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NATIONAL ARCHIVES AND RECORDS SERVICE
WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
	1. <u>Scowcroft to the President. 11/11/75</u>		
1a Memo	Brent Scowcroft to the President (1 p)	11/11/75	A
1b Memo	Henry Kissinger to the President (3 pp)	11/8/75	A
1c Letter	W.P. Clements to Henry Kissinger (1 p.)	9/9/75	A
1d Letter	Robert Ingersoll to William KLEMMER Clements (2 pp)	10/1/75	A
1e Letter	General R.F. Armstrong to Admiral J.L. Holloway	6/12/75	A
1f NSDM	NSDM 81 (2 pp)	8/17/70	A
1g Memo	Henry Kissinger to the President (3 pp) <i>Sanitized 5/24/06</i>	10/30/75	A

FILE LOCATION

Marsh Files
 General Subject File
 National Security Council - Appointment of Brent Scowcroft Box 22

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- (A) Closed by Executive Order 12356 governing access to national security information.
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WHM. 1/22/86

NOV 24 1975

THE WHITE HOUSE
WASHINGTON

file

November 21, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

JACK MARSH

FROM:

JIM CONNOR *JC*

The attached file was returned in the President's outbox with the request that it be forwarded to you.

cc: Dick Cheney

Attachment:

Chronology

Change in Assistant to the President
for National Security Affairs



THE PRESIDENT HAS SEEN.....

CHANGE IN ASSISTANT TO THE PRESIDENT FOR
NATIONAL SECURITY AFFAIRS

Chronology

Monday
November 3

In a meeting with the NSC Staff at 5:00 p. m. General Scowcroft informed the Staff of the various personnel shifts and that he would be replacing Secretary Kissinger as Assistant to the President.

Tuesday
November 4

The NSC Staff was informally advised by the Office of the Staff Secretary that all staff papers henceforth should be addressed to General Scowcroft. (This advice was not formalized in writing because of the uncertainty as to General Scowcroft's legal ability to assume the position while holding military rank.) The staff was informed, however, that to save time and effort it would not be necessary to recall and/or retype papers to or for signature by Secretary Kissinger but that General Scowcroft would initial opposite the name.

Tuesday
November 4

A staff memorandum to Jim Connor was prepared for General Scowcroft's approval asking that a signature element be prepared for him for use by the White House Correspondence Unit in connection with his appointment as Assistant to the President. (Tab A)

>
*Never
Signed by
Brent.

Wednesday
November 5

An NSC Staff Procedure was issued instructing that henceforth all material prepared for or from General Scowcroft would use "Brent Scowcroft" without indication of rank or title (Tab B). This was issued to confirm the informal advice given earlier and to make it possible for General Scowcroft to sign material as Assistant to the President without raising the question of his retaining his military rank.



Wednesday
November 5

The secretaries in the West Wing offices were informally advised to answer the telephones "General Scowcroft's office" rather than "Secretary Kissinger's office." (These instructions were confirmed on November 6.)

Signature of Material

Since November 3, no papers have been signed by Secretary Kissinger as Assistant to the President. In that time, General Scowcroft has signed 16 items prepared for Kissinger signature as Assistant to the President. There are two apparent discrepancies which are explained as follows:

--On October 30 Secretary Kissinger initialled a Memorandum to the President on an issue regarding South Africa. The President approved, with his initials, a particular course of action, but subsequently reconsidered his decision. The final page of the memorandum was retyped to permit the President to initial his preferred course of action. The date on the original memorandum was changed to November 8 and the memorandum submitted to the President for approval. (Tab C)

--In mid-October Secretary Kissinger initialled a memorandum to the President containing a reply to a letter from Dr. Nicholas Nyaradi on CSCE (Tab D). Instead of forwarding it to the President, however, he asked for additional State Department views. Those were obtained and the original memorandum, with Secretary Kissinger's initials, was forwarded to the President on November 7.

Attendance at Meetings

The only meeting of the NSC or an NSC sub-group has been one 40 Committee meeting on Friday, November 14, 1975, which was chaired by Brent Scowcroft.

Since that date, General Scowcroft has regularly attended meetings with the President and others as Assistant to the President. On no occasion since November 3 has Secretary Kissinger attended a meeting as Assistant to the President. (At Tab E is a list of meetings attended by General Scowcroft since November 3; those bearing an asterisk were also attended by the Secretary of State.)



A



MEMORANDUM

NATIONAL SECURITY COUNCIL

ACTION

ADMINISTRATIVELY
CONFIDENTIAL

November 4, 1975

MEMORANDUM FOR: GENERAL SCOWCROFT
FROM: Jeanne W. Davis *JWD*
SUBJECT: Signature Element Matrix to
be Used by the White House

In view of your new appointment it would be helpful to have a signature element for you available for use on such things as:

- routine agreements;
- re-writes, grammatical or address corrections needed after your approval;
- telephonic or telegraphic approvals when absent with the President;
- contingencies.

The matrix must be approved and procured by Jim Connor and I have prepared a memorandum to him for that purpose (Tab A). Your signature, three times on a blank sheet of paper, is required.

RECOMMENDATION:

That you approve and forward my attached memorandum to Jim Connor at Tab A and sign your name three times on the blank sheet of paper at Tab I.

