

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 016404

REASON FOR WITHDRAWAL National security restriction
TYPE OF MATERIAL Memorandum of Conversation
DESCRIPTION Memcon - Ford, Schlesinger, Colby,
Rumsfeld, Ingersoll
CREATION DATE 05/27/1875
VOLUME 3 pages
COLLECTION/SERIES/FOLDER ID . 036600208
COLLECTION TITLE NATIONAL SECURITY ADVISER. MEMORANDA OF
CONVERSATIONS
BOX NUMBER 12
FOLDER TITLE May 27, 1975 - Ford, Schlesinger,
Colby, Rumsfeld, Ingersoll
DATE WITHDRAWN 12/04/2002
WITHDRAWING ARCHIVIST WHM

partially open copy in file

REDACTED
7/17/08

Security

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

~~TOP SECRET~~

NODIS/XGDS

DECLASSIFIED • E.O. 12958 SEC. 3.6
WITH PORTIONS EXEMPTED
E.O. 12958 SEC. 1.5

MR 08-93 #23, CIA 220 7/17/08

MEMORANDUM OF CONVERSATION

BY del NARA DATE 2/4/09

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:

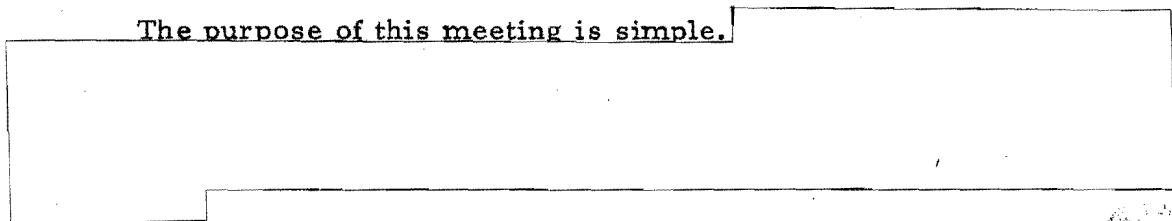
Tuesday, May 27, 1975
5:00 - 5:55 p.m.

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.



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.

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.

~~TOP SECRET~~
NODIS/XGDS

CLASSIFIED BY Henry A. Kissinger
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
EXEMPTION CATEGORY 5(b)(3)
AUTOMATICALLY DECLASSIFIED ON Imp. to Det.

~~TOP SECRET~~ [redacted]

[redacted] NODIS/XGDS

The President: Have you asked counsel how to proceed?

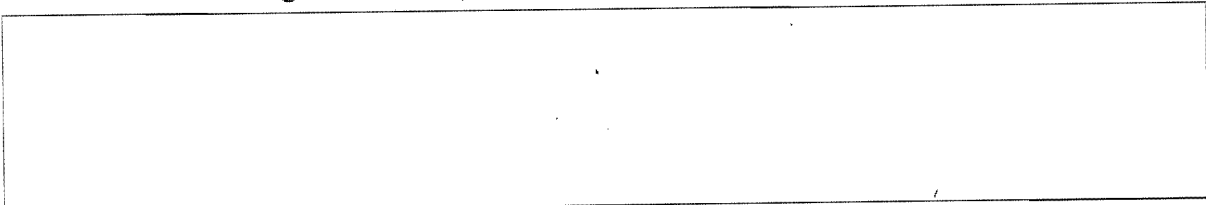
Secretary Schlesinger: He was reluctant to do so last month but it is clear this is a violation of the law.

Director Colby: There was an article in the New York Times in June 1974 [redacted] 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.

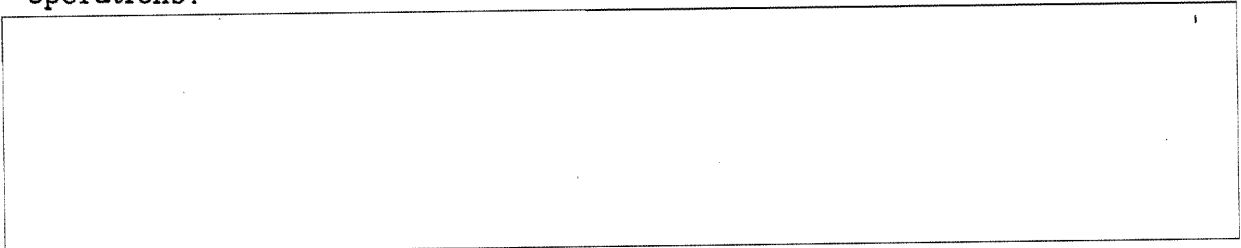
We took this up with Justice today to see if we could get a contempt citation against the Marchetti lawyers.

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.



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



~~TOP SECRET~~ [redacted]

[redacted] NODIS/XGDS



~~TOP SECRET~~ [redacted]

NODIS/XGDS

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 [redacted]

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 [redacted] CIA review committees, etc., to put them on notice that we are taking it very seriously.

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 [redacted]



~~TOP SECRET~~ [redacted]

NODIS/XGDS

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 016405

REASON FOR WITHDRAWAL National security restriction
TYPE OF MATERIAL Note

DESCRIPTION Handwritten notes for memcon
CREATION DATE 05/27/1975
VOLUME 5 pages
COLLECTION/SERIES/FOLDER ID . 036600208
COLLECTION TITLE NATIONAL SECURITY ADVISER. MEMORANDA OF
CONVERSATIONS
BOX NUMBER 12
FOLDER TITLE May 27, 1975 - Ford, Schlesinger,
Colby, Rumsfeld, Ingersoll

DATE WITHDRAWN 12/04/2002
WITHDRAWING ARCHIVIST WHM