

THE WHITE HOUSE

WASHINGTON

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MEMORANDUM OF CONVERSATION

PARTICIPANTS: Dr. Henry A. Kissinger, Secretary of State
and Assistant to the President for
National Security Affairs
Dr. James R. Schlesinger, Secretary of Defense
William Colby, Director, Central Intelligence
Agency
Philip Areeda, Deputy Counsel to the President
Mr. Laurence Silberman, Deputy Attorney General
Martin R. Hoffman, General Counsel,
Department of Defense
Lt. General Brent Scowcroft, Deputy Assistant
to the President for National Security Affairs

DATE AND TIME: Thursday, February 20, 1975
10:36 - 11:33 a.m.

PLACE: Secretary Kissinger's Office
The White House

SUBJECT: Investigation of Allegations of CIA Domestic
Activities

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Secretary Kissinger: Shouldn't we discuss what we are trying to achieve in these investigations and what we are trying to prevent?

The fact of these investigations could be as damaging to the intelligence community as McCarthy was to the Foreign Service. The nature of covert operations will have a curious aspect to the average mind and out of perspective it could look inexplicable. The result could be the drying up of the imaginations of the people on which we depend. If people think they will be indicted ten years later for what they do. That is my overwhelming concern.

NSA, I don't know what the abuses are.

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Secretary Schlesinger: Legally NSA is spotless.

Secretary Kissinger: If they are only looking at illegal activities.

Mr. Silberman: There aren't enough illegal activities for them to chew on.

Director Colby: The issue will be, do we do these things?

Mr. Areeda: Church says he's going to look into the legal, moral and political cost-effectiveness aspects of it.

Secretary Kissinger: Then we are in trouble. The committees and staff don't inspire confidence. Harrington and Miller are professional leakers. Miller is also violently anti-Vietnam and he believes the way to get the government is to leak it to death.

Director Colby: My idea to control this is to get secrecy agreements. That keeps them from publishing.

Secretary Kissinger: In their own names. You can't keep them from Sy Hersh.

Director Colby: Our testimony will have numbers in place of names. We will divide them into three categories in increasing order of sensitivity.

Secretary Kissinger: Who gets the lists?

Director Colby: The chairmen. It is under their control. If he insists on a name in category 3, we then move carefully -- we either tell him, refuse on my own initiative, or buck it to the White House.

Secretary Kissinger: You can initially take a position on professional judgment, but then we must go to the President. Bill should invoke himself first so as not to invoke the President initially in each case. We must say this involves the profoundest national security. Of course, we want to cooperate, but these are basic issues of national survival.

Mr. Areeda: Should the President meet with Tower and Church to make these points?

Secretary Kissinger: In all the world, the things which hurt us the most are the CIA business and Turkey aid. The British can't understand us. Callaghan says insiders there are routinely tapped. Our statements ought to indicate the gravity with which we view the situation.

Why can't Bill testify?

Director Colby: Names, countries of operations.

Secretary Kissinger: You can't even do it by country X. And Church wants to prove you shouldn't do it at all.

Director Colby: I would do it in an executive session. If it leaks, then we have a good case.

Mr. Silberman: I agree. Our position on executive privilege would be better if we had a leak first.

Secretary Kissinger: What if Miller waited until after the investigation to go to Hersh?

Mr. Silberman: It won't hold that long. We first give them less sensitive information, so if it leaks we aren't hurt so much.

Secretary Kissinger: Suppose you say on covert operations that we support the moderate political parties? On a global basis that is okay, but how does that serve Church's purpose? He will then just prove not only is it immoral but useless. We have to demonstrate to foreign countries we aren't too dangerous to cooperate with because of leaks.

Mr. Areeda: Is there any mileage in having the leaders of the select committee have a meeting with the President?

Mr. Silberman: It's premature. They could only discuss generalities because we couldn't know the line yet. We should keep the President out of it until we get a crunch.

Secretary Kissinger: I agree.

Mr. Silberman: The FBI may be the sexiest part of this. Hoover did things which won't stand scrutiny, especially under Johnson. We will put these out in generic terms as quickly as possible. The Bureau would like to dribble it out. This will divert attention and show relative cooperation with the committee. This relates only to illegal activities.

[Kissinger relates story about Hoover and the female spy.]

Secretary Kissinger: We have to be clear on what we want them to stay out of.

Director Colby: I will refuse to give them the files on people -- on privacy grounds.

Mr. Areeda: That is a good case for a confrontation.

Mr. Hoffman: But don't we have to preserve their ability to keep security?

Secretary Kissinger: Harrington is a leaker -- any House member has access to the material we turn over.

We can't fight on details -- only categories. We have to know the rules about the NSA, covert operations and any other areas.

Mr. Areeda: There is a constitutional problem on covert operations. We can't take the posture that we can engage in operations that were kept from the committees which Congress has designated as responsible for oversight.

Secretary Kissinger: First, we must define the issues. Then we could go to court . . .

Mr. Silberman: I doubt it would go to court -- it would take two years.

Secretary Kissinger: Then we could go to the public that they are undermining the country.

Director Colby: But we are doing so little in covert activities it is not too damaging.

Secretary Kissinger: Then disclosing them will show us to the world as a cream puff.

There are dozens of places where we are letting the situation go by default.

Let's establish categories of especially sensitive activities. Then whoever testifies will follow these guidelines.

Director Colby: The dangerous thing on NSA is whether they can pick up conversations between Americans.

Secretary Kissinger: My worry is not that they will find illegalities in NSA, but that in the process of finding out about illegalities they will unravel NSA activities. In the process of giving us a clean bill of health he could destroy us.

Do we have a case on executive privilege?

Mr. Silberman: In the case of U. S. v. Nixon, there is something there, but you can't analyze it on a strictly legal basis.

Secretary Kissinger: I think this group should establish categories of what we say, methods for protecting what we need to keep. Then we can set down with the President to understand what the issue is.

Then we would avoid the danger that to get through each week we would jeopardize the next week's hearings.

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