ADMINISTRATIVELY
CONFIDENTIAL



MEMORANDUM

NATIONAL SECURITY COUNCIL

MEMORANDUM FOR: JIM CONNOR
FROM: Jeanne W. Davis *JWD*
SUBJECT: Request for Signature Matrix

The volume of official and routine memoranda and correspondence requiring General Scowcroft's signature will increase substantially with his appointment as Assistant to the President for National Security Affairs to the point that a signature element is needed for use by the White House Correspondence Unit.

The three required signatures are attached at Tab I, and I would appreciate your initiating the procurement action.

Please advise my office as soon as the element is available for use.

Attachment



B



LOLA SIMRDS

NSC/SP-51
November 5, 1975

STAFF PROCEDURE

SIGNATURE FOR GENERAL SCOWCROFT

Effective immediately all material, including memoranda or letters, prepared for, or from General Scowcroft will use "Brent Scowcroft" without indication of rank or title.

The closing for letters prepared for General Scowcroft's signature will be "Sincerely".

These instructions supersede those in any existing staff procedure.





C

GERALD R. FORD LIBRARY

This form marks the file location of item number 1a-1f
listed on the pink Withdrawal Sheet found at the front of this folder.

GERALD R. FORD LIBRARY

This form marks the file location of item number 102 19
as listed on the pink form (GSA Form 7122, Withdrawal Sheet)
at the front of the folder.

106

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

~~TOP SECRET~~

ACTION

October 30, 1975

MEMORANDUM FOR: THE PRESIDENT
FROM: HENRY A. KISSINGER *K*
SUBJECT: Cooperation with South Africa on Ocean Surveillance

The purpose of this memorandum is to elicit your decision on our response to a South African initiative for a cooperative agreement in the area of ocean surveillance. The initiative is contained in a letter from the Acting Chief of the South African Defense Staff to Chief of Naval Operations Holloway proposing a bilateral US-South African agreement designed to upgrade South Africa's ocean surveillance capabilities. The letter to Holloway is at Tab A.

Under the proposed agreement, the United States would agree to issuance of export licenses for the equipment needed to establish an improved ocean surveillance system (e.g., high frequency signal intercept and direction finding equipment, coastal surveillance radars, long range acoustic sensors and data analysis centers). In return, South Africa would provide us with information developed by their improved system. The South Africans reportedly have assured Admiral Holloway that their surveillance system would be operated by a new, non-military South African agency, but its military/intelligence functions are clear and acknowledged.

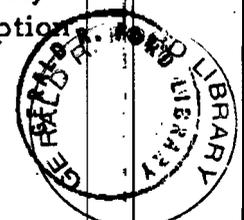
Concerning the intelligence benefits of the proposed agreement, the intelligence community as a whole has not addressed the issue, [redacted] [redacted] ocean surveillance information provided by South Africa would be of marginal intelligence value. Soviet naval movements in the Cape sea routes have always been limited. With the reopening of the Canal,

Classified by Henry A. Kissinger
XGDS of E.O. 11652 by authority
of Henry A. Kissinger; Exemption
Category (Section 5 (B) (3)).

~~TOP SECRET (XGDS)~~

REVIEW COMPLETED

Confidential Library Review of NSC and DOS Equities is Required



DECLASSIFIED w/ portions exempted

AUTHORITY RAC NLF-JM_F-2-7-5-4 5/24/07
BY *mm* NARA DATE 10/23/09

~~TOP SECRET~~

- 2 -

□ unlikely that Soviet use of the Cape routes will again reach even the low level that existed during the period when the Canal was closed. Moreover, the South African capability would be of little use in monitoring activities in the Indian Ocean area. On the other hand, Defense argues we would gain the advantage of a closer military relationship with South Africa.

25X1

Internationally, even a limited exemption to our arms embargo policy would be seen by Third World countries, especially those in Africa, as an abrogation of moral responsibility and a reversal, in the name of narrowly defined national interest, of long-standing policy. Repercussions could be expected at the United Nations, where we consistently have supported embargo resolutions. In general, we could expect the issue to make more difficult in the short run our efforts to exercise a moderating influence in southern Africa.

Domestically, any exemption to the arms embargo policy would bring a strong reaction from elements opposed to the South African regime. The domestic economic effects, on the other hand, would be mildly favorable. Although no thorough analysis is possible in the absence of more information about the South African proposal, Defense informs us that a moderate surveillance system would cost the South Africans about \$125 million over a three to four year period and provide about 1000 jobs, the majority in New Hampshire. Former Senator Norris Cotton has expressed support for the project.

~~TOP SECRET~~

~~TOP SECRET~~

- 3 -

RECOMMENDATION

Our arms embargo toward South Africa pre-dates that of the U.N. Security Council, and, as amplified by NSDM 81, has as its objective a careful balance between conflicting U.S. interests in Southern Africa. It forms a part of our effort to maintain constructive relations with South Africa, while responding to legitimate Black African concerns (supported by a significant domestic constituency) regarding South Africa.

