

THE WHITE HOUSE
WASHINGTON

SECRET/NODIS/XGDS

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

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

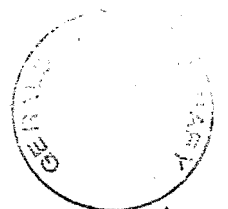
The fact of these investigations could be as damaging to the intelligence community as McCarthy was to the Foreign Service. The nature of covert operations will have a curious aspect to the average mind and out of perspective it could look inexplicable. The result could be the drying up of the imaginations 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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AUTHORITY EA Rev. CW 9/21/05; NSC/state guidelines
BY WJ NLF, DATE 4/16/07



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.

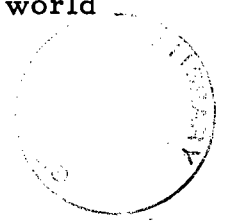
Secretary Kissinger: First, we must define the issues. Then we could go to court . . .

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.

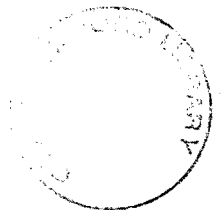
Secretary Kissinger: My worry is not that they will find illegalities in NSA, but that in the process of finding out about illegalities they will unravel NSA activities. In the process of giving us a clean bill of health he could destroy us.

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.



20 Feb 75

Martin Hoffman, DOD

K# Shows that we disagree what we trying to achieve in these investigations & what we trying to present.
 The fact of these invest. could be ^{as} damaging to intel community as the courts went to State Foreign Service.
 In a matter of court ops would have a serious impact to a change mind & ~~in~~ out of perspective could look unexplicit. Result could be chipping up of imaginations on which we depend - if people think they would be indicted 10 yrs later. That my overwhelming concern.
~~On the other side~~ NSA, I don't know what chance

S Equally it is criticized. clean

R If they only looking at illegal activities.

S: There aren't enough illegal activities for them to (clean).

C The issue will be do we do these things.

Q Church will look into legal, moral, ^{substantive} cost/benefit aspects.

R Then we in trouble. Court & staff don't inspire confidence.

Harrington & Miller are professional leaders.

Miller also evident anti-VN who believe & want to get a court to look it to death.

C My idea to control this is to get secrecy agreements. That keeps them from publishing.

R In their own names. ^{names} Can't keep them from by themselves.

C One testimony will have #'s in place of names (3 categories)

R Who gets a list

C Chairman. Under their control. If he insists on a name in category 3 we then more carefully interview him, refusal on my own, ~~on testimony~~ ~~to~~ lunch to ask.

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AUTHORITY per SAC review 9/21/05; nsc/state guidelines

BY ll NLF, DATE 4/16/07

R You can initially ~~you~~ take position on professional judgment, but then we must go to P. No. ~~Should~~ Bill should make himself 1st as as out to ~~invest~~ ~~for~~ initially in each case.

We must say this involves professional with security. Open as we want to say, but there are basic issues of truth survival.

A' Should P. No. meet w/ Thore & Church to make three points.

R I see would, a thing which hurt us are CIA + Tank aid. The Brits can't understand us. Callaghan says invest are continually tapped. Our statements caught a invest & quantity of which we want a sit.

What about Bill testify.

C Unusual, countries of gov.

R You can't even do it by country X. And Church wants to prove you shouldn't do that.

C I would do it in exec session. If it leaks, then we have a good case.

S: I agree. Our position on the privilege would be better if we had a 1st.

R What if Walter waited until after invest to go to House.

S: It won't hold that long. We 1st give them less

R ~~2~~ invest sensitive info 1st, so if it leaks we aren't hurt.

R Suggest you say on court ops that we support invest pub, justice. On global basis that &, but how does that serve Church purposes? He will then just prove not only is it immoral but useless.

We have a commitment to foreign countries and aren't too dangerous to say so because of leaks.

Q Is there anything in having leaders of what exists under w/ Pao.

S: Persecution. Only could be in general terms since we couldn't have a list yet. Should keep a hand of it till we get a research.

R Japan. >

S: The FBI may be a definite part of this. Haven't did things which aren't stand scrutiny, esp under Johnson. We will put these out in general terms as precisely as possible. The bureau would like to double it out. This will divert attention and show reluctant corp of water. This relates only to illegal activities.

(R stay about Hoover + private spy)

R We have to be clear on what we want them to stay out of.

C I will refuse to give them a photo of our people - on primary grounds

A That a good case for cooperation.

H But don't we have to preserve their ability to keep secrets

R Harrington is a leader + only House member they access.

We can't fight on details - only categories.

Have to have info about NSA, court ops, or any other areas.

Q There is a constitutional part on court ops. We can't take position that we can engage in ops kept from a court which Congress has designated as legal.

K First we must define a issue. Then we could go to court.

S: I doubt it would go to court - would take a year.

K Then we could go to public that they understand a country.

C But we doing a little in covert activities it not too damaging.

K Then disclosing those would throw us to a world as a cream puff.

There are dozens of places where we are letting a sit go by default.

Let's ~~select~~ categories of esp sensitive nature. Then whoever let them follows those guidelines.

C Dangerous thing an NSA is whether they can pick up conversations with Americans.

K My worry is not that they will find illegals in NSA, but that in process of finding about illegals they will unravel NSA activities. In a process of giving us a Man bill of health he could destroy us.

Do not have a case in eyes privilege.

S: In US vs Nixon, there is something there, but you can't analyze it on strictly legal basis.

K I think this group should establish categories of what we say, methods for protecting what we need to keep. Then we can set down w/ Pres to understand what a issue is.

There are worried about a danger that to get them back who are would jeopardize a next week's hearings.

