

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

~~TOP SECRET~~ [redacted]

~~NODIS/XGDS~~

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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

OSD, FBI, DOJ
Reviews Completed

DATE AND TIME:

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

PLACE:

ON-FILE NSC RELEASE INSTRUCTIONS
APPLY

The Cabinet Room
The White House

The President: That was a nice ceremony at Arlington. But the people doing it were pretty dippy. 25X1



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

CLASSIFIED BY Henry A. Kissinger
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652 25X1
EXEMPTION CATEGORY 5(b)(3)
AUTOMATICALLY DECLASSIFIED ON Imp. to Det.

TOP SECRET [redacted]
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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.

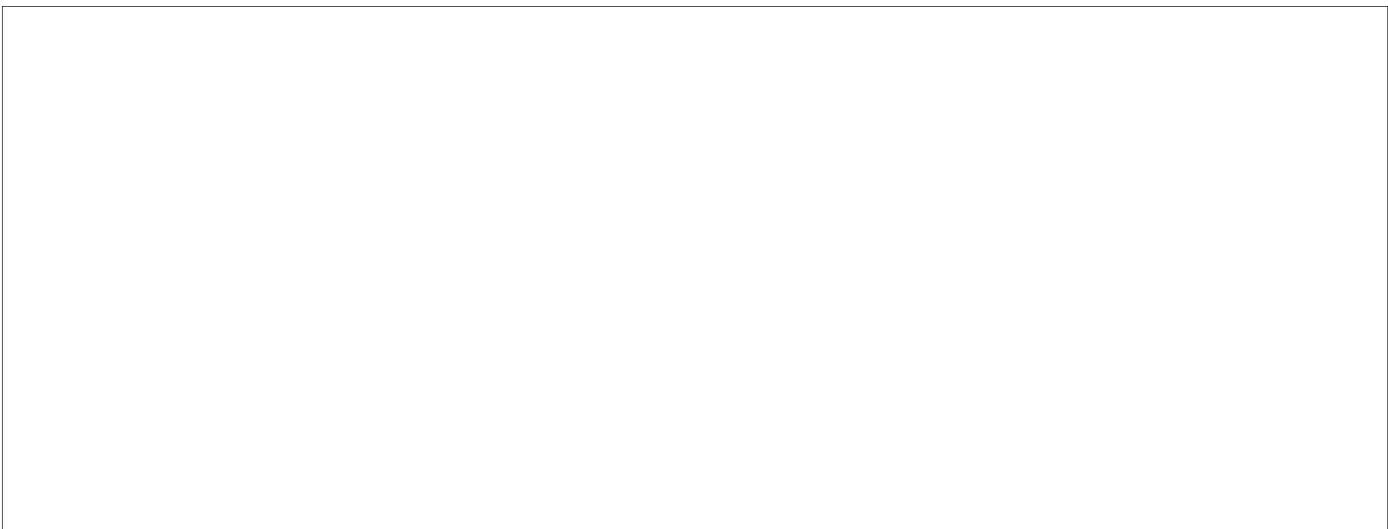
Director Colby: There was an article in the New York Times in June 1974 which was similar but without detail. It seemed to come from the Marchetti book. The Supreme Court refusal to review the Marchetti case is good news. In the Marchetti case we had to prove the material was classified. It was made 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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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] 25X1
[redacted] 25X1

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] 25X1
[redacted] CIA review committees, etc., to put them on notice that we are taking it very seriously. 25X1

Secretary Schlesinger: If we turn off the [redacted] you should consider a search warrant. That would lead to those providing him the information. It could also be given to a grand jury. 25X1

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] 25X1

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