THE WHITE HOUSE

WASHINGTON

~~TOP SECRET~~ /SENSITIVE

MINUTES

NATIONAL SECURITY COUNCIL MEETING

PART I OF III

Date: Thursday, May 15, 1975

Time: 4:02 p.m. - 4:20 p.m.

Place: Cabinet Room, The White House

Subject: Seizure of American Ship by Cambodian Authorities

Principals

The President
Secretary of State Henry A. Kissinger
Secretary of Defense James Schlesinger
Chairman of the Joint Chiefs of Staff General David C. Jones
The Director of Central Intelligence William Colby

Other Attendees

State: Deputy Secretary of State Robert Ingersoll

Defense: Deputy Secretary of Defense William Clements

WH: Donald Rumsfeld
Robert Hartmann

NSC: Lt. Gen. Brent Scowcroft
W. Richard Smyser

~~TOP SECRET~~ /SENSITIVE - XGDS

President: Will you tell me where we stand at this time?

Colby: I can give you a report on foreign reaction. I think it would be better if George could give you a wrap-up on our operation.

President: Please go ahead.

Colby: Mr. President, we have no reactions from Communist authorities in Phnom Penh to the U.S. military operation beyond what we had last night. In his statement on Phnom Penh radio at that time, Information Minister Hu Nimm was noticeably defensive in rationalizing the seizure of the vessel.

Although he did claim that the MAYAGUEZ was on an intelligence mission, he stated several times that his government had no desire to stage "provocations" and that the MAYAGUEZ had only been halted for "questioning."

In the aftermath of the U.S. military operation, the Thai cabinet today apparently decided to expel a "senior member of the U.S. mission," and to recall the Thai ambassador in Washington for consultations.

Thai newspapers today are also urging that the government:

-- publicize all agreements between the U.S. and Thailand, and

-- immediately close down all U.S. bases in Thailand.

Leftist politicians are now holding a rally in Bangkok. They reportedly intend to demand that all U.S. troops leave Thailand within 10 days.

The political left apparently believes that the time is right to create a political crisis for the Khukrit government.

Organizers of the demonstration plan to move crowds to both the prime minister's office and the U.S. embassy.

The Thai military leaders, on the other hand, have privately continued to support the U.S. actions.

In Peking's first reaction to the U.S. military action, Vice Premier Li Hsien-nien has accused the U.S. of an "outright act of piracy."

Speaking at a banquet in Peking today, Li said that "when an American ship invaded Cambodia's territorial waters, Cambodia took legitimate measures against the ship to safeguard her state sovereignty." Li added that "the U.S. went so far as to make an issue of the matter" and bombed Cambodian territory and ships.

Li said the American action "should be condemned by world public opinion."

Hanoi radio has characterized the operation as a "flagrant act of piracy" which shows that the U.S. still has not "learned from its defeats in Vietnam and Cambodia."

The new government in Saigon has not commented, but it can be expected to parrot Hanoi's line.

Soviet media continue to report the events surrounding the MAYAGUEZ incident from foreign wire services without editorial comment.

East European commentary remains muted. The Yugoslav press has even referred to the MAYAGUEZ as a "kidnapped" U.S. vessel.

The Cuban press has so far treated U.S. actions in a factual manner, but we have no comment since the U.S. operation was completed.

A Japanese Foreign Ministry spokesman has stated that "a container ship on open waters must not be subject to seizure" and that his government viewed the U.S. military action as "limited."

In most major Western countries there has been little official reaction.

British and West German press comment has been generally supportive.

Press reaction from South Korea, Taiwan, and Australia has been favorable.

Ingersoll: Bill Rogers spoke to the OAS Ministers while they were here, including the one from Panama. He said they were very pleased.

President: Jim, I would like to congratulate you and your whole Department for a job well done.

Have we had any report on the damage so far?

Jones: Not yet. We can summarize the claims, but we are not sure that they are accurate. Here is a photograph. It is the first one that has yet been received here. It shows the buildings around the airport before and after they were damaged. We understand that the damage reported on the aircraft was extensive.

President: Which airport was this?

Jones: The airport near Kompong Som, called Ream.

Kissinger: Were any boats sunk?

Jones: Yes, but we don't yet know how many.

We have no Navy reports yet, just the Air Force. We need to survey all the aircraft involved in the operation.

Kissinger: Were the aircraft used land aircraft?

Jones: No, only the CORAL SEA aircraft were used against Kompong Som. There were four waves. The first was armed reconnaissance. They did not expend ordnance. They found the shipping of other countries and did not want to take the risk. The three subsequent waves went against the airport, against the POL facilities, and against support facilities.

