

MEMORANDUM

NATIONAL SECURITY COUNCIL

JOINED BY
29383 n/a3
RUM

Uch

~~SECRET/SENSITIVE~~

ACTION

July 15, 1971

MEMORANDUM FOR:

DR. KISSINGER

FROM:

JOHN A. FROEBE *JA*

SUBJECT:

Declassification of Record of June 7 Secret Session of the Senate on Laos

Attached at Tab A is a memorandum from you to the President making recommendations on the declassification handling of four issues dealt with in the June 7 secret session of the Senate on Laos. We believe early action is needed in this instance inasmuch as the Senate is now moving to consideration of the amendment proposed by Senator Symington on placing a ceiling on our assistance to Laos, and the Senate Foreign Relations Committee is consequently pressing the Administration for a declassification decision to permit release of the transcript of the secret session.

RECOMMENDATION:

That you sign the memorandum to the President at Tab A.

Attachment

May Contain
Congressional Material

DOS, OSD, NSS
reviews completed.

Handled by L/B Mtg 7/20 per K...

~~SECRET/SENSITIVE~~

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

SECRET/SENSITIVE/NODIS

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: HENRY A. KISSINGER

SUBJECT: Declassification of Record of June 7 Secret Session of the Senate on Laos

Attached at Tab A is a memorandum from the Acting Secretary of State, and concurred in by the Secretary of Defense and the Acting Director of the CIA, making recommendations on the declassification of the record of the June 7 secret session of the Senate on Laos.

The focus of the session was Senator Symington's summary presentation of a Foreign Relations Committee staff report criticizing our role in Laos, CIA involvement there, [redacted]

[redacted] Senator Symington presented his amendment for a [redacted] ceiling for U.S. programs in Laos, except the bombing of the Trail, unless the Administration would specifically justify such programs to Congress and get its approval. The discussion also dwelled on whether the Administration had violated the Fulbright Amendment to the 1970 Defense Appropriations Act [redacted]

Of the four declassification issues presented, two pose particular problems:

- 1) The CIA role in organizing, training, directing, and paying Lao [redacted] I agree with State, DOD, and CIA that we should approve declassifying the CIA role in Laos [redacted] which are discussed below. Open disclosure of the CIA role, which is already widely known, would considerably facilitate the defense of this activity by our friends on the Senate floor. We believe we have a good case

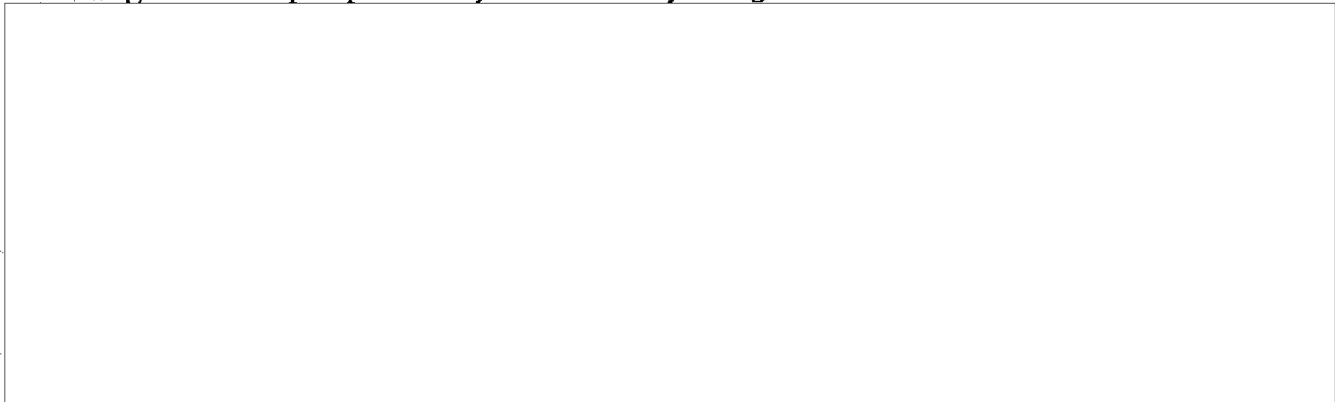
SECRET/SENSITIVE/NODIS

SECRET/SENSITIVE/NODIS

- 2 -

on this score, and that we must present this case effectively in the upcoming Congressional debate in order to defeat the restrictive legislative proposed by Senator Symington.