A change in our arms embargo policy, particularly by supplying purely military equipment would be a major shift in our posture toward southern Africa. The change would come at a time when, with the independence of Mozambique, the current Soviet efforts to influence the outcome of independence in Angola, our efforts to convince South Africa to facilitate independence in Namibia, and attempts at obtaining a Rhodesian solution, we are increasingly engaged in southern African affairs. Given these larger considerations, I recommend that you reject the South African proposal, thus confirming our arms embargo for South Africa.

The State Department concurs in this recommendation.

Approve

RRF

Disapprove _____

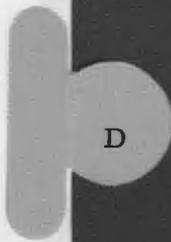
Alternatively, you may wish to make an exception to our arms embargo policy and authorize the Defense Department to enter into discussions with the South Africans with a view to concluding an agreement on ocean surveillance. If you choose this option you should be aware that your action, should it become public knowledge, will be viewed by domestic and international opinion as an abrogation of our arms embargo policy. The Department of Defense supports this option.

Approve _____

Disapprove _____

~~TOP SECRET~~

22



ADMINISTRATIVELY
CONFIDENTIAL

ACTION
October 29, 1975

MEMORANDUM FOR SECRETARY KISSINGER

FROM: Mr. Clift

SUBJECT: Presidential Reply to Dr. Nicholas Nyaradi

You asked earlier for Counselor Sonnenfeldt's views on the text of a proposed Presidential letter to Dr. Nyaradi on CSCE, which we forwarded with our memorandum of October 6 (package at Tab a).

The State Department advises (Tab b) that Mr. Sonnenfeldt has reviewed and approved the proposed White House reply.

RECOMMENDATION

That you forward the memorandum and attachments at Tab I to the President.

ADClift:nw:10/29/75

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CONFIDENTIAL

NATIONAL SECURITY COUNCIL

ADMINISTRATIVELY
CONFIDENTIAL

ACTION
October 6, 1975

MEMORANDUM FOR SECRETARY KISSINGER

FROM:

Mr. Clift



Tab I retyped
Has Rumsfeld seen letter
I'd like his judgment

SUBJECT:

Presidential Reply to Dr. Nicholas Nyaradi

Dr. Nicholas Nyaradi, Professor of International Relations at Bradley University and former Minister of Finance of the Republic of Hungary, has written the President (at Tab B) to express concern that the President's signature of the CSCE Final Act at the Helsinki Summit represented de facto if not de jure acceptance by the United States of the social, political and economic changes in Eastern Europe after World War II. He states that friends and former colleagues in Western and Central Europe have advised him that subsequent to signature of the Final Act, the Soviet ideological line in Eastern Europe has hardened and that the prospect of an improved situation there as a result of CSCE will not materialize.

Dr. Nyaradi adds that he and his friends who are leaders of various ethnic groups have worked very hard during the last decade to cement the allegiance of many East European ethnic groups to the Republican Party, and states that these efforts have been successful and contributed to the large margin of victory in 1972. He asserts that the President's meeting with ethnic leaders on July 25 did not turn the tide of ethnic criticism directed at the President and that the President is receiving negative coverage in the American ethnic press for his participation in the Conference.

In the note at Tab II, Counselor Hartmann points out to Mr. Rumsfeld that Dr. Nyaradi should receive a reply from the President inasmuch as he has been very active with ethnic and heritage groups and he has met the President.

The memorandum for your signature to the President at Tab I would forward a summary of Dr. Nyaradi's letter, together with a reply. The reply (at Tab A) would state that the President's attendance at CSCE reinforced our ties with traditional allies; helped place the Conference in context as an element in our overall efforts to relax tensions in Europe; and illustrated US interest in the well-being of the peoples of Eastern Europe. It would

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ADMINISTRATIVELY
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-2-

point out that the interests of the peoples of Eastern Europe are fully protected in the Final Act and that the document does not, for example, ratify post-war frontier changes but significantly provides for alteration of the borders by peaceful means -- a major concession by the East. The President's reply would also note that the Final Act includes provisions concerning human rights and fundamental freedoms and the importance he attaches to implementation of these provisions.

The President's letter has been cleared with Paul Theis.

RECOMMENDATION

That you sign the memorandum for the President at Tab I.

ADMINISTRATIVELY
CONFIDENTIAL



THE WHITE HOUSE

WASHINGTON

ACTION

? 11/9/75

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: THE PRESIDENT

FROM: Henry A. Kissinger *HK*

SUBJECT: Reply to Dr. Nicholas Nyaradi

Dr. Nicholas Nyaradi, Professor of International Relations at Bradley University and former Finance Minister of the Republic of Hungary, has written (at Tab B) to express concern that your signature of the CSCE Final Act represented tacit acceptance by the United States of the post-war social, economic and political changes in Eastern Europe and to advise that your meeting with the leaders of East European ethnic groups on July 25 did not turn the tide of criticism directed at your participation in the Conference.

I believe it would be appropriate and useful for you to respond personally to his letter. The reply at Tab A, which we should anticipate would receive wide distribution, would point out that your attendance at the Conference reinforced our ties with traditional allies; helped place the Conference in context as an element in our overall efforts to relax tensions in Europe; and illustrated our interest in the well-being of the peoples of Eastern Europe. It would also state that the interests of the peoples of Eastern Europe are fully protected in the Final Act and that the document did not, for example, ratify post-war frontier changes. Your reply would note that the Final Act includes significant provisions concerning human rights and fundamental freedoms and that, as you told the representatives of the Communist States in Helsinki, you attach great importance to implementation of these provisions.