We put 240 Marines on the island, in total. We put 40 aboard the ship.

We lost three helicopters in the operation. The equipment took a lot of battle damage.

Our casualties were 1 killed in action, 1 missing, and 30 wounded. That is considerably lighter than we thought last night.

President: Are all the Marines now on the CORAL SEA or on the HANCOCK?

Jones: They are on the CORAL SEA. We had a reserve of 1,000 on Thailand. But when the ship's crew was returned, we stopped any more Marines going to the island. Then we put in another 80 in order to help the Marines that were there to extricate themselves.

President: I heard that the Marines on the HOLT had gone to the island.

Jones: No, they did not have their full equipment.

Clements: How many helicopters were inoperative?

Jones: We got down to four Air Force helicopters and three from the CORAL SEA. So there were only a few for the Marines who were left there. We thought we might have to keep people overnight on the island. But that was only the impression in Washington. They continued the flow of helicopters and they also used several boats from the destroyer, so that they were able to extricate all the Marines.

Kissinger: How many Cambodians were on the island?

Jones: We do not know, but they were obviously well armed with supplies. They put up a lot of fire against the helicopters.

President: That is probably why they moved the ship to that island from that other one where they had it.

Kissinger: Where did the boat carrying the crew come from?

Jones: From Kompong Som.

Kissinger: This indicates that the operation was really centrally controlled.

Jones: They brought a message that they had been sent out on a Thai fishing vessel in order to be returned, and they asked us to stop the bombing. We had one or two more runs, but we stopped shortly thereafter.

Kissinger: How many aircraft were used altogether?

Jones: About 32 to 40.

Schlesinger: Not the 81 that had been on the carrier.

President: Henry, would you step out for a moment?

(At this point, the President and the Secretary of State stepped out for about 3 minutes. They then returned.)

President: Jim, I would like a full factual report giving a summary and chronology of what happened. It should include orders, summary results, photographs, etc., and indications of what we did when.

Where is the ship now?

Jones: She is on her way to Singapore. We towed her for some distance but then she was able to get up steam and she wanted to go to Singapore.

President: It was a job well done. Let us now go on to the next item on our agenda.

THE WHITE HOUSE

WASHINGTON

~~TOP SECRET / SENSITIVE~~ (XGDS)

MINUTES

NATIONAL SECURITY COUNCIL MEETING

PART II OF III

Date: Thursday, May 15, 1975

Time: 4:30 to 5:30 p.m.

Place: Cabinet Room, The White House

Subject: Panama Canal Negotiations

Principals

The President
The Vice President
Secretary of State Henry A. Kissinger
Secretary of Defense James Schlesinger
Chairman, Joint Chiefs of Staff General George S. Brown
Director of Central Intelligence William Colby

Other Attendees

State: Deputy Secretary of State Robert Ingersoll
Ambassador Ellsworth Bunker

Defense: Deputy Secretary William Clements

WH: Donald Rumsfeld
Robert Hartmann

NSC: Lt. Gen. Brent Scowcroft
Stephen Low

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DECLAS - Date Impossible to Determine
BY AUTH - Dr. Henry A. Kissinger

~~TOP SECRET / SENSITIVE~~ (XGDS)

President: Bill, can you give us a briefing on the Panama Canal?

Colby: (Intelligence briefing attached at Tab D)

President: Thank you. Can you give us any indication of the land that is involved?

Colby: One of the major issues involved is the fact that you can only land in Panama at points which are subject to U.S. control. This is a matter of great concern to the Panamanians. The rest is a matter of degree. But the fact that they do not have direct access to Panama bothers them.

President: Henry, can you lay out the options as you see them?

Kissinger: Mr. President, one of my problems with this issue is that Ellsworth won't tell me what he's doing. So I think it would be better to ask him first. And then I will add my comments.

President: Mr. Ambassador, would you please discuss this?

