

THE SECRETARY OF STATE
WASHINGTON

October 14, 1975

Dear Mr. Chairman:

I have given much thought to the Select Committee's October 2 request that I provide it with a copy of a dissent memorandum, on the Cyprus crisis, sent me by a Foreign Service Officer in August 1974. After careful consideration I have decided that I cannot comply with that request. I respectfully request the Committee to ~~work with me on alternate methods of putting before it~~ the information relevant to its inquiry.

The "Dissent Channel," through which this memorandum was submitted, provides those officers of the Department of State who disagree with established policy, or who have new policies to recommend, a means for communicating their views to the highest levels of the Department. "Dissent Channel" messages and memoranda are forwarded to the Secretary of State, and are normally given restricted distribution within the Department. They cannot be stopped by any intermediate office.

Mr. Chairman, I take this position reluctantly, and only because I have concluded that the circumstances are compelling. I am convinced that I would be remiss in my duty as Secretary of State were I to follow a different course.

The challenges that face our nation in the field of foreign affairs have never been more difficult; the pace of events has never been so rapid; the revolutionary character of the changes taking place around us has seldom been more pronounced. If we are to prosper -- indeed, if we are to survive -- it will require the confidence of the American people and of the nations of the world in the wisdom of our foreign policy and the effectiveness of our foreign policy establishment. Basic to this sense of confidence, of course, is the quality and professionalism of the Department of State and the Foreign Service. And the strength of those institutions depends, to a critical

The Honorable
Otis G. Pike, Chairman,
Select Committee on Intelligence,
House of Representatives.

Max L. Friedersdorf Files, Subject Series, b. 10, F. CIA Investigation (2)
Photocopy from Gerald R. Ford Library

degree, upon the judgment and strength of purpose of the men and women who serve in them. It is my view that to turn over the dissent memorandum as requested would inevitably be destructive of the decision-making process of the Department, and hence do great damage to the conduct of our foreign relations and the national security of the United States.

Since the founding of the Republic, every Secretary of State has been regarded as the principal adviser to the President in the formulation of foreign policy and in the conduct of foreign relations. If the Secretary of State is to discharge his obligations and duties to the President and the national interest, he must have the benefit of the best available advice and criticism from his subordinates; they in turn, if they are to give their best, must enjoy a guarantee that their advice or criticism, candidly given, will remain privileged.

As the Supreme Court has said: "the importance of this confidentiality is too plain to require further discussion. Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decision-making process."

As the Cyprus crisis evolved, I received many recommendations for various courses of action from my subordinates. Their views were freely offered and fully considered in the policy-making process. But the final choices of what policies to recommend to the President were mine, and they sometimes differed from the courses of action proposed to me by some of my associates. My decisions occasionally led to vigorous dissent, both during meetings with those of my colleagues who disagreed, and in written memoranda, as in the case presently before us. Should the Select Committee so desire, I am prepared personally to come before the Committee to describe in detail the dissenting views put to me, and my reasons for rejecting them.

But were I to agree to release the document requested, even on a classified basis, I would be party to the destruction of the privacy of communication which the Secretary of State must have with his subordinates regarding their opinions. Once the confidentiality of internal communications had been breached, it would be but a short step to public exploitation of the subordinate's views. The result would be to place Department officers in an intolerable position -- at times praised, at times criticized for their views; at times praised, at times criticized for dissenting; at times praised, at times criticized for not dissenting.

Thus, my decision to withhold the document is not based on a desire to keep anything from the Select Committee with regard to the Cyprus crisis or any other subject. On the contrary, the Department and I are both prepared to cooperate with the Committee in the pursuit of its legislatively established purposes. The issue is not what information the Committee should receive; we agree on that question. Rather, the issue is from whom the information should be sought, and the form in which it should be delivered.

It is my strong belief that the Committee should look to the policy levels of the Department, and not to junior and middle-level officers, for the policy information they seek. It is my principal advisers and I who are responsible for policy, and it is we who should be held accountable before the Congress and the American people for the manner in which we exercise the authority and responsibility vested in us by the President and Congress of the United States.

In keeping with this principle I am prepared now, as I have been from the beginning, to do the following:

- Authorize any officer of the Department or the Foreign Service, regardless of rank, to testify before the Select Committee on all facts known by that

officer about the collection and use of intelligence information in foreign relations crises.

- Authorize any policy level officer of the Department or the Foreign Service to testify before the Select Committee on recommendations received by him from his subordinates, but without identification of authorship, and any recommendations he forwarded to his superiors.
- Supply the Committee with a summary from all sources, but without identification of authorship, of views and recommendations on the Cyprus crisis, and criticisms of our handling of it.
- Appear personally before the Committee to testify as to the policy of the United States with regard to the Cyprus crisis, as well as the policy of this Department with regard to the accountability of junior and middle-level officers for their views and recommendations.