Your letter to Dr. Nyaradi has been cleared with Paul Theis.

RECOMMENDATION:

That you sign the letter at Tab A.

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THE WHITE HOUSE

WASHINGTON

Dear Nick:

Thank you for your letter of August 22, 1975. It was good of you to write me about your concerns and those of your colleagues regarding the Conference on Security and Cooperation in Europe.

I believe my participation in the Conference served several important American objectives in Europe. It reinforced our ties with our traditional allies by demonstrating our deep and continued interest in European affairs and our commitment to the maintenance of peace and security and the advancement of human rights throughout Europe. It helped place the Conference in perspective as an important element in our overall efforts to achieve a relaxation of tensions in Europe. Such a relaxation of tensions will require concrete efforts, including the carrying out of obligations for freer movement of peoples and ideas undertaken in the Final Act of the Conference. Additionally, my attendance demonstrated the United States' interest in the well being of the peoples of Eastern Europe and our support for their efforts to define their own independent role in the affairs of the continent.

I assure you, as I assured the leaders of a number of American organizations on July 25, that I understand the concern of Americans whose ancestral homelands, relatives and friends are in Eastern Europe and the Baltic States. Examination of the Final Act of the Conference will bear out that the interests of these peoples are protected. For example, CSCE did not ratify post-war frontier changes. The Final Act states only that frontiers cannot be changed through



the use of force, a concept to which we have subscribed in the U. N. Charter. In addition, the Final Act expressly provides that frontiers can be changed by peaceful means, thus indicating broad acceptance that the possibility for peaceful evolution, and frontier changes, quite properly exists in Europe. This was a major concession by the Warsaw Pact and it refutes the charge that present borders are being permanently frozen.

The CSCE document also specifically recognizes the right of self-determination of peoples, includes a strong re-statement of the principle of human rights and fundamental freedoms and gives a public commitment to a greater measure of freedom of movement of people and ideas than has existed in the past. I firmly believe the inclusion of these provisions, in which the United States played an energetic part, has advanced the cause of peace in Europe and promoted the cause of human freedom.

In coming months, the United States and our allies will be working together to ensure that all aspects of the Final Act of the Conference are implemented by the signatories, including in particular those provisions concerning human rights. As I said to the representatives of the Communist states in my remarks to the Conference, "it is important to recognize the deep devotion of the American people and their government to human rights and fundamental freedoms, and thus to the pledges that the Conference has made regarding the freer movement of people, ideas and information."



You and your colleagues may be assured that the United States Government will be unstinting in its efforts to see these promises are kept.

Sincerely,

Dr. Nicholas Nyaradi
Bradley University
Peoria, Illinois 61606



BRADLEY UNIVERSITY

PEORIA, ILLINOIS

SCHOOL OF
INTERNATIONAL STUDIES

August 22, 1975

HK
The Honorable
Gerald R. Ford
President of the United States
The White House
Washington, D.C.

Dear Mr. President,

Almost ten years ago you wrote me a letter - the copy of which is herewith enclosed - in which you stated that you had appreciated very much my presentation and ideas and that you wanted to be in touch with me from time to time in order to hear my suggestions and recommendations.

You and I were participating at that time in a meeting of the Republican Coordinating Committee of which you were a member together with all the prominent leaders of our Party. My function at that time was to present to this august body my recommendations on American foreign policy towards Eastern Europe in my capacity as a member of the Task Force on the Conduct of Foreign Policy of the Coordinating Committee.

In 1969 I became a consultant to the Department of State in the field of Eastern European Affairs and I worked in this capacity under three Assistant Secretaries; Ambassador Hillenbrand, Ambassador Stoessel and Mr. Hartman for five years.

My recommendations, which you so generously endorsed at that time, were aimed at making it clear to all concerned that while the United States cannot go to war in order to "liberate" Eastern Europe, we should not leave one single stone unturned in order to provide through peaceful means the re-establishment of the right of self-determination for the 80 million people of Eastern Europe.

This approach was considerably modified since the "acte final" was signed in Helsinki. While the document does not say explicitly that the social and economic changes which were brought forth in Eastern Europe as a consequence of the unrelenting Soviet pressure since World War II could not be changed, but it is still a clear-cut acceptance of the incorporation of the Baltic states, Eastern Poland, the Carpatho-Ukraine, the Danube river delta, and a part of Karelia into the Soviet Union.



While I am aware of the fact that by signing the Helsinki document we did not give up anything which would not have de facto belonged to the Soviet Union for the last thirty years, I still would like to express my concern over the serious consequences of this document.

I know of course that the main reason for the United States' signing of this declaration was motivated by our overwhelming concern that the only alternative to a nuclear conflict is "détente." After having held a high diplomatic post in Russia for a considerable time during which I came to know personally many past and present leaders of the Soviet Union, I still would respectfully suggest that the alternative to a nuclear war is not "détente," but the continued military, economic and moral strength of the United States.

I would like also to state that our hopes, which we were centering upon the possible improvement of the situation of the people in the Eastern European countries as a consequence of the Helsinki document will not materialize.

