

THE WHITE HOUSE
WASHINGTON

April 17, 1973

~~SECRET/EXDIS~~

MEMORANDUM FOR:

DR. HENRY KISSINGER
JOHN EHRLICHMAN

FROM:

JOHN DEAN *JD*

SUBJECT:

Executive Privilege-Senate Foreign
Relations Subcommittee Request
for Chile Cables

In connection with the ITT/Chile hearings, Senator Church, Chairman of the Senate Foreign Relations Subcommittee on Multinational Corporations, has twice requested in writing that the Department of State provide his staff with cables between the Department and Santiago for the period August 1, 1970, to January 31, 1971.

The Department replied to Senator Church's first letter indicating that it had previously reviewed its cable files at OPIC's request and that the files do not include any report of ITT activities in connection with the 1970 Presidential election in Chile. Senator Church renewed his request on April 2, asserting that the questions of "what U.S. policy in Chile was and what instructions our Ambassador received have become central to the Subcommittee's understanding of the issues before it."

As you know, the Subcommittee hearings focused on allegations of ITT and USG involvement in the 1970 Chilean election, based on the ITT memoranda published in a Jack Anderson column. One allegation is that Ambassador Korry received an instruction in the name of President Nixon to do "all possible -- short of a Dominican Republic-type action -- to keep Allende from taking power."

DECLASSIFIED

E.O. 12958, as amended, Sect 3.5

NLN 00-21/1 per sec. 3.3 (b)(1)(b) Rev. OCT 21 2003

By *JD* NARA, Date JUL 24 2007

[p. 1 of 5]

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Both former Ambassador Korry and former Assistant Secretary Meyer have testified before the Subcommittee. Ambassador Korry declined to answer questions as to what instructions he received from Washington and what recommendations he made. Mr. Meyer was questioned concerning positions taken in the 40 Committee, including the President's attitude towards the election of Allende, but declined to discuss the matters. Both Ambassador Korry and Mr. Meyer testified that the U.S. pursued a policy of non-intervention with respect to the Chilean Presidential election of 1970.

State believes that the disclosure of the instructions sent to Ambassador Korry and of his recommendations to the President during the period in question would seriously prejudice the foreign relations interests of the United States, and advises that the disclosure of the cable traffic with Embassy Santiago [REDACTED] [REDACTED] would reveal sharp policy debate within the Administration, proposals which were not brought to action for various reasons, and a number of sensitive matters including deliberations of the 40 Committee. For these reasons, State requests and recommends the invocation of executive privilege if necessary to avoid disclosure of the cables requested (see Tab "A").

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3.3(6)(1)

The Department of State is presently exploring alternatives with Senator Church which would satisfy the needs of the Committee. It is probable, however, that the Subcommittee will settle for nothing less than the production of all of the cables requested.

The Department of Justice is of the opinion that as a general matter instructions to and recommendations from an Ambassador, and other internal Executive Branch communications, fall within the scope of executive privilege and that its exercise in that respect would be consistent with the President's statement of March 12, 1973, and his memorandum to Cabinet officers of March 24, 1969.

This is, of course, not a very propitious time to consider an exercise of executive privilege, and especially so since we would want to avoid any inference that we were doing anything supportive of ITT's alleged activities. Nonetheless, State's justifications for this request,

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[AKN 00-21/1:2]

and the Justice comments, indicate that such an exercise is appropriate in this instance. Therefore, in the event State is unsuccessful in its negotiations with Church, I would recommend that the President direct State not to release any portions of these cables which would reveal internal policy making deliberations or instructions or would otherwise be prejudicial to our national interests.

Agree _____

Disagree _____

Comment _____

[NLN 00-21/1:3]

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(add-on)

THE WHITE HOUSE

WASHINGTON

April 19, 1973

MEMORANDUM FOR: DR. KISSINGER'S OFFICE

FROM:

LINDE ZIER

Fred Fielding's Secretary

Enclosed is the attachment to the memo sent by John Dean to Dr. Kissinger yesterday, entitled "Executive Privilege-Senate Foreign Relations Subcommittee Request for Chile Cables".

Sorry for the delay.

Linda -

per our conversation of
yesterday.

A. Zier

[NAN 00-21/1:4]



C O P Y

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S/S 7306739

DEPARTMENT OF STATE

Washington, D.C. 20520

~~SECRET/EXDIS~~

April 12, 1973

MEMORANDUM FOR MR. JOHN W. DEAN III
THE WHITE HOUSE

Subject: Executive Privilege - SFRC Request
for Chile Cables

Senator Church, Chairman of the Senate Foreign Relations Subcommittee on Multinational Corporations, has twice written the Department requesting that cables between the Department and Santiago for the period August 1, 1970, to January 31, 1971, be made available to Committee staff in connection with the ITT hearings. The Department replied to Senator Church's first letter on March 26 indicating that it had previously reviewed its cable files at OPIC's request and that the files do not include any report of ITT activities in connection with the 1970 Presidential election in Chile. Senator Church's second letter of April 2 asserts that the questions of "what U.S. policy in Chile was and what instructions our Ambassador received have become central to the Subcommittee's understanding of the issues before it."