25X1



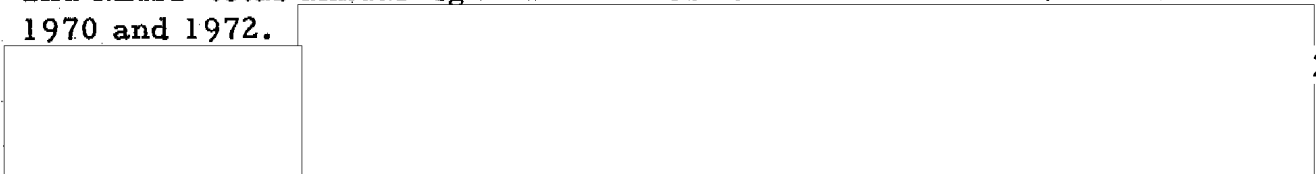
25X1

As regards the two remaining issues, the agencies recommend, and I agree, that the material involved, previously not made public, no longer need be classified:

25X1

- 1) Sortie rates over Laos by U. S. aircraft.
- 2) MAP total annual figures for Laos for Fiscal Years 1963 to 1967 and MASF total annual figures for Laos for Fiscal Years 1968 to 1970 and 1972.

25X1



25X1

RECOMMENDATION:

That you approve declassifying the CIA role in Laos with respect to the Lao irregulars,

25X1

_____ Approve

_____ Disapprove

25X1

That you approve declassifying the following, not heretofore made public:

- Sortie rates over Laos by U. S. aircraft

_____ Approve

_____ Disapprove

- MAP/MASF total annual figures for Laos for Fiscal Years 1963 to 1970 inclusive, and for Fiscal Year 1972.

_____ Approve

_____ Disapprove

SECRET/SENSITIVE/NODIS

- 3 -

25X1



25X1

Attachment

SECRET/SENSITIVE/NODIS

30929

DEPARTMENT OF STATE
WASHINGTON

S/S - 7110504

July 14, 1971

SECRET-SENSITIVE

NODIS

MEMORANDUM FOR THE PRESIDENT

Subject: Declassification of Record of June 7
Secret Session of the Senate on Laos

It is recommended that:

25X1

You approve declassifying the CIA role in Laos
with respect to the Lao irregulars, [redacted]

25X1
25X1

Approve _____ Disapprove _____

You approve declassifying the following not
heretofore made public:

--Sortie rates over Laos by US aircraft

Approve _____ Disapprove _____

--MAP/MASF total annual figures for Laos for
Fiscal Years 1963 to 1970 inclusive, and for Fiscal Year
1972

Approve _____ Disapprove _____

25X1

[Large redacted area]

25X1

SECRET-SENSITIVE

NODIS

SECRET-SENSITIVE

2

NODIS

The Chairman of the Senate Foreign Relations Committee was charged by the Senate with the sanitization of the transcript of the secret Senate session on Laos, prior to its publication. In response to his invitation, a State Department representative, together with representatives of CIA and DOD, has reviewed the transcript with the Committee staff to see what parts might be released for publication.

A considerable number of security deletions raise no issues. This memorandum deals only with issues involving important disclosures going beyond details previously made public by the Administration.

Before discussing these issues, a brief summary of the thrust of the Senate session is relevant. Those who called the session wanted to attack the [redacted] CIA's role in connection with Lao irregular forces, the flexibility of funding which had been used to support these programs [redacted]

25X1

25X1

Senator Symington opened by saying he would discuss what the Government was doing, question the legal authority for it, ask if we could afford it and question if the actions were in the U.S. interest. He then presented a summary of the TOP SECRET report of Committee staffers Lowenstein and Moose, resulting from their trip to Southeast Asia in April.

The full staff report is made part of the record. The highlights were:

--The situation worsens, with two thirds of the country gone, and no plans to retake it.

--The now regular use of B-52s for bombing in the north, near China.

--The irregular Lao troops are armed, trained and directed by CIA.

[redacted]

25X1

SECRET-SENSITIVE

NODIS

SECRET-SENSITIVE

3

NODIS

--The Chinese road toward Thailand was bombed several times by RLAF, which caused increased Chinese air defense measures; and, as the bombing was done by unmarked T-28s, ran the risk of attribution to the U.S.



25X1

--The cost of military assistance to Lao regulars and irregulars steadily escalates substantially beyond the sums justified to the Congress; and the method of involving CIA budget [redacted]

25X1

[redacted] does not leave Congress informed as to what projects will be pursued in Laos or the funds actually involved.

25X1

Symington then proposed his amendment for a [redacted] ceiling for any U.S. programs in Laos, except bombing of the Trail, unless the Administration would specifically justify such programs to Congress and get its approval.