During my consultancy to the State Department I was involved in doing some work at the request of Ambassador Stoessel in the field of the "third basket" proposals and I saw it already at that time that all that the Soviet Union was willing to do in this connection was to give lip service to a worthy cause without ever considering seriously to ease the ideological pressure on the countries in what I call the "Soviet colonial empire."

Several of my prominent European friends are also convinced that Secretary General Brezhnev's speech in Helsinki concerning "non-interference" in other nations' internal affairs was aimed rather at the United States than at the renunciation of the so-called "Brezhnev Doctrine." Brezhnev alluded in his speech to the congressional efforts to promote Jewish emigration from the Soviet Union without ever promising that actions like the Soviet invasion of Hungary and Czechoslovakia will never occur again. We shall always remember that the Soviet government went to great lengths to explain that they were not meddling in the affairs of another country, but that "brotherly aid was asked for and extended to fellow socialist governments in defeating fascist, reactionary and counter-revolutionary attempts."

How right I was in this connection is clearly proven by the information which I am constantly receiving from my prominent friends and former colleagues in Western and Central Europe who inform me that the agreement has led not to a decrease, but rather to a considerable hardening of the Soviet ideological line in Eastern Europe.

It is also a known fact that the 80 million people of Eastern Europe have always felt that it was an American president



Franklin D. Roosevelt, who has placed them in what they thought was a coffin by signing the Teheran and Yalta agreements. The prevailing feeling among the same people was also that this coffin was lowered into the grave by another American president, Harry S. Truman, who signed the Potsdam agreement. You can understand why I am so deeply concerned that now the same 80 million people might eventually think that a third American president has erected the tombstone over their grave through the Helsinki agreement.

While I do not believe that the American ethnic groups of Eastern European origin would go so far as to jeopardize our country's vital interests as the Greek-Americans did when they rammed through Congress the arms embargo against Turkey, there is another aspect in our domestic policy which I feel is my duty to bring to your kind attention. I would be amiss of my obligations as an American citizen and as a long-time member of the Republican Party if I would not convey to you the deep disillusionment which the large number of ethnic Americans feel over the United States' recently changed attitude towards the lands of their ancestors.

My friends and I who were the leaders of these various ethnic groups have made superhuman efforts during the last decade to bring over a large number of Hungarian-Americans, Polish-Americans, Czechoslovak-Americans and German-Americans from their traditional political affiliation with the Democratic Party into the Republican camp. Our efforts were indeed successful and I feel that some of the credit for the Republican victory at the polls in 1968 and 1972 was due at least partially to the hundreds of thousands of these "ethnic" votes.

While you were so very kind and thoughtful to invite several ethnic leaders to the White House before your departure to Helsinki and explain to them the situation, this did not turn the tide. It is my unpleasant task to inform you that after the signing of the Helsinki document the expression "Brezhnev-Ford Doctrine" is popping up more and more often on the pages of the ethnic press all over America.

In order to forestall even more unpleasant domestic consequences of this trend, may I respectfully suggest that you make a solemn declaration - if you think that this is not inconsistent with the efforts to promote détente at any price - in which you could state that the Helsinki document did not change the basic attitude of the United States from hoping and asking that the right of self-determination for all Eastern European nations should be re-established and maintained.

As there is only a very small chance that this letter will ever reach your desk, I am sending a copy of it to my good friend Congressman Robert H. Michel who is our representative



from the 19th Congressional District of Illinois and to Assistant Secretary of State Arthur Hartman for whom I have worked as a consultant on Eastern European Affairs until my resignation from this assignment last fall.

Respectfully yours,

Dr. Nicholas Nyaradi

Dr. Nicholas Nyaradi
Adjunct Professor
Bradley University
Former Minister of Finance
of the Republic of Hungary

cc: The Honorable Robert H. Michel

cc: The Honorable Arthur Hartman

NN:cf



BRADLEY UNIVERSITY

PEORIA, ILLINOIS

September 27, 1975

SCHOOL OF
INTERNATIONAL STUDIES

The White House
Attention: Miss Connors
Washington, D.C.

My dear Miss Connors:

My good secretary reported to me the telephone conversation she had with you and that you kindly asked me to send a copy of the letter which I wrote to President Ford on August 22nd because, as you said, it was lost somewhere in your office.

I am glad to comply with your request and I am enclosing herewith a photostatic copy of the original letter.

At the same time, as I have since pointed out to my good friend Congressman Michel, that the conclusion which I drew from the Helsinki declaration at that time did not reflect my personal opinion but rather the impressions and repercussions of the people in Eastern Europe in general and their relatives and descendants in the United States in particular.

As I pointed out to Bob Michel that after our bitter disappointment in New Hampshire there is even a greater need than ever before to round up every potential vote before November, 1976 and this was the reason why I have called the attention of the President - as the leader of our Party - to this particular aspect.

Very sincerely yours,

Dr. Nicholas Nyaradi
Dr. Nicholas Nyaradi

NN:ck
Enc.

CC: The Honorable Robert H. Michel



THE WHITE HOUSE

~~Summary:~~
Summary:

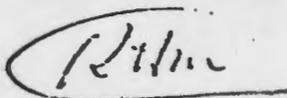
Be sure President at least
acknowledges letter he received from

Mr. Nicholas Myrardi of Bradley
University School of Int Studies
under date of 5/22/75.