Bunker: Mr. President, we think that a treaty is within reach. But to get it we need flexibility on two issues: duration and lands and waters. I have no doubt that failure in these negotiations would entail unacceptable risks including negative effects beyond Panama which would disrupt our relations with Latin America, lead to world condemnation, and hamper the operation of the waterway. If we get into a situation involving confrontation, we would turn what is now a basically free country radically to the Left. While we could undoubtedly maintain our control, we would deprive ourselves of what we have gained so far and undermine any future possibility of a reasonable agreement. We are trying to get a treaty which is acceptable both to Panama and to the Congress, and at the same time protect our basic security and interests. I believe we can achieve a balance of the various interests and if we do so, the treaty would be acceptable to both Panama and Congress. We look at this as involving a balance of many components: - the long-term protection of our security interests including the right to act unilaterally in defense of the Canal; the consent of the host country; maintenance of our bases; satisfactory conditions for Canal personnel; duration and post-treaty security arrangements. Panama has already agreed to give us all the defense rights we want including a good Status of Forces Agreement. We want a balance between adequate control over the operation of the Canal, sufficient military presence, long but not too long duration, and a reasonable assurance of post-treaty defense arrangements. With this balance we can obtain a treaty which is acceptable to all parties, and more real security than we have today. However, we need negotiating flexibility, relaxation on treaty duration to between 20 and 50 years.

President: Assume a treaty of 25 to 50 years -- what happens after that expires?

Bunker: Panama will have control of the Canal. We will jointly guarantee its neutrality and access for ships of all nations. What we would like to have is flexibility, particularly as between duration for operation and defense. Defense has agreed with us on a period of duration for operation purposes but feels we should have 50 years on defense. Torrijos has made it clear 50 years is unacceptable. We want flexibility so we can bargain as between duration for operation and duration for defense: 25 years for operation, 50 for defense, if we can get it, though I am certain we cannot. Something in-between is what is necessary. And then a lands and waters proposal which is sufficient to permit agreement. The present one is not saleable to Panama.

President: I am not sure I understand what you mean by 'operation.'

Bunker: The administration of the Canal.

President: Once a treaty is signed and approved, how would operation go?

Kissinger: For X number of years we would run it. After the treaty expires, it would go to Panama.

President: And our defense rights would go along with it?

Kissinger: The original concept was of duration for both operation and defense for a 50-year period. Now we are proposing to split the two. We would be willing to settle for a shorter period for operational control if we could get a longer one for defense. I have to add that in 1967 we offered them 33 years.

President: For both operation and defense?

Kissinger: Yes. Now, if we could get 25 years for operation, we would be still better off than we would have been in 1967. We would probably have no great difficulty in getting them to accept 25 years for operation duration. For defense they will not accept 50 years. We have not yet explored this with them as we have not been authorized to. So we don't know how much more than 25 but less than 50 they would accept. How much longer for defense than operation has not been explored. It would be less than 50 but more than 25. This is the area in which the negotiations would have to take place, if you decide to permit greater flexibility. The land uses matter can't be explored here. We don't have any proposal to make, but something is possible. It seems to me the basic issues are the following: first, whether you are willing to go along with the concept of separating operation from defense. The agencies all agree on this approach. Though not on the numbers--what is going to happen in 40 years is so hard to predict. Two, if you are willing to go that route, then, what is the minimum we can accept? Three, if you don't want a treaty now, you have to decide whether there are some unilateral steps we can take which ease the situation for Panama--steps which give up some of the lands but do not change the relationship. It is my strong impression from the OAS sessions which have just been taking place, in which I talked to most of the Latin ministers, that we will get no help from them, but, on the contrary, they will not hesitate to contribute to our problems. On the other hand, I have been hammered by Thurmond and Buckley on this and am fully aware of the problems raised from that side. If you decide to go for a treaty, then you have the problem of Congress. It is possible, however, that if a treaty were negotiated and signed, you could hold up ratification until 1977. Torrijos would go along with that. Of course, the Congress will scream when a treaty is signed, even before ratification. Internationally, failure to conclude a treaty is going to get us into a cause celebre, with harassment, demonstrations, bombing of embassies. The next Administration will face the issue again with less receptivity and poorer chances to get a reasonable agreement. On the other hand, if we do it now, we will face a major domestic uproar.

President: Going so far as bombs here?

Kissinger: No, not literally--just political. No one here is for it. Those who are against it are extremely vocal. Frankly, I can't convince myself that the difference between 40 and 50 years is that important. If you decide not to go ahead with the negotiations, we have to decide how to do it with a minimum of damage. There will be an uproar in Panama, with riots and harassment. It will become an armed camp and will spread rapidly to the Western Hemisphere. It will become an OAS issue around which they will all unite. Then it will spread into the international organizations. It is just a question of how long you want to take. From the foreign policy point of view, I favor going ahead. However, domestically I've already encountered enough opponents to know what a barrier exists.

President: I've been told that 37 Senators have signed some document that they would disapprove of a treaty.

Secretary: From the foreign policy point of view, we're better off signing a treaty and not submitting it to the Senate. That would give us two years.

