

The original documents are located in Box C28, folder “Presidential Handwriting, 9/25/1975” of the Presidential Handwriting File at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

September 25, 1975

NOTE FOR THE PRESIDENT

Jack Marsh asked me to deliver this briefing memo for tomorrow's 8:00 a.m. meeting with House leaders on the intelligence investigation.

Secretary Kissinger (via Bud McFarlane) has asked that the following be included as another category of materials which would not be provided the Committees (see Tab A):

- 3) Diplomatic exchanges or other material the disclosure of which would be embarrassing to foreign governments and damaging to the foreign relations of the United States.

Your other advisors have not had the opportunity to comment on this recommendation.



Mike Duval

THE PRESIDENT HAS SEEN

THE WHITE HOUSE

WASHINGTON
September 25, 1975

MEETING WITH CONGRESSIONAL LEADERSHIP
CONCERNING THE INTELLIGENCE COMMUNITY INVESTIGATION

Friday, September 26, 1975
8:00 a.m. (60 minutes)
The Cabinet Room

From: Jack Marsh

I. PURPOSE

To attempt to develop a compromise with the Congress concerning delivery and publication of classified material in connection with their ongoing investigation of the United States intelligence agencies.

II. BACKGROUND, PARTICIPANTS AND PRESS PLAN

- A. Background. Yesterday you approved the outline of a potential compromise concerning the release and publication of classified materials. See Tab A for a copy of the procedure under consideration.
- B. Participants. See Tab B.
- C. Press Plan. The meeting is not on your official schedule, but nevertheless will be announced to the Press. White House Photographer only.

III. AGENDA

- Open the meeting by thanking the leaders for coming and brief comments (see Tab C) on the importance of this issue.
- Ask Jack Marsh to outline the procedure under consideration.
- Ask Speaker Albert and Minority Leader Rhodes for their comments.

Materials* to be Supplied

Provided the Committee agrees to publication procedures as set out below, the Executive branch will supply intelligence-related materials requested with the following narrow exceptions:

- 1) Identities of secret agents, sources and persons and organizations involved in operations which, if disclosed, would be subject to personal physical danger, or to extreme harrassment, or to economic or other reprisals, as well as material provided confidentially by cooperating foreign intelligence services; and
- 2) Specific details of sensitive intelligence methods and techniques of collection.

These exceptions will not be used to withhold materials concerning alleged impropriety by an Executive agency or alleged criminal activity. Such materials will be furnished under arrangements appropriate to the particular situation.

Verification procedures will continue to be available in case of Committee questions concerning matters deleted by the Executive agency.

Other matters, the complete confidentiality of which the President personally certifies is essential to the effective discharge of Presidential powers, may be withheld.

Publication

If the Committee desires to publish any classified material and the appropriate Executive agency objects, the following procedure would apply:

1. The appropriate Executive agency will be given notice and reasonable opportunity to make its case to the Committee, in executive session, as to whether the material may be made public.
2. If agreement is impossible, the Committee will see to it that disputed materials are given to a special review board, made up of Congressional leaders. If the review board agrees with the Executive agency, the materials shall not be published. If the

*This procedure applies to interviews, depositions and testimony as well as documents.

leadership board disagrees with the Executive agency and concurs in the Committee judgment that the material should not be published, then they will so advise the President.

3. The materials will not be published if publication would, in the opinion of the President, be prejudicial to the national security of the United States.

At this point, Congress can still exercise its right to subpoena the materials and litigate the issue in court. As a technical matter to facilitate litigation, the document in dispute will be considered as loaned to the Committee, and it will be returned to the appropriate Executive agency in order to become subject to the Congressional subpoena.

SPECIAL NOTE: These procedures do not, of course, apply to the ongoing work product of attorneys in connection with criminal prosecution and civil litigation.

Tab B

PARTICIPANTS

House of Representatives

Carl Albert

John Rhodes

Otis Pike

Bob McClory

Administration

Secretary of State Kissinger

CIA Director Colby

Donald Rumsfeld

Jack Marsh

Phil Buchen

Tab C

TALKING POINTS

- As you know, an impasse has developed between the Executive and Congress concerning the delivery and publication of classified materials in connection with your ongoing investigation of the U.S. intelligence agencies.
- From the beginning, I have sought a policy which would provide all the information necessary for your investigation.

I have only excepted a very narrow class of information, such as the identities of secret agents, sources of our information and specific details of sensitive intelligence methods and techniques of operation.

I have specifically stated -- and stated publically -- that under no circumstances will I allow materials to be classified as a way of covering up the exposure of alleged or actual criminal violations or failures in the intelligence community.

I have no problem with giving this information to the Congress. In fact, I would be more than willing to provide it to the American people if we could put a wall around them to ensure that it wouldn't fall into the hands of actual or potential enemies of this country.

I need the intelligence which is provided by these agencies. Every President that follows me must have this information also if we are to maintain our strength and the ability to defend ourselves.

- I have developed a procedure which has the support of all the Executive agencies involved, which should permit the Congress and the Executive branch to work out this problem in a mutually satisfactory manner. Jack, why don't you provide the details?