It's been active with ethnic &
Heritage groups and was once the
Finance Minister of Hungary before
immigrating to this country.

The Pres has met Nick and
should address him as

Dear "Nick"


R. Ford





7520824
NSC-6614

DEPARTMENT OF STATE

Washington, D.C. 20520

October 28, 1975

LIMITED OFFICIAL USE

MEMORANDUM FOR LIEUTENANT GENERAL BRENT SCOWCROFT
THE WHITE HOUSE

Subject: European Security Conference Correspondence
(NSC Log #6614)

Counselor Sonnenfeldt has reviewed and approved
the proposed White House reply to Dr. Nyaradi's
letter to the President.

for *C. Arthur Borg*
George S. Springsteen
Executive Secretary

Attachments:

1. Letter from Dr. Nicholas Nyaradi
to the President
2. Proposed White House Reply

LIMITED OFFICIAL USE



44

E



Meetings Attended by General Scowcroft (11/4-11/18/75)

Tuesday, November 4, 1975

- * 8:00 a.m. President/GOP Leaders re Security Assistance
(also attended by Secretary Kissinger)
- * 10:45 a.m. President (with Secretary Kissinger)
- 12:30 p.m. President/Deputy Prime Minister Ion Patan of
Romania
- 2:00 p.m. President/Senator McGee and Congressmen Fraser
and Buchanan re Rhodesian Chrome
- 5:00 p.m. President/Jack Marsh/Dick Cheney re CIA

Wednesday, November 5, 1975

- 8:00 a.m. White House Staff Meeting
- * 10:00 a.m. President (with Secretary Kissinger)
- 12:00 n. President/Egyptian Editors
- * 4:00 p.m. President/Secretary Kissinger/Secretary Simon/
Messrs. Seidman and Greenspan -- re coffee

Thursday, November 6, 1975

- 7:58 a.m. The President
- 8:05 a.m. White House Staff Meeting
- 9:55 a.m. President/Ambassador Volpe
- * 10:20 a.m. President/Secretary Kissinger
- 6:45 p.m. President et al to review Atlanta speech

Friday, November 7, 1975

- 8:00 a.m. White House Staff Meeting
- 1:30 p.m. Meeting in Jack Marsh's office re 200-Mile Fisheries
Limit (w/Ingersoll/Maw/Walthius)



Saturday, November 8, 1975

10:40 a.m. President/Lowell Thomas

Sunday, November 9, 1975

12:30 p.m. Bill Seidman/Roger Porter

Monday, November 10, 1975

8:00 a.m. White House Staff Meeting

* 10:18 a.m. President (with Secretary Kissinger)

11:00 a.m. Met with Don Rumsfeld

1:50 p.m. Secretary Schlesinger's Retirement Ceremony

Tuesday, November 11, 1975

8:00 a.m. White House Staff Meeting

9:10 a.m. President's Staff Meeting

* 9:33 a.m. President (with Secretary Kissinger)

10:04 a.m. President/Israeli Parliamentarians

11:00 a.m. President/Senate Steering Committee

2:30 p.m. The President

5:23 p.m. Met with Don Rumsfeld

Wednesday, November 12, 1975

8:03 a.m. White House Staff Meeting

10:50 a.m. Met with Sir Michael Palliser and Minister John
John Moreton of the British Embassy (with
Derek Thomas and Denis Clift



Wednesday, November 12, 1975 (Cont'd)

- 11:30 a. m. President/PM Thorn of Luxembourg
- 2:50 p. m. Briefed Veterans Organizations and Military-oriented Groups (President joined at 3:30)
- * 4:31 p. m. President/Meeting on International Economic Summit
(Secretary Kissinger also attended)
- * 8:03 p. m. The President's Working Dinner in honor of PM Thorn
(Secretary Kissinger also attended)

Thursday, November 13, 1975

- 7:52 a. m. Meeting in John Marsh's office
- * 9:52 a. m. President (with Secretary Kissinger)
- 10:20 a. m. President/PM Jorgenson of Denmark
- * 11:45 a. m. President/Meeting on International Economic Summit
(Secretary Kissinger also attended)
- 7:30 p. m. President/Republican Leaders and Republican Conferees
on Energy

Friday, November 14, 1975

- 8:00 a. m. White House Staff Meeting
- 8:29 a. m. President/Economic Policy Board Meeting
- 11:12 a. m. Meeting in Phil Buchen's office on Executive Privilege
- 3:09 p. m. Chaired 40 Committee Meeting
- * 11:40 p. m. Departed Andrews with the President for the International
Economic Summit in Paris
(Secretary Kissinger also accompanied)

Saturday, November 15 - Monday, November 17, 1975

International Economic Summit

* Also attended by Secretary Kissinger



Change in the Assistant to the President
for National Security Affairs

CHRONOLOGY

Monday, November 3

On the afternoon of Monday, November 3 I asked Brent Scowcroft if he would obtain a resignation letter from Henry Kissinger in order to keep the records straight. Brent indicated that he would do so.

Shortly thereafter, I asked Don Rumsfeld for such a letter and Don indicated he would be staying on until his confirmation but that he would prepare the letter at the appropriate time.