The issue raised by the request for the dissent memorandum runs to the fundamental question of whether the Secretary of State should be asked to disclose the advice, recommendations, or dissents to policy that come to him from subordinate officers.

That the nation must have the most competent and professional Foreign Service possible is surely beyond question. It must be the repository for the lessons learned over more than three decades of world involvement; the institution to which each new Administration looks for the wisdom garnered from the past and the initiatives so necessary to cope with the future. It must be loyal to the President, no matter what his political persuasion; it must inspire confidence in its judgment from the Congress, no matter what party is in power there. The Foreign Service, in a word, should be America's guarantee of continuity in the conduct of our foreign affairs.

We now have an outstanding, disciplined, and dedicated Foreign Service -- perhaps the best in the world. It is the continued strength and utility of this institution that will be undermined by revealing the opinions and judgments of junior and middle-level officers.

While I know that the Select Committee has no intention of embarrassing or exploiting junior and middle-grade officers of the Department, there have been other times and other committees -- and there may be again -- where positions taken by Foreign Service Officers were exposed to ~~ex post facto~~ public examination and recrimination. The results are too well known to need elaboration here: gross injustice to loyal public servants, a sapping of the morale and abilities of the Foreign Service; and serious damage to the ability of the Department and the President to formulate and conduct the foreign affairs of the nation. Mr. Chairman, I cannot, in good conscience, by my own failure to raise the issue of principle, be responsible for contributing to a situation in which similar excesses could occur again.

The considerations I have outlined relate to the broad question of testimony from, and documents authored by junior and middle-level officers. The request for a specific dissent memorandum raises a particular issue within that broader framework. The "Dissent Channel," established by my predecessor, had its origin in the recommendations of special Task Forces made up of career professionals from the Department of State, the Foreign Service and other foreign affairs agencies. Two of these Task Forces recommended that improved means be found to transmit new ideas to the Department's decision-makers, to subject policy to the challenge of an adversary review, and to encourage the expression of dissenting views.

The very purposes of the "Dissent Channel" -- to promote an atmosphere of openness in the formulation of foreign policy, to stimulate fresh, creative ideas, and to encourage a questioning of established policies -- are inconsistent with disclosure of such reports to an

investigative committee of the Congress, and perhaps ultimately to the public. Dissent memoranda are, by their very nature, statements of the author's opinions. If their confidentiality cannot be assured, if they are to be held up to subsequent Congressional or public autopsy, the whole purpose of the "Dissent Channel" will have been corrupted and the Channel itself will soon cease to be a viable instrument. Those whose legitimate purpose is to argue with a policy because they sincerely believe it to be ill-conceived, or because they have new but unorthodox ideas, will recognize the Channel for what it has become and cease to use it; those who care little about what the policy is, and even less about seeking to change that policy through the institutional processes open to them, will be encouraged to use the Channel as a tool for their own ends.

For these reasons, Mr. Chairman, I cannot agree to the release of "Dissent Channel" messages -- irrespective of their contents. I am, however, ready to supply a summary of all contrary advice I received on the Cyprus crisis, so long as it is not necessary to disclose the source of this advice.

Every Secretary of State has an obligation to his country and to his successor to build a professional, effective, dedicated, and disciplined Foreign Service. Were I to comply with the request before me I would have failed in that obligation. I would have been partly responsible for a process that would almost inevitably have politicized the Foreign Service, discouraged courageous advice and the free expression of dissenting opinion, and encouraged timidity and caution.

On another occasion when the State Department was under investigation my great predecessor, Dean Acheson, wrote that there is a right way and a wrong way to deal with the Department of State. "The right way," he said, "met the evil and preserved the institution; the wrong way did not meet the evil and destroyed the institution. More than that, it destroyed the faith of the country in its Government, and of our allies in us."

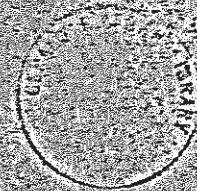
- 7 -

I am prepared to work with the House Select Committee on Intelligence in a cooperative spirit so that, for the sake of our country, we may jointly, on the basis of the proposals contained in this letter, find the "right" way to accommodate our mutual concerns. I am prepared to meet with the Committee at its convenience to search for a reasonable solution -- a solution which will meet the needs of the Committee, protect the integrity of the Department of State, and promote the effective conduct of the foreign relations of the United States.

Sincerely,



Henry A. Kissinger



Department of State
Letter to Henry Kissinger - Rep Otis G. Pike (Clermont, WSC)
Justifying State's denial of document requested by HSC
Oct 14, 1975

SOURCE: DIA



National Security Archive,
Suite 701, Gelman Library, The George Washington University,
2130 H Street, NW, Washington, D.C., 20037,
Phone: 202/994-7000, Fax: 202/994-7005, nsarchiv@gwu.edu