

THE WHITE HOUSE

WASHINGTON

September 15, 1975

MEMORANDUM FOR: DON RUMSFELD

FROM: JACK MARSH

In reference to the Select Committee matter, you and I are in agreement that we should press very firmly on our present position that we cannot permit the unilateral declassification of Executive classified materials by this or any other Committee of the Congress. I believe this is a position that in the long run will enjoy public support and I believe that there are many Members who agree with us.

The opposing argument which we must not permit ourselves to be dragged into, if at all possible, is the argument under the Speech and Debate Clause of the Constitution which is best represented by the Gravel case. This argument pits the Executive against the Legislative and if we fight on that battleground, we are going to lose a good deal of Congressional support we might otherwise expect.

It seems to me that something you might wish to do is request the Counsel's office to pull together a very comprehensive and well done legal brief covering the whole question of declassification and also distinguishing that from the Speech and Debate provisions of the Constitution.

cc: ✓ Max Friedersdorf
Russ Rourke

Max L. Friedersdorf Files: Subject Series, b. 10, pt. 1: CIA Investigations (2), 4
Photocopy from Gerald R. Ford Library

WH: Memo to John O. Marsh (counselor to prez) - Donald Rumsfeld (Chief of Staff to prez)

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re. next steps in dispute w/ Pike Committee over classified documents

SOURCE on Front



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