President: I have a question. I am told that, inasmuch as we would be giving up U.S. territory, both the Senate and the House would need to act on this; the Senate on the treaty and the House on the land. Of course, in the House a simple majority is sufficient but two-thirds are needed in the Senate.

Bunker: Thirty-seven Senators signed the Thurmond resolution. Our analysis in the State Department indicates that perhaps 20 are soft opponents and might be persuadable; 17 are intransigent and not susceptible of being won over. As of now, the Canal has a constituency while the treaty has none. That is because we have done nothing yet. We have made no broad effort on the Hill or with the public. Consultation with the Congress and public education would be essential in getting a treaty passed.

President: What do you think about this, Jim?

Schlesinger: The details of the Defense position have been discussed in the earlier meetings. I would like to give you my personal observations. I guess I may be classified as an opponent of the treaty. It seems to me one of the biggest mistakes the United States has made since 1945 was not to acquire sovereign base rights in a number of places around the world, like the Philippines and elsewhere in the Far East. The Panama Canal Zone represents one of these sovereign base areas. Defense agreed to the Eight Principles signed last year which sacrificed sovereign land areas. It was a generous offer on the part of the U.S., giving them land and sovereignty. What Ambassador Bunker refers to as flexibility is no less than a further reduction in what we're asking for, an erosion in our position of substantial magnitude. It seems to me we're engaged in reducing our requirements to what we think Torrijos will accept. When I was DCI, the analysis was different. We recognize that there will be harassment and attacks. The question is whether the price is worth defending a set of principles on our part. Worldwide reactions are likely to be mixed. When the U.S. shows strength and determination, it receives respect. When it recedes from its position, it whets appetites. I was reluctant to see the position your predecessor, President Johnson, took in 1967. That eroded your position.

President: Were those the negotiations Bob Anderson conducted?

Schlesinger: Yes; we have had eight years since then; one solution would be to try to protect our position for another eight years. That might give us the greatest period of time advantage. Henry put the problem in terms of a conflict between domestic and international interests. I think it's more complex than that. The international effect will be varied--the Brazilians and some of the others respect us when we take a strong stand--there will be different attitudes. While the international implications are mixed, the domestic are unmixed; in my mind the question is whether or not the U.S. is capable of standing up to the harassment which Torrijos is quite capable of mounting.

President: In your judgment would the harassment be of such degree that it could render the Canal inoperable?

Schlesinger: I think not. The SNIE I produced some years ago concluded that their reaction would depend on their assessment of the American position. If they were persuaded the U.S. was flexible, then they would be tough; if they thought the American position was tough, they would be more reasonable. They will take advantage of the situation depending on how firm the U.S. is prepared to be. If we are tough in the Canal they will yield. In recent years the U.S. has not shown a great deal of this quality.

Kissinger: What do we want to stand up for the Eight Principles for? They give no time limit and no guidance in this issue.

Schlesinger: I understood it was 50 years.

Kissinger: That is in the presidential instructions, but not in the principles. The principles just speak of an adequate period of time. We have all agreed on proposing 25 years for operation; the issue is whether or not to insist on 50 for defense, with an extension into the post-treaty period. My recommendation would be to shave our demands on matters like operation if it could add to defense. I do not share the view that some of the Latins will support us. I have just finished talking to all of them and am convinced that none will support us. The question is, is this a good issue on which to try to face-down the Latins? It might be if it were only Torrijos we have to face-down, but this is the whole Hemisphere.

Colby: I am convinced that we are facing in the next 15 years increasing tension between the North and South which will take on racial characteristics. They would be unified against us.

Clements: I don't think there is any problem about Defense and State coming to some reasonable solution; working out the details is easy.

Kissinger: I agree.

Clements: This is no problem. The post-treaty conditions are a little more difficult. We could set them out further in some reasonable and understandable form. So far as harassment in the Canal Zone goes, this can be contained without severe action. In order to do that we will have to make some minor concessions. We can move forward with the lesser issues and keep the negotiations going, make some of the accommodations they want, but keep the treaty out of the political arena. Joe Doaks in Paducah is excited about the Panama Canal. He considers this part of his business and will become very emotional about it. I know I'm supposed to be a non-partisan career official, but I can tell you this will be one hell of an issue domestically in 1976. I think we can avoid it by making some accommodations, working out the details, and holding everything as it is for 18 months, and still save to a reasonable degree the international conditions.

President: Would these adjustments fit under a subsequent treaty?

Kissinger: I agree with Bill that we could come to an agreement with Defense on all points in a treaty, and we would gain internationally. From the foreign policy point of view this is just not a good issue to face people down with. With regard to his recommendation that we protract the negotiations so as not to sign for 18 months, we'll have to take a look to see if it's possible.