THE WHITE HOUSE

WASHINGTON

September 25, 1975

NOTE FOR THE PRESIDENT

Jack Marsh asked me to deliver this briefing memo for tomorrow's 8:00 a.m. meeting with House leaders on the intelligence investigation.

Secretary Kissinger (via Bud McFarlane) has asked that the following be included as another category of materials which would not be provided the Committees (see Tab A):

- 3) Diplomatic exchanges or other material the disclosure of which would be embarrassing to foreign governments and damaging to the foreign relations of the United States.

Your other advisors have not had the opportunity to comment on this recommendation.



Mike Duval

THE WHITE HOUSE
WASHINGTON
September 25, 1975

MEETING WITH CONGRESSIONAL LEADERSHIP
CONCERNING THE INTELLIGENCE COMMUNITY INVESTIGATION

Friday, September 26, 1975
8:00 a.m. (60 minutes)
The Cabinet Room

From: Jack Marsh

I. PURPOSE

To attempt to develop a compromise with the Congress concerning delivery and publication of classified material in connection with their ongoing investigation of the United States intelligence agencies.

II. BACKGROUND, PARTICIPANTS AND PRESS PLAN

- A. Background. Yesterday you approved the outline of a potential compromise concerning the release and publication of classified materials. See Tab A for a copy of the procedure under consideration.
- B. Participants. See Tab B.
- C. Press Plan. The meeting is not on your official schedule, but nevertheless will be announced to the Press. White House Photographer only.

III. AGENDA

- Open the meeting by thanking the leaders for coming and brief comments (see Tab C) on the importance of this issue.
- Ask Jack Marsh to outline the procedure under consideration.
- Ask Speaker Albert and Minority Leader Rhodes for their comments.

Materials* to be Supplied

Provided the Committee agrees to publication procedures as set out below, the Executive branch will supply intelligence-related materials requested with the following narrow exceptions:

- 1) Identities of secret agents, sources and persons and organizations involved in operations which, if disclosed, would be subject to personal physical danger, or to extreme harrassment, or to economic or other reprisals, as well as material provided confidentially by cooperating foreign intelligence services; and
- 2) Specific details of sensitive intelligence methods and techniques of collection.

These exceptions will not be used to withhold materials concerning alleged impropriety by an Executive agency or alleged criminal activity. Such materials will be furnished under arrangements appropriate to the particular situation.

Verification procedures will continue to be available in case of Committee questions concerning matters deleted by the Executive agency.

Other matters, the complete confidentiality of which the President personally certifies is essential to the effective discharge of Presidential powers, may be withheld.

Publication

If the Committee desires to publish any classified material and the appropriate Executive agency objects, the following procedure would apply:

1. The appropriate Executive agency will be given notice and reasonable opportunity to make its case to the Committee, in executive session, as to whether the material may be made public.
2. If agreement is impossible, the Committee will see to it that disputed materials are given to a special review board, made up of Congressional leaders. If the review board agrees with the Executive agency, the materials shall not be published. If the

*This procedure applies to interviews, depositions and testimony as well as documents.

leadership board disagrees with the Executive agency and concurs in the Committee judgment that the material should not be published, then they will so advise the President.

3. The materials will not be published if publication would, in the opinion of the President, be prejudicial to the national security of the United States.

At this point, Congress can still exercise its right to subpoena the materials and litigate the issue in court. As a technical matter to facilitate litigation, the document in dispute will be considered as loaned to the Committee, and it will be returned to the appropriate Executive agency in order to become subject to the Congressional subpoena.

SPECIAL NOTE: These procedures do not, of course, apply to the ongoing work product of attorneys in connection with criminal prosecution and civil litigation.

PARTICIPANTS

House of Representatives

Carl Albert

John Rhodes

Otis Pike

Bob McClory

Administration

Secretary of State Kissinger

CIA Director Colby

Donald Rumsfeld

Jack Marsh

Phil Buchen

TALKING POINTS

- As you know, an impasse has developed between the Executive and Congress concerning the delivery and publication of classified materials in connection with your ongoing investigation of the U.S. intelligence agencies.

- From the beginning, I have sought a policy which would provide all the information necessary for your investigation.

I have only excepted a very narrow class of information, such as the identities of secret agents, sources of our information and specific details of sensitive intelligence methods and techniques of operation.

I have specifically stated -- and stated publically -- that under no circumstances will I allow materials to be classified as a way of covering up the exposure of alleged or actual criminal violations or failures in the intelligence community.

I have no problem with giving this information to the Congress. In fact, I would be more than willing to provide it to the American people if we could put a wall around them to ensure that it wouldn't fall into the hands of actual or potential enemies of this country.

I need the intelligence which is provided by these agencies. Every President that follows me must have this information also if we are to maintain our strength and the ability to defend ourselves.

- I have developed a procedure which has the support of all the Executive agencies involved, which should permit the Congress and the Executive branch to work out this problem in a mutually satisfactory manner. Jack, why don't you provide the details?