25X1

Most of the discussion that followed dealt with whether the Administration had violated the Fulbright Amendment. Fulbright and Symington, along with Kennedy, strongly asserted there was no question that a flagrant violation had occurred, while Griffin and Stennis attempted to resist these arguments.

The Committee Staff has agreed to delete from the record references to intelligence operations [redacted]

[redacted]
CIA budget figures, detailed friendly order of battle and references to testimony by the Director of CIA.

25X1
25X1

SECRET-SENSITIVE

NODIS

SECRET-SENSITIVE

4

NODIS

The principal issues remaining are whether we can usefully keep classified:

--The CIA role of organizing, training, directing and paying Lao irregulars, [redacted] as well as the provision of an unspecified amount of CIA budget for those purposes.

25X1

[redacted]

25X1

The CIA Role with the Irregulars. Your statement on Laos of March 7, 1970, said that we "provide military assistance to regular and irregular Lao forces in the form of equipment, training and logistics." [redacted]

25X1

[redacted]

25X1

The new factors involved are therefore (a) that the U.S. directs the irregulars, and (b) that it is CIA that performs all these functions.

25X11

[redacted]

CIA would prefer not to have reference made to its role in the unclassified transcript. However, CIA says it cannot argue on security grounds that a general reference to its connection with the Lao irregular program would be seriously damaging. Therefore, the CIA is prepared to disclose its role in Laos in connection with the Lao irregulars, but

[redacted] Ambassador

225X1
25X1

25X1

Godley says that he regrets this, pointing out that there is a difference from the enemy's point of view

SECRET-SENSITIVE

NODIS

SECRET-SENSITIVE

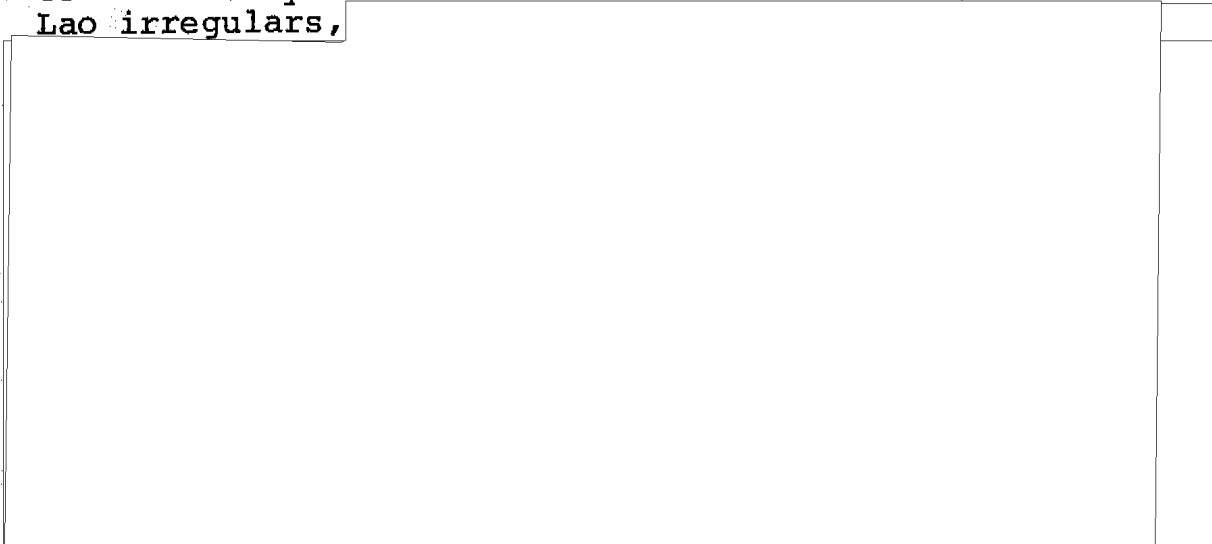
5

NODIS

in being able to quote an official Senate document rather than an article in the American press. Ambassador Godley goes on to praise CIA's role in Laos, noting it has saved us millions and millions of dollars at the very minimum cost of American blood. It is obvious that his concern is that whatever action is taken should not prejudice CIA being able to continue to perform this role. This could happen if the result of disclosure were either legislation strictly banning financial support for the irregulars or legislation banning CIA from performing its role in support of the irregulars.