Clements: Bo Callaway and the Army assure me this can be done. We'll have to do some selling, but there are a lot of things that we can do, and we feel very positive about it.

President: I've had some experience with the Panama Canal, going back as early as 1951 when I was a member of the House Appropriations Subcommittee that had jurisdiction over the Panama Canal. At that time I had the temerity to look at the sinecures that some of the civilian employees of the Canal had acquired, such as rents, which I think were $15 a month, and a raft of other gratuities that few other people working for the Federal Government received. I objected and sought to decrease these benefits. I was met with an onslaught from a highly organized group which I hadn't anticipated. Previous to that, the Carrier on which I served went through the Canal. A Navy Canal pilot whom I met took me back to the other side and we stayed out late having what I remember were called "blue moons." The ship was going to San Diego the next morning. At about 2:00 a.m., I asked whether we shouldn't start back. He said, "Never mind, I'll fly you in the morning." And so we went to sleep at about 2:00 and at 5:00, took off in a single engine plane; we went through the worst rainstorm I ever saw. I got on the gangplank of the ship just as it was beginning to go up. If I had missed it I would have been AWOL. But that is the most highly organized group of American employees I know. They have a vested interest in the status quo. This is a group that gives the public the impression of what we should be doing down there. We are not going to decide this issue on those grounds. They ought to know it. The Army gets its information from them and they infect it with their views. But they're not going to decide this.

Clements: Bo Callaway and the Army have been handling this very effectively. They have been attempting to bring about a reduction in these benefits.

President: Do they still get a 20 to 25 % wage differential?

Clements: I think they get some. The Army and Bo want to do things right. They want to bring the Panamanians into the operation and do some other things that should have happened long ago.

President: This group of Americans go from one generation to another. Some of them have been there for three generations.

Kissinger: These concessions could take two forms--first, they could help save our lives on the treaty; second, if the Panamanians perceive them as a substitute for a treaty, we will have difficulty. We will have to look into the possibility of whether we can drag the negotiations out until after the elections. For that kind of thing we can probably get some Latin American support from people like the Brazilians.

Schlesinger: What Bo Callaway is talking about is a number of atmospherics. He is the most ardent advocate of the Eight Principles and the existing presidential guidance.

Kissinger: The Eight Principles are just platitudes, deliberately designed to be satisfactory to both sides. They give no guidance on this.

Schlesinger: The Army is prepared to accept them. Bo and the others firmly adhere to this position. It's our position that the little flexibility they're asking would reduce the period to 30 or 25 years and soon it gets down to the point which we just can't tolerate--20 years, for instance.

Kissinger: No, that's not the case; we're trying to separate operational rights from defense rights. For operational rights we're willing to accept down to 20 years; for defense rights not 50 but more than 25, something like 30 or 40--my own estimate is we should get 40 or even 45--that means defense by Americans. We haven't tried shaving the other treaty rights to get more on defense rights.

Clements: And some post-treaty rights.

Kissinger: In any circumstances the defense control will extend well beyond the year 2000.

President: Are you saying that if the treaty is signed, our sovereign rights will extend through the year 2000?

Kissinger: Until 2000 we operate the Canal and until, say, 40 years, that is, until the year 2015, we have the unilateral right to defend the Canal. Then there is the problem of the post-treaty rights which we've not been prepared to discuss. My understanding is that sovereignty would lapse with the signing of the agreement and be phased out over a three-year period. The operational part is less important than defense.

President: Then there are really three points. Sovereignty is phased out in 3 years, operation would be 25, and defense rights 40 to 45.

(The Vice President enters)

Rumsfeld: I've been doing some talking up on the Hill and I I find there is a great deal of distrust and concern and leaking of documents to the Hill by the people in the Zone. I would caution against any new treaty concession being made to the Panamanians. The conservatives would join with the liberals on this.

Kissinger: This is a totally separate issue. There is a story on the Hill that we are negotiating some unilateral accommodations. This is sheer nonsense. We have told them that. We should save these unilateral concessions for the treaty where we get something in return.

Rumsfeld: There is a strong constituency in Panama and there is not at home. We don't think this is a matter of deep concern among the American people, but there is a violent concern among some Congressmen that have active supporters opposing this treaty.

Schlesinger: Is it a matter of physical harassment?

