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Executive Registry
77-482

15 February 1977

MEMORANDUM FOR: [Redacted]
Executive Assistant to the
DCI-Designate, ADM Stansfield Turner

SUBJECT : Briefing Materials for Admiral Turner

The following items, responsive either directly or indirectly to requests from Admiral Turner, are forwarded herewith:

- 1. Memorandum for Acting DCI from D/DCI/NI dated 15 Feb 77; Subject: Projections of Soviet Civil Defense Activity. [Redacted] 25X1
Note: This memo answers question 1 a requested on 9 Feb 77 from [Redacted] 25X1
[Redacted]
- 2. General daily newsclippings. [Redacted] 25X1
- 3. Memorandum for Admiral Turner from OGC dated 15 Feb 77; Subject: Changes in DCI Responsibilities on Shift from Peace to War. [Redacted] 25X1
Note: This answers question for OGC requested on 9 Feb 77 from [Redacted] 25X1
- 4. Memorandum for Admiral Turner from OGC dated 14 Feb 77; Subject: Legal Relationship of the DCI and the Assistant to the President for National Security Affairs. [Redacted] 25X1
Note: This answers question for OGC requested on 9 Feb 77 from [Redacted] 25X1

Special Assistant
to DDCI

Attachments

Classified by Signer
Exempt from General Declassification
Schedule of E.O. 11652, Exemption
Code (4)
Not only on approval of the
Director of Central Intelligence

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Distribution:

Orig - Adse.

① - [redacted] w/copies of covering memos to attachments.

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THE DIRECTOR OF CENTRAL INTELLIGENCE

25X1

WASHINGTON, D. C. 20505

KIO 334-77

National Intelligence Officers

SP - 40/77
15 February 1977

MEMORANDUM FOR: Acting Director of Central Intelligence *[Signature]*
SUBJECT: Projections of Soviet Civil Defense Activity

1. With respect to Admiral Turner's questions about grain storage bunkers, we have no evidence that the construction of such facilities is continuing. There is little uncertainty about the size, numbers, and total capacity of the bunkers, although we have no information on how much grain is actually stored in them or for what purpose. We consider these facilities more important as an indicator of national policy for the maintenance of strategic reserves than as a major source of food in a post-attack environment (see Attachment A).

2. Admiral Turner's request for projections of other key indicators of Soviet civil defense efforts poses a more difficult problem. The unhappy truth is that the Intelligence Community's data base on the Soviet civil defense program is not sufficiently well-developed to provide a sound basis for such projections at this time. In responding to the Admiral's question, therefore, we begin by emphasizing some of the things we do not know about the Soviet program (Attachment B) and we end by outlining our efforts to rectify this situation (Attachment D). We have also provided some projections of the kind requested (Attachment C), but the sample of data on which they are based is so small and the range of uncertainty in the data is so great that the projections are driven mainly by assumptions which cannot be substantiated by facts at this time.

3. Contrary to the impression created by some press accounts, there are no significant differences within the Intelligence Community about the facts now available on Soviet civil defense activities. Admiral Turner is correct that the intelligence components of the USAF and the Department of State represent the extreme ends of a range of views in the community, but this controversy is about Soviet motives and about the strategic implications of Soviet civil defenses, not about such questions as the number of shelters identified. It should be noted, moreover, that the more extreme position taken by General Keegan on the strategic impact of current Soviet civil defenses was not supported by the JCS, although they have expressed concern about the future implications. The various collection and analysis groups

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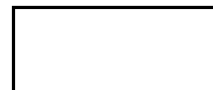
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Authority: Executive Order 11652, (1), (2), (3)
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Date Impossible to Determine

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SP - 40/77

25X1

SUBJECT: Projections of Soviet Civil Defense Activity

in the community are working together in a cooperative effort to improve the data base and to develop more definitive analyses of the scope, pace, and effectiveness of the Soviet program.

4. The projections in Attachment C were prepared by CIA. No attempt has been made to coordinate them with other intelligence agencies. Because these projections are of doubtful validity and because the Intelligence Community is working now to develop more facts and better analyses, we strongly recommend that no projections be presented to consumers of intelligence in the Administration or Congress at this time. Such presentation could lead consumers to premature conclusions and could encourage other intelligence agencies prematurely to develop rival projections.

