

MEMORANDUM

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THE WHITE HOUSE
WASHINGTON

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11 September 1974

Note: ...
9/13/74

MEMORANDUM FOR: GENERAL SCOWCROFT

FROM: ROB ROY RATLIFF

SUBJECT: Potential Embarrassment re
40 Committee Descriptions

In spite of several references to the 40 Committee in public media in recent years, the name, existence and membership of the Committee has been treated as classified information and had not been officially confirmed, so far as I know.

At the noon briefing of the press at the Department of State on Monday, 9 September 1974, Mr. Robert Anderson, the Department spokesman, officially acknowledged the existence of the committee and identified its present membership (TAB A).

He also said:

"Subjects that are discussed in this Committee--if there is going to be any action on them--are approved unanimously by the members of this Committee, and then all decisions are then approved by the President." (Emphasis added.)

He emphasized this point in later exchanges:

"Q: When you say decisions are unanimous, does that mean all four officers must approve affirmatively?"

"A: I would assume so, yes.

.....

"Q: you are stating that there was a unanimous decision on the part of the Committee of 40 to endorse the movement of certain funds into Chile. The context would suggest that.

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"A: Yes, and what is the question?

"Q: The question is, is that a proper interpretation? Is that what you intended to leave?

"A: I wanted to give you the way that the decisions are arrived at by the Committee that was referred to in this article.

"Q: But that is only to suggest that the Secretary himself is not personally responsible for a decision, but it is shared by the other members as well.

"A: The decisions are approved unanimously by the members of the Committee, and I have listed the members of the Committee for you." (Emphasis added.)

This is not an accurate representation of 40 Committee procedures. It could lead to further public embarrassment.

As you know, 40 Committee decisions are not always unanimous; the Chairman is an executive chairman who retains the right of ultimate decision. (This role is in line with the authority expressed in NSDM 3 of 20 January 1969 and subsequent State amplifications in describing the role of the Under--now Deputy--Secretary of State as executive chairman of the NSC Under Secretaries Committee. I cite this reference because I have frequently used it in discussions with State officials who would like to believe that 40 Committee decisions may be reached only unanimously.) Also, all 40 Committee decisions are not submitted to the President for approval. Since the 40 Committee has met only once since April 1972, the role of Dr. Kissinger as executive chairman has been more pronounced than if meetings had been held because he has been the final arbiter on numerous issues on which other 40 Committee principals registered conflicting points of view.

Since it has been the Department of State member who has been overruled most often, there are many State officials in a position to challenge the accuracy of their official spokesman when he maintains that Committee decisions are unanimous.

In fact, Lawrence Stern, writing in the 10 September 1974 Washington Post, leaves the impression that he used State "sources with access" to minutes to reveal what took place at a 27 June 1970 meeting of the Committee (TAB B).

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The Chile section of the 40 Committee minutes of that date (TAB C) confirms the substance of Mr. Stern's report on State's dissent and Dr. Kissinger's remarks. The minute shows that:

- The Chief and Deputy Chief of State's Bureau of Inter-American Affairs opposed the action taken.
- Under Secretary of State U. Alexis Johnson, State's 40 Committee principal, "had philosophical reservations."
- Dr. Kissinger was recorded as saying, "I don't see why we need to stand by and watch a country go Communist due to the irresponsibility of its own people."

The minute concludes that after a lengthy exchange of views "it was agreed" that certain action would be taken, but there is no indication whether this agreement was unanimous or not. There is no record it was submitted to the President for approval. (Principals present were Dr. Kissinger, Deputy Secretary of Defense Packard, Mr. Johnson, and General Cushman, Deputy Director of CIA, vice the absent Mr. Helms; Attorney General Mitchell was unable to attend. Admiral Moorer was present, but not as a member; the Chairman of the Joint Chiefs of Staff was added as a member at the next meeting.)

In light of Seymour Hersh's article in today's New York Times (TAB D) covering some of the same ground, it would appear that the ultimate source of his and Mr. Stern's "revelations" of the 27 June 1970 40 Committee meeting is the pre-censored manuscript of the Marchetti/Marks book.

It is not likely that we have heard the last of this subject, and in light of points of potential embarrassment as noted above, I thought it prudent to submit these observations.

Attachments
TABs A-D

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