Tuesday, November 4

I inquired of Brent was the letter ready and he indicated to me that it had been prepared and was on HAK's desk but that he did not wish to sign it. I have not pursued the matter since with Brent.

✓ In the period from November 3 a total of nine memoranda from HAK to the President were received. They are listed at Tab A. In one particular case, a memorandum of November 12, the original memorandum was from Brent Scowcroft to the President, however, upon reading it appeared that the memo was quoting HAK. We returned this to the NSC and asked that they revise the memo so that the sender and text were correlated. They returned the memo without revising the text but merely by substituting HAK's name in for Brent Scowcroft. All of the memorandums referred to are on White House stationery.

Jim Connor





THE WHITE HOUSE
WASHINGTON

All of the memos mentioned are on
White House letterhead

November 3 -

Memo from HAK re Letter to Col. Thomas
A.P. Krock of Dallas, Texas.

November 5 -

Memo from HAK re Establishment of the
U.S. Sinai Support Mission

November 7 -

X Memo from HAK re Reply to Dr. Nicholas
Nyaradi (this has not gone to President
yet still in staffing)

November 10 -

Memo from HAK re reply to Letter of
thanks from Prime Minister Miki

November 10 -

Memo from HAK re National Intelligence
Estimate "The Soviet Assessment of the US"

✓ copy loaned to J.M.
X original sent J.M.



THE WHITE HOUSE
WASHINGTON

November 8 -

Memo from HAK re Cooperation with
South Africa on Ocean Surveillance

November 12 -

✓
Memo from HAK re Request to You by 15
AID Officers for Continued Employment with
the USG (this has not gone to President
yet in staffing)

November 14 -

Memo from HAK re Objectives for
the Intelligence Community for FY 1976
(this has not gone to the President
yet)

November 12 -

Memo from HAK re US Spanish Bases
Negotiations - Status Report



Q: What about the Assistant to the President for National Security Affairs job? When did Kissinger give up this post?

A: [NOTE: This question can only be answered by the President. The following suggested answer is based on input from Phil Buchen, based on a conversation he had with Kissinger.]

Secretary Kissinger advised the President that he would cease acting as Assistant to the President for National Security Affairs on Monday evening, November 3, following the President's announcement.

Q: When did General Scowcroft take over?

A: General Scowcroft continues to act as Deputy Assistant to the President while the formal paperwork is being completed which is necessary for him to take over the Assistant's job.

Q: What is the precise^{legal}/status of Scowcroft?

A: I'll have to refer that question to Phil Buchen, who is Counsel to the President because I will not attempt to define the precise legal status of Brent Scowcroft.

However, in the President's view, Brent continues as Deputy Assistant to the President and, as the President announced, he will formally take over as Assistant as soon as the technical details can be worked out.

Q: This all seems very confusing. Why wasn't all this worked out before the announcement was made?

A: To the extent that it is confusing, it is because of the totally unnecessary resolution of contempt,

The President continues to receive all the national security advice he needs and the National Security Council is functioning as normal with Brent ~~at the helm~~ as Deputy Assistant to the President.

INTELLIGENCE - SCOWCROFT/HAK

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THE WHITE HOUSE
WASHINGTON

Signed by whom?

Will be FBS.

All of the memos mentioned are on
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THE WHITE HOUSE
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CHANGE IN ASSISTANT TO THE PRESIDENT FOR
NATIONAL SECURITY AFFAIRS

Chronology

Monday

November 3

In a meeting with the NSC Staff at 5:00 p. m. General Scowcroft informed the Staff of the various personnel shifts and that he would be replacing Secretary Kissinger as Assistant to the President.

Tuesday

November 4

The NSC Staff was informally advised by the Office of the Staff Secretary that all staff papers henceforth should be addressed to General Scowcroft. (This advice was not formalized in writing because of the uncertainty as to General Scowcroft's legal ability to assume the position while holding military rank.) The staff was informed, however, that to save time and effort it would not be necessary to recall and/or retype papers to or for signature by Secretary Kissinger but that General Scowcroft would initial opposite the name.

Tuesday

November 4

A staff memorandum to Jim Connor was prepared for General Scowcroft's approval asking that a signature element be prepared for him for use by the White House Correspondence Unit in connection with his appointment as Assistant to the President. (Tab A)

Wednesday

November 5

An NSC Staff Procedure was issued instructing that henceforth all material prepared for or from General Scowcroft would use "Brent Scowcroft" without indication of rank or title (Tab B). This was issued to confirm the informal advice given earlier and to make it possible for General Scowcroft to sign material as Assistant to the President without raising the question of his retaining his military rank.

Wednesday
November 5

The secretaries in the West Wing offices were informally advised to answer the telephones "General Scowcroft's office" rather than "Secretary Kissinger's office." (These instructions were confirmed on November 6.)