5. For your convenience, Admiral Turner's questions are at Attachment E. The Admiral would probably also be interested in the Interagency Intelligence Memorandum on Soviet civil defense which was published in November 1976.



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Richard Lehman
Deputy to the DCI for National Intelligence

Attachments

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SP - 40/77

SUBJECT: Projections of Soviet Civil Defense Activity

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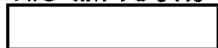
**Interagency
Intelligence
Memorandum**

Soviet Civil Defense



Top Secret

NIO IIM 76-041J



November 1976

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OGC 77-0983

15 February 1977

MEMORANDUM FOR : Admiral Turner

FROM : Anthony A. Lapham
General Counsel

SUBJECT : Changes in DCI Responsibilities on Shift
from Peace to War

25X1

1. This is in response to your request relayed to us by [redacted] or a paper concerning changes in the responsibilities of the Director in the event of a shift from peace to war.

2. In the event of a declaration of war, there undoubtedly would be prompt enactment of war powers legislation in various areas. Quite possibly such legislation would in some way subordinate the Director and the Agency to the Secretary of Defense or the Joint Chiefs. It is of interest and a likely pattern that the Office of Strategic Services created during World War II by a military order of the Commander-in-Chief (not the President) was under the jurisdiction of the Joint Chiefs. An additional and alternative possibility is that by legislation or Executive order, Agency installations and personnel located in an area of the world where United States military forces existed would become subordinate to the commanding officer.

3. There is no existing statute which would modify the Director's responsibility in the event of war. In particular, neither the National Security Act of 1947, which established the Agency or the position of Director, or the CIA Act of 1949 addresses the subject.

4. Several NSC Intelligence Directives provide for changes in DCI authority and responsibility in the event of war:

(a) NSCID No. 5 (section 8) provides that in "active theaters of war where U.S. forces are engaged ... the entire Central Intelligence Agency organization conducting espionage and clandestine counterintelligence operations in or from a theater shall, as a component force, be under the direct command of the

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U.S. Theater Commander, in accordance with agreements separately reached between the Director of Central Intelligence and the Secretary of Defense, and shall provide espionage and counterintelligence support to military operations."



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(c) NSCID No. 8 established the photographic interpretation program for the intelligence agencies, including the National Photographic Interpretation Center (NPIC), to be operated by the Director of Central Intelligence as a service of common concern. The directive also provides that the "administration of NPIC in time of war shall be transferred to the Secretary of Defense."



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Anthony A. Lapham

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Anthony A. Lapham
General Counsel

EXTENSION

NO.

6111

DATE

15 February 1977

TO: (Officer designation, room number, and building)

DATE

RECEIVED FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

[Redacted]

[Redacted]

2.

7 D 5611

Attached is our paper responsive to item 10 of your assignment list of 9 February for Admiral Turner, concerning the laws and directives which govern the relationship of the DCI and the Assistant to the President for National Security Affairs.

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You will note that in paragraph 9 we mention a directive which indirectly regulates the relationship of those two offices; namely, the provision in Executive Order 11905 which provides that the Director is to act "as the President's primary adviser on foreign intelligence." At his staff meeting this morning, [Redacted] indicated that Admiral Turner is contemplating the wisdom and desirability of his undertaking the daily briefing of the President early each day rather than acquiescing in having that function performed by Mr. Brzezinski. You might want to highlight paragraph 9 for Admiral Turner.

[Redacted Signature]

Anthony A. Lapham

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OGC 77-0953
14 February 1977

MEMORANDUM FOR : Admiral Turner

FROM : Anthony A. Lapham
General Counsel

SUBJECT : Legal Relationship of the DCI and the Assistant
to the President for National Security Affairs

25X1

1. [] has relayed to this Office your request for a paper on the laws, regulations and directives that govern the relationship of the DCI and the Assistant to the President for National Security Affairs.

2. President Carter, on 20 January, issued a directive which, among other things, prescribes certain relationships of the Director and the Assistant for National Security Affairs. But that directive (designated as "Presidential Directive/NSC-2"), copy attached at Tab A, does not establish a command or subordinate position for either of those two officials in relation to the other. It does establish certain committees with the National Security Assistant and the Director as members. Each also is chairman of at least one committee. It also provides that the National Security Assistant and the Director, and other named officials, are to "attend appropriate NSC meetings."