The Subcommittee hearings focussed on allegations of ITT and USG involvement in the 1970 Chilean election, based on the ITT memoranda published in the Jack Anderson column in March 1972. One allegation in these memoranda is that Ambassador Korry received an instruction in the name of President Nixon to do "all possible -- short of a Dominican Republic-type action -- to keep Allende from taking power." Another assertion made in questioning by Committee staff is that the USG established a \$400,000 fund for use in connection with the 1970 Chilean election. A CIA witness testified that he had discussed with ITT the feasibility of certain measures to apply some economic pressure on Chile with a view to influencing votes in Chilean Congress when it elected the President after the popular vote failed to decide the issue.

~~SECRET/EXDIS~~

GDS - December 31, 1981.

[NAV 00-21/115]

Both former Ambassador Korry and former Assistant Secretary Meyer testified in public session. Ambassador Korry declined to answer questions as to what instructions he received from Washington and what recommendations he made. Mr. Meyer was also asked about the instructions and he was pressed to comment on positions taken in the 40 Committee including the President's attitude towards the election of Allende. Mr. Meyer also declined to go into these matters. Both Ambassador Korry and Mr. Meyer testified that the U.S. had pursued a policy of non-intervention with respect to the Chilean Presidential election of 1970.

The line of inquiry being pressed by the Committee impinges directly upon the privacy of communication between the President (and the Department) and his Ambassador, and the internal policy deliberations of the USG, including meetings of the 40 Committee. The Department has and will continue to make every effort to satisfy the needs of the Subcommittee without invoking executive privilege. However, consistent with the policy established by the President we will not disclose information which would be incompatible with the public interest or would impair the operation of the Executive Branch.

We believe that disclosure of the instructions sent to Ambassador Korry and of his recommendations to the President during the period in question would seriously prejudice the foreign relations interests of the United States and would compromise the privacy of deliberation within the Executive Branch which is essential to the effective conduct of government. Disclosure of the cable traffic with Embassy Santiago [REDACTED] [REDACTED] would reveal sharp policy debate within the Administration, proposals which were not brought to action for various reasons, and a number of sensitive matters, including deliberations of the 40 Committee, that have not been disclosed. Such disclosures would also embarrass Chilean friends of the United States and U.S. citizens who provided information and advice to the government in good faith reliance on the confidentiality of their communications. Disclosure of this information would seriously damage the position of the democratic forces in Chile which has already been hurt by press reports of U.S. support. It could also have marked

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adverse effects on friends of the United States elsewhere, particularly in Latin America. For all these reasons, we believe that executive privilege should be invoked if necessary to avoid disclosure of the cables requested by Senator Church. We are exploring alternatives with Senator Church and would not invoke executive privilege in our next letter. However, he may press the matter to an early confrontation.

The Department of State has consulted with the Attorney General, through the Office of Legal Counsel. The Office of Legal Counsel has concluded that as a general matter instructions to and recommendations from an Ambassador, and other internal Executive Branch communications, fall within the scope of executive privilege and that its exercise in that respect would be consistent with the President's statement of March 12, 1973, and his memorandum to Cabinet officers of March 24, 1969.

Therefore, we are requesting authority to invoke executive privilege, if necessary, to prevent disclosure of the cables to and from Embassy Santiago for the period August 1, 1970, to January 31, 1971.

Theodore L. Eliot, Jr.
Theodore L. Eliot, Jr.
Executive Secretary

Enclosures:

1. Copy of March 7, 1973, letter from Church to the Secretary
2. Copy of Mr. Wright's letter of March 26 to Church
3. Copy of April 2, 1973, letter from Church to Wright.

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United States Senate

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COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

CARL MARCY, CHIEF OF STAFF
ARTHUR M. KUHL, CHIEF CLERK

March 7, 1973

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The Honorable
William P. Rogers
Secretary of State
Washington, D. C. 20520

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ACTION
is assigned to

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Dear Mr. Secretary:

As you know, the Subcommittee on Multinational Corporations is engaged in the investigation of the activities of the International Telephone and Telegraph Company in connection with the election of Salvador Allende Gossens as President of Chile.

In connection with this investigation, it would be helpful to the Subcommittee if the Department would make available the cables from Santiago to the State Department and from the State Department to Santiago for the period August 1, 1970, through January 31, 1971. Either Mr. Jerome Levinson or Mr. Jack Blum of the staff of the Subcommittee would be available to examine the documents at your convenience.

Your cooperation will be greatly appreciated.

Sincerely,

Frank Church
Frank Church
Chairman, Subcommittee on
Multinational Corporations

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ANALYSIS BRANCH

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