Rumsfeld: No--political. Some of our good friends in the Congress feel very strongly about this issue. If we antagonize them on this, then the ability of the President to deal with other matters of high priority, like Turkey, will be diminished. The point is that this so angers people on the Hill that we lose their support. This will affect the attitude of these people with regard to other issues. It would be just like sending up a nomination for Abe Fortas. There is a strong feeling, not among many, but a significant group. Bunker and the others should work with these people.

Kissinger: There is no way we can persuade some of these people.

Vice President: I am a politician and I know a little about pursuing our national interests and the treatment of people. I understand these people that Don talks about--they have to understand the world in which we live. This is a big issue in Latin America like the expropriation of oil in Mexico was in 1939. It's symbolic of freedom from the United States and the restoration of dignity. This is terribly important for our relations in the Western Hemisphere. I would like to talk to some of these people. I may be able to help.

Colby: The pressure will grow from Latin America. There is a tendency to compare it with the base at Guantanamo. The situation is going to get more and more tense.

President: What is the time schedule as you see it?

Bunker: If we can get the flexibility we need, and without it we can't get a treaty, then we can move along and probably get something by August or September. There has been no treaty drafting as yet.

Ingersoll: We have done no selling on the Hill because we didn't know our position, and couldn't explain it. This problem is not going to go away. It's going to get worse.

President: We ought to get further information on the proposal of the specific things which Bo Callaway is talking about. When we see those specifics we can look at how much can be done unilaterally and how soon. They should be put together soon; let me look to see what impact they would have and after that we'll take a look at what we can do.

Kissinger: The fundamental problem is to assure that we maintain the negotiating position. If Torrijos perceives that we've abandoned it in some way, he wouldn't want to play that game and we would be in for a confrontation. If we used these unilateral steps to protect our negotiations for 18 months, we might be all right and some of the more sophisticated Latins like the Brazilians might help. But if we say there will be no new treaty, then there will be an uproar. (I've never discussed this with the Vice President so I can assure you there's been no collusion.) We would have a real uproar; volunteers, demonstrations, violence, and we would be dragged into every international forum. This is no issue to face the world on. It looks like pure colonialism.

Schlesinger: The palliatives will help us only as far as postponement is concerned. Sooner or later we're going to run into these problems. You must face the prospect of harassment.

Clements: Bo Callaway and the Joint Chiefs and all of us are together on this. There is no problem. We want to move forward. We're not advocating the status quo. We understand that a treaty is inevitable; the problem is timing.

Kissinger: We'll have to draw up a list and then make our best assessment of the situation if we are to protect the negotiations.

President: Let's find out what the alleged goodies are and the impact of this kind of thing.

Vice President: Do you know Torrijos? He's a very interesting guy. I think at some point if you had him up here and had an hour with him, you could give him your personal attention. It would have a big impact.

Rumsfeld: Get him with . . .

Kissinger: Right now he's working on Ellsworth on this island of theirs.

President: We ought to expose him to my old friend Dan Flood.

Kissinger: We'd complete the negotiations the next day.

Vice President: You know his mother's a communist and his father's a communist and his sisters and brothers are communists, but he's a real tough guy. He's crazy about the U.S. military. He's got a real concept of dignity.

President: Let's get the materials and facts and then we can make an assessment of where we stand.

MINUTES

NATIONAL SECURITY COUNCIL MEETING

PART III of III

Date: Thursday, May 15, 1975

Time: 5:30 p.m.

Place: Cabinet Room, The White House

Subject: Middle East

Principals

The President
The Vice President
Secretary of State Henry A. Kissinger
Secretary of Defense James Schlesinger
Chairman of the Joint Chiefs of Staff Gen. George S. Brown
Director of Central Intelligence William Colby

Other Attendees

State: Deputy Secretary Robert Ingersoll
Ellsworth Bunker, Ambassador at Large

Defense: Deputy Secretary of Defense William Clements

WH: Donald Rumsfeld

NSC: Lt. Gen. Brent Scowcroft
Robert B. Oakley

President: This group is familiar with the reasons that I ordered the reassessment of the Middle East on March 28, following the suspension of negotiations and the decision to treat Israel as a friend, correctly but like our other friends and no more. I have no apprehension about the vigor of our commitment to their security but there must be a suspension of certain deliveries and contacts in the interim. I trust my orders on this subject are being carried out.

In the meantime, I have met with a number of people and Henry has met with a number of others. We have told all of them, whether they were Israeli or pro-Israeli or Arab or pro-Arab or independent, the same thing, that we will not tolerate stagnation or stalemate in the Middle East. Momentum is the key word. I plan to meet Sadat and Rabin and at some time subsequent to that we will make a decision on United States policy in the Middle East.