3. Aside from PD/NSC-2, there are very few Executive orders or other directives relevant to the question and there are no directly relevant statutes. It is to be noted that the National Security Act of 1947 established the National Security Council and CIA "under the National Security Council" with certain duties to be performed "under the direction of the National Security Council." The Council is composed of the President, the Vice President, the Secretary of State and the Secretary of Defense. The Act provides that the Council "shall have a staff to be headed by a civilian executive secretary" (a position which has not been filled since 1969). The statute does not refer to or contemplate in any way an Assistant to the President for National Security Affairs and does not subordinate the Director, or the Agency, to the NSC staff. The relevant provisions of the National Security Act are attached at Tab B.

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4. We are advised by Mrs. Jeanne Davis, the staff secretary to the National Security Council, that through the years the Presidents have not in writing instructed or authorized the National Security Assistant to supervise or direct the NSC staff, but they have given oral instructions to that effect and the National Security Assistants in fact have supervised and directed the work of the NSC staff. They have also issued directives and instructions to the agencies, including of course to CIA and other Intelligence Community agencies. Generally these directives have been issued in the form of memoranda on NSC letterhead, addressed to specified agency heads, and signed by the Assistant to the President for National Security Affairs.

5. Another directive signed by President Carter on 20 January "Presidential Directive/NSC-1" (attached at Tab C) abolished the two types of directives theretofore used for NSC matters (National Security Study Memoranda and National Security Decision Memoranda) and established instead two new categories of instruments - Presidential Directives (PDs)/NSC, of which that 20 January directive was number 1, and Presidential Review Memoranda (PRMs)/NSC. The two new categories of instruments were "established to direct the work of the National Security Council and participating agencies." PDs/NSC are to be used "to promulgate Presidential decisions on national security matters." PRMs/NSC will "direct that reviews and analyses be undertaken by the departments and agencies." PD/NSC-1 does not indicate who will have the authority to sign these NSC instruments and who, in fact, will do so. PD/NSC-1 and 2 were signed by the President and I believe no additional ones have been issued. A number of PRMs/NSC have been issued, most, if not all, signed by the Assistant to the President for National Security Affairs. It may be that the intention is that the President will sign the former directives and Mr. Brzezinski the latter.

6. The basic Executive order governing the intelligence agencies is Executive Order 11905, issued in February 1976 by President Ford to confer authorities and responsibilities on the various intelligence agencies, to provide for accountability, responsibility and oversight mechanisms within the executive branch and to place certain restrictions on the intelligence agencies. Under that Order, the Special Assistant for National Security Affairs and the Director are members of the Operations Advisory Group (OAG), also established by the Order and charged with considering and developing policy recommendations "for the President prior to his decision on each special activity in support of national foreign policy objectives" (covert actions) and with certain other specified functions. Under the Order, the chairman of OAG was to be designated by the President and General Scowcroft was so designated.

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7. PD/NSC-2, which, as mentioned, sets up NSC committees and otherwise regulates the NSC function, is in the form of a Presidential memorandum addressed to certain agency heads and the Vice President. The committees established by that directive are intended to succeed and replace certain committees established by Executive Order 11905, including the Operations Advisory Group. In view of the intention that the committees established by PD/NSC-2 replace similar committees established by Executive Order 11905, Mr. Brzezinski on 26 January requested the Attorney General to submit a proposed amendment to Executive Order 11905 to replace the latter committees. We are advised that an amendment to Executive Order 11905 has been prepared by the Department of Justice and forwarded to Mr. Brzezinski.

8. A PRM/NSC is being developed by the NSC staff, in consultation with the agencies, which would direct a review and study of the effectiveness of the intelligence effort and procedures and mechanisms under Executive Order 11905. That study likely would result in additional amendments to Executive Order 11905.

9. A directive which indirectly regulates the relationship between the President's Assistant for National Security Affairs and the DCI is the provision of Executive Order 11905 which authorizes the Director to act "as the President's primary adviser on foreign intelligence and provide him and other officials in the executive branch with foreign intelligence."

[Redacted Signature Box]

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Anthony A. Lapham

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