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

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178-10004-10314

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

(Wty under way)

Class. It.

(NSA)

S (Argued that Atty Gen should not oppose surveillance)

P In case of [redacted] JFK Act 5 (g) (2) (D)  
you sign each one. For NSA, you would sign a good 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 [redacted] JFK Act 5 (g) (2) (D) cases in review of Atty Gen ruling on overseas surveillance

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

L 2<sup>nd</sup> circuit has held that overbearing 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 vast quantities of material on a writer. The paper has put out we have broken Egyptian code - it has been broken. I think rather than just say a law is fixed we should try to educate comms to the realities of a world + our national security needs

L Over a century, comms 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 if a material on 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 that 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 refused 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 responsibility.

B. That is position we have taken.

P. We have to say every 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 issuing a lot of press prematurely covered info. in order to making them public - for sensitization. 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, etc.

Pete wants to get into Portugal & Angola. We already have contact off Portugal. We know about the place & the place 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 is not a participation of interest & with security.

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

K. If any Centre has right to participate in Pres' participation, we are in another big - his retention.

C. The same problem is that of course 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 copy 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 committed them as  
for courts & business 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 <sup>into</sup> ~~and~~ ~~themselves~~.
- 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 Court 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 to prove a embassy  
in Athens had a predilection for - fronts & thus ~~dictate~~  
~~was~~ ~~help~~ to - ~~dash~~ ~~operations~~.
- 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 see 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 F.S. It takes 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.  
U. ~~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 are in a strong position to defend the issue
  - K What is your position about giving of your testimony opinions
  - L What 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 court seal + a junior officer as a division of testimony
  - M I agree w/ strong position 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 work. We ought to find a case which will give us both of those. How we handle this case <sup>ought</sup> to fall w/ in those parameters. Our witnesses I think are on a right track + should stand. One more, I think we should take a best at
  - K Two FSO's have written letters, as have 10 retired people like George Kennan, etc.
  - P Let's see if we can separate - fact from opinion
  - R Except from your intuitive + descent principle. Many dissidents are based on a ~~simple~~ <sup>strong</sup> assertion that a Secy doesn't know a facts, (over)

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

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 threat. We are conceding  
to a certain principle & arguing only on  
fact.

P: But contrary is that if you get a bad case  
& lose it you have done <sup>irreparable</sup> ~~irreparable~~ 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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