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By NARA Date 1-18-06



DEPARTMENT OF STATE

Washington, D.C. 20520

s to:

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TO: The Acting Secretary

THRU: S/S

CIA-10/9/69 FROM: J/RM - Robert McClintock

SUBJECT: Presidential Decision on Categories of Information
for Symington Subcommittee to be protected by
executive privilege

Mr. Richard Allen of the NSC staff telephoned me at 1:30 p.m. today to say that yesterday the President had signed a directive that the following categories of information would be covered by executive privilege and not divulged to the Symington Subcommittee on overseas commitments:

1. Contingency plans.
2. CIA activities in Laos.
3. Storage of nuclear weapons anywhere.

The Symington Subcommittee has specifically asked for detailed information on CIA counter-insurgency activity in Laos and on the storage of nuclear weapons in the Philippines. Hearings on the latter item are scheduled for October 2; on Laos for October 13. The Subcommittee's investigating team, Messrs. Pincus and Paul, have visited the Philippines and Laos and are thoroughly informed as to the facts of nuclear weapons stored in the former country, and of CIA programs in the latter.

Nuclear Weapons in Philippines

Divulgence of the fact that nuclear weapons are stored in the Philippines, and have been there for many years without prior consultation with the Philippine Government, would gravely jeopardize U.S.-Philippine relations, particularly on the eve of the presidential

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Reviewed by: *John B. ...*

Date: 9 Oct 1987

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- 2 -

elections scheduled for October 11. The fact that President Marcos was secretly informed of the presence of these weapons in 1966 would not work to his advantage in the elections. The Philippine government and public are not aware of storage nor of President Marcos' knowledge thereof.

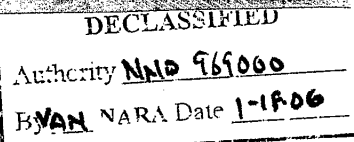
If witnesses before the Symington Subcommittee decline to discuss the questionnaire on nuclear weapons in the Philippines on grounds of executive privilege there is an evident danger that this will be leaked to the press. The rationale is simple: if there are no nuclear weapons in the Philippines, then the obvious answer is to say so. If resort is had to executive privilege then very probably there are weapons stored there. And the Subcommittee in fact knows that they are stored there.

The question therefore is the pragmatic one of how best to prevent any publicity being given to this matter. In a memorandum to the Secretary dated September 25, I made the following suggestions:

"It was recommended, therefore, as a fall-back position from the recommendation that no comment whatever be given on nuclear weapons that, if there is indeed danger of a leak, the Secretaries of State and Defense should get in touch with the Senators on the Symington Subcommittee, tell them the facts off the record without any transcript being taken, and enjoin the Senators under no circumstances to reveal this highly sensitive information."

If this course of action is followed, we have a memorandum ready for you on the procedures to be followed and the information which can be divulged under the ground-rules indicated above.

TOP SECRET/NODIS



TOP SECRET/NODIS

- 3 -

CIA Counter-Insurgency Activities in Laos

If the firm of Pincus and Paul know a good deal about nuclear weapons in the Philippines, they know a great deal more about CIA activities in Laos. In fact, the eight-page questionnaire on Laos which Senator Symington sent the Secretary under cover of his letter of September 23 has more than a score of questions addressed to various aspects of CIA covert, counter-guerilla activities in the Kingdom of One Million Elephants (presumably non-Republican). And Pincus and Paul have, or think they already have, the answers.

In my memorandum of September 24 to Mr. Belieu of the White House, acting in my capacity as Chairman of the Interdepartmental Working Group charged with preparing testimony for the Symington Subcommittee, I wrote that of the categories of sensitive information which might have to be divulged to the committee were:

"Sensitive materials or information which can be provided Committee (and which in any event are known to the Committee's investigators)". These would include electronic intelligence along lines already agreed upon by representatives of NSA and Senator Symington. This category would likewise include intelligence relating to covert counter-insurgency operations, i.e., the anti-Huk campaign in the Philippines and operations in Laos."

I believe that Dick Helms would agree that something must be told the Subcommittee about such widely-known "covert" activity as the CIA counter-guerilla program in Laos. Certainly the Viet Cong, the North Vietnamese and the Pathet Lao know a lot about it -- and so does the Subcommittee. I think our best chance to control the issuance of information is to tell the Subcommittee what they actually know anyway and to call upon their patriotism

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TOP SECRET/NODIS

- 4 -

to keep harmful information off the record and out of the press. At the same time a proper distinction should be made between CIA counter-guerilla activities which are "covert" in name only and the intelligence-collecting part of its work which quite rightly should be protected by executive privilege.