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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

- (Wty. under way) P/Intelligence Wty. (Ch. Schae, Lynn, B. Schae, 130475) March, Elmwood) NSA
- S (Argued that Atty. Gen. should not oppose ~~the~~ 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 renewed.
- S Question is whether Atty. Gen. should rule on surveillance. Re: [REDACTED] 55-621 (D.D.C.) also an issue of Atty. Gen. ruling on overseas surveillance.
- C The technology is advancing so fast that those calls could be routed 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 Presidentially 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 known. I think rather than just say a law is felt we should try to educate - commit to the realities of a world & our national security needs.
- L Once a country, a country are moving, but in a coming 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.

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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 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 Atty Gen being the biggest intel piece factor among us.

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

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.

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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 new element in these investigations is the turning over of documents. During the Galtz, 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 idea as a country has let its documents then given.

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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 responsibility.

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 info. value to making them public - for dissemination. They also want to go into sensitive current ops. One of these is Cuba, not 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 Elsey on Angola. I think we did 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

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- for all records from relation of Pombo, brief
- ITT & If we acknowledge relationship, we will
- kill the ingenuity & our ability to place agents & get
- away. We would prefer sticking to the strictly areas
- where there may be a question of propriety.
- K. We will have a monumental job getting any company to
- stop w/ us in the future.
- C. True, but if an allegation of impropriety, we can't say
- we'll defend that.
- M. (More discussion of - Angolan issue)
- Here, 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 some & broader reasons than 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.
- L. Before we get into this one further, I think we should
- go through Bayart 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 sanitize a document.
- K. The basic point of dissent was more to point out an error
- in actions had a predilection for - growth & then discuss
- ~~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

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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 wither when the letter becomes known, because 90% of a document is a recitation of fact.
- Layman: The question is not one of impartiality - it is honesty intent to let it happen - but what is a legal handle on it. There is no such a one.
- 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 prob.
- 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~~ ~~either~~ 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~~ ~~many~~ ~~one~~ ~~is~~ ~~possible~~ ~~that~~ ~~Bayall~~

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- would agree to release
- P From lawyer point of view, what do you recommend
- L Review of document to special parking & sensitive matter & give & quote 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 officers 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 secret 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 case & 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 secret track & should stand. On a memo, 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 initiative & dissent principle. Many dissents are based on a ~~secret~~ ^{secret} assertion that a Secy doesn't know a fact. (over)

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Deval: How about responding to a demand by
providing a summary file?

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 protected cooperation
than only advance it / other courts.

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