Henry, would you please give us a rundown on the diplomatic options open to us.

But before Henry begins, let us recognize the fact that the professional members of the American Jewish Community have undertaken a certain nationwide campaign to paint the picture that the reassessment is a change of heart toward Israel. First, they are wrong. I reiterate my dedication to the survival of Israel, period. That is the word we use, survival. Second, anyone who knows me, and those who do not shall soon know that inequitable, unfair pressures are exactly the wrong way of trying to change my views. Inequitable, unfair public pressure tactics are the wrong way to convince me. I will tell certain people directly if this continues.

Now, Henry, tell us where we stand diplomatically.

Kissinger: We have made no attempt to move our policy examination to a conclusion. However, all concerned are convinced that within a year of what the Arabs perceive as a stalemate, there will be a war. We are also all convinced that the economic and military consequences would be unacceptable for the U.S. That is why we are trying so hard to get negotiations started again. The fact of our reassessment has bought us some time with the Arabs since they are less frustrated than they would have been had nothing beenhhappening at all. But when it comes time for the next renewal of the UN forces in late July if nothing is going, or at least the clear prospect of progress seen, the situation will be out of control. After that events will move rapidly.

In our reassessment we have identified the several options. First, would be to restart the interim negotiations between Egypt and Israel. In some ways this is the easiest approach but there are two problems. One is that each side is now so dug in publicly as to their positions on the details of this negotiation that it will be extremely difficult for them to make concessions that might have been possible for them before. The other is that there is a different atmosphere now in the Arab world. Feisal had been convinced on the step-by-step approach, a separate negotiation for Egypt, and Asad had no choice but to go along. But now Fahd has taken over and he does not think exactly the same way, he is less liable to support a separate Egyptian negotiation. Moreover, the Egyptians and Syrians are now much closer to each other, with Saudi support. So if we decide to go for another interim agreement for Egypt we will also have to go for another one with Syria or we will create a situation where Syria could easily go to war and ruin everything we have accomplished.

The second option is for Israel to give up a bigger piece of territory for a bigger political concession from Egypt. But this would raise the Syrian question

Kissinger: (Continuing) in an even more acute way, even more dangerous. Also, it could never work because Israel would demand non-belligerency and this is impossible for Egypt except in the context of total or almost total withdrawal.

The third option is a comprehensive proposal at Geneva, Either by the U.S. or put forward by someone else. This will happen at Geneva whether we like it or not and/we will be forced to take a position on the key elements, anyway. We can go for a comprehensive settlement alone or with the Soviets or start alone and then bring in the Soviets, or try to work it out together with the Israelis. There are many possible variations of the comprehensive approach. But they will all be very difficult for Israel.

The fourth option is to go to Geneva and let a stalemate develop and then try to move back to a U.S. interim agreement. The Soviets may fear this is what we have in mind and that we already have worked at an agreement with Sadat. But a stalemate at Geneva without prior progress outside of Geneva is very dangerous and could lead to war as easily as to an interim agreement. This would be especially true if we were seen to be the obstacle causing the stalemate at Geneva.

Given these options, what we will recommend to the President will depend upon the degree of flexibility the President discovers in his meetings with Sadat and Rabin and what I find about the Soviet position when I see Gromyko. When I meet Gromyko the guidance is not to be specific. This is really an exploration to get their views before meeting Sadat and Rabin. We can probably keep this round of consultations going into the first part of July but not beyond that or the Arabs will conclude we will do nothing. It is also possible that the Israeli strategy is just to sit tight, wait until elections come next year, and do nothing.

Schlesinger: It is clear to me that is precisely their strategy, don't you agree?

Kissinger: Yes, I think this is their strategy. Since I left Israel in March there has not been a single substantive message from the Israeli Government capable of enabling progress to be made. Either they repeat their earlier positions and call them new when they are the same, or they are so vague as to be worthless. That is why we must be firm with them and impress upon them the need to come up with some new substantive proposals.

Clements: I want to assure you, Henry, and the President that the Saudis have great confidence in you and the President wanting a just peace in the Middle East. When I was there with George (General Brown), they made this very clear. And they said it is also true of Egypt. They are optimistic that you and the President will pull something out of the hat to keep it going.

Kissinger: They are optimistic because they think we will do it but at this point we have nothing at all to work with.

Schlesinger: Could I say something about using the word survival instead of security? It is a codeword of significance. After October 1973 we took a position on maintaining the security of Israel and working for a just and equitable solution to the Middle East situation. That formula is reassuring to Israel. It means their undiminished survival. This is a sensitive period and it is not advisable to get drawn into semantic disputes.

