATUS : Redact
DATE OF LAST REVIEW : 08/12/1993

OPENING CRITERIA :

COMMENTS : Participants: Ford, Kissinger, Schlesinger, Levi, Lynn, Colby, Buchen, Marsh, Rumsfeld, Scowcroft, Raoul-Duval. Handwritten notes. For typed transcript see ID# 1781000410302.

Released under the John F.
Kennedy Assassination Records
Collection Act of 1992 (44 USC
2107 Note). Case#:NW 88608
Date: 05-01-2023

(Wty. endorsement)

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

NSA

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

P In a case of tele. taps for a particular embassy you sign to have. For NSA, you would sign a good one that it is within law

L Yes, but I think it should be periodically renewed

S Question is whether Atty Gen should rule on surveillance

Re: FER (Oct 55) (S) (L) (D) (S)

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 an 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 Presidential directed press

K What is in a paper today results from us dumping vast quantities of material on a writer. The paper has put out and we have broken Egyptian code - it has been blown. I think rather than just say a law is felt we should try to educate courts to the realities of a world & our national security needs

L Once a country, a courts are moving, but in a country direction. We maybe need a statute but we have to be careful about our practices as we prepare a case

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

~~SECRET~~

Photocopy
 from
 Gerald R. Ford Library

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 NSA 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 City Council being the biggest intel piece factory anymore.

P Let's have State, Dep, CIA draw up guidelines and then deliver it w/ City Council.

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

P I guess it's a matter of how 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 frankly 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 assets is a F-P disaster.

P I have assumed they had a right to publish any of this.

L There is no legal way we can prevent it.

~~SECRET~~

Photocopy
from
Gerald R. Ford Library

P I don't know what the letters of transmittal was, but I said they had to handle these as a document 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 these investigations is the turning over of documents. During the Galt, etc, there was testimony, but it did not involve all documents involved.

(Were discussion on this point joined)

P The vote was wanted on a certain date

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

M The vote has reported us to pass on a list of provisions. We agreed to do that except in context.

P I think we should review it and then say it is not in much 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, then some areas are more damaging than others.

K I think we have a proposed secret review which I think we have to face + establish some fences around the area as a country has to take some steps.

~~SECRET~~

Photocopy
from
Gerald R. Ford Library

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 it, 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 previously covered w/o value to making them public - for dissemination. They also want to go into sensitive current ops. One of these is Cuba, w/ a possible threat to Korea; Congo, w/ threat to Thailand, Laos, Indonesia, Chile.

Pete wants to get into Portugal & Angola. We think have turned off Portugal. We ^{liked} turned off Pete & Doc Elzy on Angola. I think we ~~ok~~ but he has 2 questions - was a decision making really seriously done. The other is ~~is~~ does Angola meet a participation presented to with security.

P I think in a real interest they should stay away from current ops.

K If any Centre has a right to participation & Pres' certification, we are in another hellish situation.

C The same problem is that of trans. They have asked

~~SECRET~~

Photocopy
from
Gerald R. Ford Library

- for all records from relation of Pombo, brief
ITT & If we acknowledge relationship, we will
kill the ingenuity & our ability to place agents & get
copy. We would prefer avoiding the critically areas
where there may be a question of ingenuity.
- K. We will have a monumental job getting any copy to
copy w/ us in a future.
- C. True, but if an allegation of ingenuity, we can't say
we'll defend that.
- W. (More discussion of - Angola issue)
H. you are right.
- K. There is one issue apparently pertaining to State-
permitting junior personnel to testify as to other
recommendations. The danger is that juniors will
use this to get at their seniors who attacked them as
for a couple of bad cases because they for division
they made. To do otherwise would weaken F.S.
This to me is a question of absolute principle. It is
like the oath against people ^{who} depend themselves.
- A. Before we get into this one another, I think we should
go to the Bayard letter & remove that part which
is contain names & policy. The letter has a
strong special character & I think it is wrong to
delete ourselves. If it is going into litigation, I think
we should see if we cannot save it & document.
- K. The basic point of dissent was more to point a embassy
in actions had a predilection for a growth & then check
the bottom to a dash effects.
- S. Seems to me you are denying there is a principle
involved - that is, a right of junior officers to get

~~SECRET~~

Photocopy
from
Gerald R. Ford Library

to a Secy w/o fear of being exposed.

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

Layman: The question is not one of intent - it is how intent to let it happen - but what is a legal handle on it. There is a risk we are weak.

S. State is deep. To the Interior, where a bureau in alliance w/ Cong can strangle a Secy.

K. I am concerned about - integrity of F.S. It took us 15 yrs. to recover from the Century.

P. If Bayall was saying that testifying what happened day by day, what would you say?

K. I'd have no problem.

L. ~~But~~ There is no doubt State & Def have preferred position, but I'm trying to preserve it for you & that means a lawyer one can attack it.

P. There are 2 issues: one is the sanctity of a closed channel & ~~someone~~ ~~another~~ is testifying as to a fact. Having said a letter is acceptable. W/o having made a move, I would say we strengthen our case if we cut out superfluous 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 a case.

W. ~~It is~~ ~~very~~ ~~likely~~ ~~that~~ ~~Bayall~~ ~~is~~ ~~possibly~~ ~~that~~ ~~Bayall~~

~~SECRET~~

Photocopy
from
Gerald R. Ford Library

might agree to release

P From lawyer point of view, what do you recommend

L Review of document to special parking & sensitive matter & give a route what is left, if there is some in a document. There was in a strong position to defend & issue

K What is your position about junior officer testifying on grounds

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

R You have to defend that on political not legal ground

P I think we have a defensible position if we send a court say & a junior officer say w/ a division of testimony

M I agree w/ strong position on w/ respect to oversight controls. But this is a special route & circumstance

P I think we want a confrontation 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 ^{ought} to fall w/ in those parameters. On witnesses I think we can a right track & should stand. On a matter, I think we should take a better

K Zero FSO's have written letters, as have 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 ~~single~~ ^{single} assertion that a Secretary doesn't know a fact. (over)

~~SECRET~~

Photocopy
from
Gerald R. Ford Library

David: How about responding to a demand by providing a summary of it?

L: 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 asked to do it, I'll do it, but I think this is a profound issue of foreign policy & a foreign service. We are exceeding to make a point & arguing only on fact.

P: But contrary is that if you get a hard case & lose it, you have done ^{no} ~~substantial~~ 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 confrontation than only advance it / other courts.

~~SECRET~~

Photocopy
from
Gerald R. Ford Library