

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

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REASON FOR WITHDRAWAL National security restriction
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Rumsfeld, Ingersoll
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Colby, Rumsfeld, Ingersoll
DATE WITHDRAWN 12/04/2002
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E.O. 13526

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(B)

Scowcroft

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

E.O. 13526
3.3(b)(1)

~~TOP SECRET~~ / [REDACTED]
[REDACTED] / NODIS/XGDS

MEMORANDUM OF CONVERSATION

PARTICIPANTS:

President Ford
Dr. James R. Schlesinger, Secretary of Defense
William E. Colby, Director, CIA
Amb. Donald Rumsfeld, Assistant to the President
Amb. Robert S. Ingersoll, Deputy Secretary
of State
Lt. General Brent Scowcroft, Deputy Assistant
to the President for National Security Affairs

DATE AND TIME:

Tuesday, May 27, 1975
5:00 - 5:55 p.m.

PLACE:

The Cabinet Room
The White House

The President: That was a nice ceremony at Arlington. But the people doing it were pretty dippy.

The purpose of this meeting is simple. I was shocked when I read in the newspaper about our submarines operating off Soviet waters. Of all the things happening, I knew less about it than I saw in the paper. That is a helluva note. Where does he get it? It jeopardizes the operation and the lives of the people involved. Somehow someone must be made an example of.

Secretary Schlesinger: It was a flagrant violation of the law.

The President: I want State, CIA and DOD to undertake an investigation.

Secretary Schlesinger: I spoke to the Attorney General last month. There is some indication that Hersh has files of signals intelligence material. How about a search warrant to get them? It is a clear violation of the law. I don't know if a jury would believe it.

E.O. 13526, 3.3(b)(1)

~~TOP SECRET~~ / [REDACTED]
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CLASSIFIED BY Henry A. Kissinger
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SCHEDULE OF EXECUTIVE ORDER 11652
EXEMPTION CATEGORY 5(b)(3)
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The President: Have you asked counsel how to proceed?

Secretary Schlesinger: He was reluctant to do so last month but it is clear this is a violation of the law.

Director Colby: There was an article in the New York Times in June 1974 which was similar but without detail. It seemed to come from the Marchetti book. The Supreme Court refusal to review the Marchetti case is good news. In the Marchetti case we had to prove the material was classified. It was made available to the defense counsel. The quotation in the Sunday paper was a direct quotation from the sanitized -- not the unsanitized version.

We took this up with Justice today to see if we could get a contempt citation against the Marchetti lawyers.

With respect to Section 798 of the Espionage Act, it is true that publication is a crime, but there has been only one conviction under it, and it was a guilty plea. We are trying to get an indictment against Agee on it. He is out of the country, though.

General Scowcroft: The real problem is not the press. The real problem is the people who are leaking the material to the press. They are the ones we have to go after.

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Secretary Schlesinger: [REDACTED]

The President: How many people would know about one or both of these operations?

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Director Colby: [REDACTED] was known fairly widely over the years. [REDACTED]

The codeword has been obsolete since 1972, which is about the time of the Marchetti-Marks book. Marks probably had access.

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[REDACTED] /NODIS/XGDS

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The President: I don't think we can let this go by without an internal investigation, at least internally, and perhaps by the Bureau. This is a most flagrant violation. I think each of the Departments should initiate it.

Secretary Schlesinger: May I suggest that the FBI do it? They are better equipped to do the right job.

[The President decided to go the FBI route.]

Secretary Schlesinger: I think most of this comes from former employees. How do you get at them?

Director Colby: We need better legislation. Our protection of secrets is lousy.

Secretary Schlesinger: The Murphy Commission Chairman said he would recommend tougher laws in this area.

The President: We are sending up a crime bill with recommendations for revision of the criminal code.

In a communication to Justice, we ought to ask for their action and for recommendations in this case under the law (prosecution of Hersh and the New York Times.)

Mr. Rumsfeld: If this is as cold a case as Jim and Bill say, maybe part of the process of initiative should be formal notification to the New York Times, CIA review committees, etc., to put them on notice that we are taking it very seriously.

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Secretary Schlesinger: If we turn off the [REDACTED] mission, you should consider a search warrant. That would lead to those providing him the information. It could also be given to a grand jury.

The President: Let's get the best people in Phil's [Buchen's] office and Justice going on it. Also, Justice should look into the alternatives of getting at Hersh and the New York Times.

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