President: I have used survival and security interchangeably, synonymously. But they have now chosen to make a distinction, not I. I will therefore use survival and I do not want anyone else to paraphrase or explain away what I say. The record of my commitment to Israel is clear. I have before me the major items furnished to Israel by the U.S. since October 1973

President: (Continuing) and since I became President, up until April of this year. The facts are that Israel is far better off today militarily than prior to October 1973. I am delighted they are in that position since it makes our position very strong in holding off on certain items. If this criticism continues, we may release this information.

Now, we are dedicated to Israel's survival and to the avoidance of stagnation and stalemate. All Departments and Agencies should maintain a correct attitude toward the Israelis. All the parties should be treated with the same correctness. Our position is right and has to be maintained that way. In the meantime, we will make a bona fide reassessment of our policy and announce a final decision after the meeting with Rabin in June. We made a maximum effort in March. We are disappointed it did not succeed. But that is not the reason for our reassessment. We have some critical issues to solve. In the meantime our attitude is one of correct behavior.

Vice President: What about using "survival of Israel as a free and independent state?" That is what I have always used.

President: We want to stick to survival.

Kissinger: They have said they need the word security because it means expanded frontiers. They want us to endorse that position so they have made it an issue.

Schlesinger: Have they said so?

Kissinger: They have said it in the press and have accused us publicly of trying to get away from supporting their territorial claims.

Schlesinger: In the past we have used the word security.

President: But they have made it an issue and we will not back down.

Vice President: I have used "survival as a free and independent state" for 26 years. I have attended the kick-off dinner of the United Jewish Appeal every year and have a lot of experience in finding just the right words. I have had to be careful. This will avoid the territorial issue which is linked to security.

President: That is okay. Survival or survival as a free and independent state.

Schlesinger: Could I raise another issue? Senator Church's committee has asked to interrogate three of our people without a monitor present, two of them in connection with the Huston report and one for some other report. We need guidance on how to handle this problem, since it will set a precedent.

President: Have the employees asked to have a monitor present?

Schlesinger: The employees have not yet been notified directly. The notification came to the Department of Defense.

Colby: I talked to Church today. Hills and I showed them some very delicate stuff and they have begun to realize how important it is to compartmentalize their operation. The problem of organization is as important as anything else, since they are now operating with everyone having access to everything. There was some sympathy for the idea of interviewing the employee with a monitor present with a brief period at the end where there would be unrestricted access to the employee. Our Counsel would be there most of the time.

I also testified before the entire Committee today. It was like being a prisoner in the dock, there was a real interrogation. All the questions were on assassination and it was like "when did you stop beating your wife? That was all they wanted to talk about but I insisted on covering the whole range of covert action in a larger way, otherwise it would have been a disaster. I explained to them how covert operations are conducted, what are the procedures followed, what orders are given, who does what. Then I gave them some specific

Colby: (Continuing) cases that have already been blown for the most part, such as Guatemala. This left them groping for a way to tackle the whole problem. Then I went on to propaganda and agents of influence, telling them, for example, [redacted]

Kissinger: I am not sure that example will impress Kennedy.

Colby: [redacted] Then I talked about Radio Free Europe. And then at the end I got to assassination. I described the delicacy of the problem and how little of this sort of thing the U.S. has really done. There were attempts against Castro in the early 1960s but our information is very scarce. [redacted] Then they wanted to know whether we had ever had any of our own agents assassinated, you know, the Green Beret stuff. I told them we never do that. I also told them that our policy and our orders are very clear: we will have nothing to do with assassination. Church ended by saying that is not enough. That to be certain we need more than orders. We need to have a law which prohibits assassination in time of peace.

President: Who was in the meeting?

Colby: All of the Senators.

Kissinger: It is an act of insanity and national humiliation to have a law prohibiting the President from ordering assassination.

President: Was there staff present?

Colby: Four staff members.

President: And court reporters?

Colby: Yes.

President: Jim [Schlesinger], at what echelon are the employees they want to question and when are they to testify?

Schlesinger: It will be soon. They are of a lower level and the implication is that it is a question of wrong-doing that the Committee is after on the part of the individual rather than the Department.

Colby: There is a big difference between individual action and responsibility and the way in which the institution conducts its operations.

President: I have asked my Counsel, Rod Hills, to draw up some guidelines for testifying.

Schlesinger: Can we say to the Church Committee that we are developing an Administration-wide policy and we will be back to them as soon as it has been developed?

President: Yes. You should get together with Rod Hills who is already working on this.