

strongly suggest that the high policy represented by the Sherman Act has been consciously and persistently violated by activities long since determined by the Supreme Court to be illegal. The cartel should be prosecuted criminally if there is to be equal justice under the law and if respect for the law and its even-handed administration is to be maintained. Far from hurting us abroad, the investigation and prosecution of this cartel's activities will authenticate our protestations made continuously through the Marshall Plan, ECA, MSA, Point IV and NATO. We cannot promote free private enterprise and productivity abroad unless we are seen to conscientiously enforce our laws designed to preserve them for our own economy and our own domestic and foreign commerce.

No. 282

S/P-NSC files, lot 61 D 167. "Free world petroleum demands and potential supplies, national security problems re NSC 138, 138/1"

*Memorandum by the Counselor of the Department of State (Bohlen)
to the Secretary of State*¹

TOP SECRET

WASHINGTON, January 9, 1953.

Subject—National Security Council Meeting

The President approved *in toto* the statement of State-Defense recommendations in NSC 138/1 on the Petroleum Antitrust Case. Recommendations of State and Defense received the solid support of the other agencies which joined in the discussion (Mr. Snyder had no comments to make). Commerce, Interior, ODM, CIA and MSA all emphasized the damaging effects to our national security that the continuance of the criminal case would involve. Justice on the whole presented a rather weak case and in line with the paper submitted to the Council tended to stray into areas in which they were not as well informed as Interior. After hearing all the discussion the President said that his whole record had been one in opposition to the trusts but in this case he felt that the considerations of national security were overriding and that he approved the State-Defense recommendations to terminate the criminal suit and to request the Attorney General to prepare a complaint as a basis for a civil action as recommended.

After the President rendered the decision the meeting was immediately adjourned so there was no opportunity to discuss proce-

¹ Copies of this memorandum were sent to Bruce, Matthews, Nitze, Linder, and Fisher. A handwritten note in the margin stated that the Secretary of State had seen it.