On the other hand, we believe that any attempt to delete references to the CIA role with Lao troops, or the fact that the U.S. directs the irregulars would be transparent and could weaken our case for avoiding harmful restrictive legislation. Symington has already told the press that the secret session was to take up the CIA role in Laos, and we believe that the details would be leaked by the Senate in any event. It is indeed an open secret now, lacking only confirmation by the U.S. Government. Open disclosure of the CIA role, which is already widely known, would facilitate the defense of this activity by our friends on the Senate floor. We believe this is a good story which can be effectively presented in Congressional debate.

On balance, then, we believe that it is desirable to declassify the CIA role in Laos with respect to the Lao irregulars,



25X1

25X1

25X1

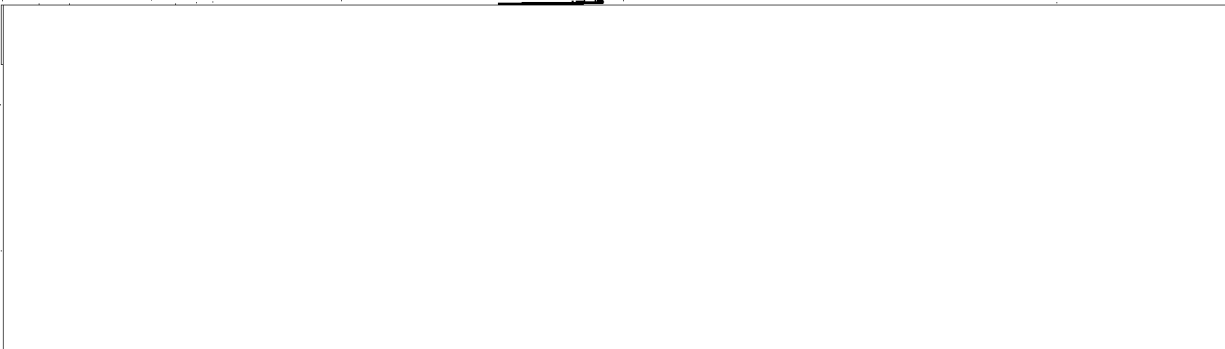
SECRET-SENSITIVE

NODIS

SECRET-SENSITIVE

6

NODIS



25X1

Whether this will contain Senator Fulbright or not I do not know. Since he has stated so strongly that he believes the purpose of the Fulbright Amendment has been flouted by the Administration, I believe he will persevere. Nevertheless, to foreclose on the criticism that we are shutting off legitimate debate in the Congress, we will remind him that we have already stated that we are providing financial and material support to [redacted] Laos and will insist that he limit himself to discussing that aspect in this dispute.

25X1
25X1

Then, as [redacted] suggests, State will prepare our statement or the story for release promptly after the transcript is released if that seems desirable.

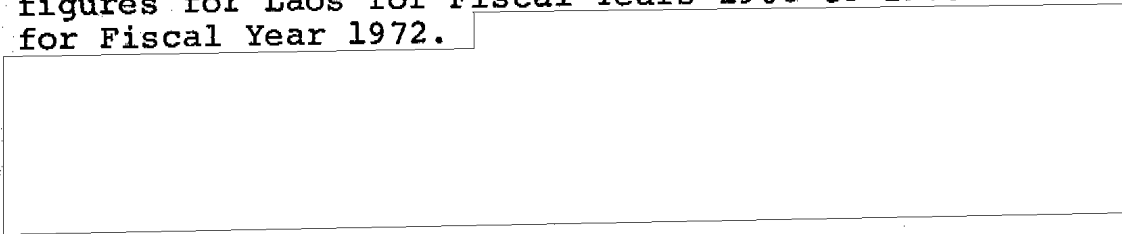
25X1

Finally, State, Defense and CIA wish to report that, in addition to the key issues noted above, State, Defense and CIA have agreed that the following material, previously not made public, no longer need be classified:

--Sortie rates over Laos by U.S. aircraft.

--MAP total annual figures for Laos for Fiscal Years 1963 to 1967 and MASF total annual figures for Laos for Fiscal Years 1968 to 1970 and for Fiscal Year 1972.

25X1



SECRET-SENSITIVE

NODIS

SECRET-SENSITIVE

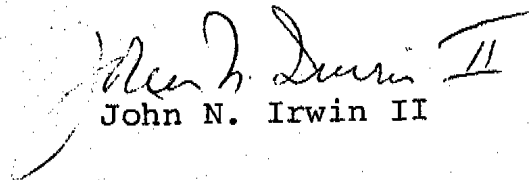
7

NODIS



25X1

The Secretary of Defense and the Acting Director,
Central Intelligence Agency, concur in this Memorandum.


John N. Irwin II

SECRET-SENSITIVE

NODIS