Signature of Material

Since November 3, no papers have been signed by Secretary Kissinger as Assistant to the President. In that time, General Scowcroft has signed 16 items prepared for Kissinger signature as Assistant to the President. There are two apparent discrepancies which are explained as follows:

--On October 30 Secretary Kissinger initialled a Memorandum to the President on an issue regarding South Africa. The President approved, with his initials, a particular course of action, but subsequently reconsidered his decision. The final page of the memorandum was retyped to permit the President to initial his preferred course of action. The date on the original memorandum was changed to November 8 and the memorandum submitted to the President for approval. (Tab C)

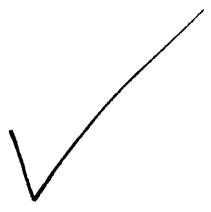
--In mid-October Secretary Kissinger initialled a memorandum to the President containing a reply to a letter from Dr. Nicholas Nyaradi on CSCE (Tab D). Instead of forwarding it to the President, however, he asked for additional State Department views. Those were obtained and the original memorandum, with Secretary Kissinger's initials, was forwarded to the President on November 7.

Attendance at Meetings

The only meeting of the NSC or an NSC sub-group has been one 40 Committee meeting on Friday, November 14, 1975, which was chaired by Brent Scowcroft.

Since that date, General Scowcroft has regularly attended meetings with the President and others as Assistant to the President. On no occasion since November 3 has Secretary Kissinger attended a meeting as Assistant to the President. (At Tab E is a list of meetings attended by General Scowcroft since November 3; those bearing an asterisk were also attended by the Secretary of State.)

THE WHITE HOUSE
WASHINGTON



November 10, 1975

MEMORANDUM FOR: RUSS ROURKE

FROM: JACK MARSH *DM*

Call Ed Braswell, Staff Director, Senate Armed Services Committee, and tell him our Legal Counsel checked out the matter involving NSC. Senator Stennis wanted us to be sure it was not a confirmable position. Our conclusion was that it is not. Incidentally, Ed Braswell knows it is not a confirmable post. This should be presented to him not as something he doesn't know, but simply for him to be aware that Senator Stennis had made an inquiry about it to me and asked me to check on it, which I did.



JACK,

I spoke with Ed Braswell, and passed on the substance of your message. He appreciated the call, and asked to be remembered to you.

Russ *R*

intell

November 15, 1975

MEMORANDUM FOR: JACK MARSH
FROM: RUSS ROURKE

I am sure that by now you have seen the wire service stories on the State Department press conference. The only real item of interest I have to pass on is Jerry O'Leary's impression, as a State Department expert of some consequence. O'Leary believes that the press, and therefore perhaps the general public, will not be so concerned about pinning the subpoena on Scowcroft rather than Kissinger, as they are about the apparent "hiatus in power" that seems to have prevailed. Bill Hyland was very explicit in his indication that Kissinger was off the hook as of November 3. He waffled completely, however, when asked whether or not Scowcroft fell in behind Kissinger on that same date. In O'Leary's view, it has the appearance of "no one in charge and just plain lousy staff work."

As a result of my conversation with you, I am aware of some of the things that O'Leary's does not know that preclude the adoption of his rather simplistic solution.

RAR/dl



THE WHITE HOUSE

WASHINGTON

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Jim Connor

November 18, 1975

TO: RON NESSEN

FYI

FROM: MICHAEL DUVAL

Mike

SUBJECT: GUIDANCE ON BRENT SCOWCROFT

Brent signed his letter requesting retirement on November 10. (This technically removes the legal impediment against him exercising the functions of the national security adviser as of that date.)

He is technically on "terminal leave".

Before the resignation becomes legally effective Congress must accept it.

I have asked Jim Connor to advise you when the President signs Brent's new commission.

Jim Connor

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THE WHITE HOUSE

WASHINGTON

November 6, 1975

MEMORANDUM FOR: JACK MARSH

FROM: PHIL BUCHEN ^{P.}

SUBJECT: Assistant to the President for
National Security Affairs

This is to advise that an appointment by the President of an Assistant for National Security Affairs is not subject to Senate advise and consent. Statutory foundation for the National Security Council is found in 50 U.S.C. Sec. 402. The Council is composed of the President, the Vice President, certain members of the Cabinet and other officials of the Federal intelligence community. The statute also provides that the Council shall have a staff to be headed by a civilian Executive Secretary who shall be appointed by the President and for the employment of such additional personnel, subject to the Civil Service Commission laws, as may be necessary to perform the duties of the Council.

Secretary Kissinger and his predecessors in the position of Assistant to the President for National Security Affairs did not serve in any position authorized by the organic act creating the National Security Council. Traditionally, this position has had its legal foundation in 3 U.S.C. 105 and 106 which authorize the appointments of a limited number of Executive Level II assistants on the immediate staff of the President. The National Security Adviser's traditional function as head of the staff of the National Security Council does not have a statutory footing. It is therefore clear that General Scowcroft's appointment is not subject to Senate advice and consent.

Attached is a copy of a recent memorandum which I provided to General Scowcroft which notes that his retirement at the grade of Lieutenant General, prior to any appointment as Assistant to the President for National Security Affairs, would require Presidential approval and the advise and consent of the Senate in accordance with 10 U.S.C. 8962. This does not apply to retirement at any rank below that of Lieutenant General.

Procedures required by Section 8962 were followed when General Haig resigned his position as Deputy Assistant to the President for National Security Affairs and became Chief of the White House Staff during the Nixon Administration. It might be that Chairman Stennis' inquiry relating to the necessity of Senate confirmation for General Scowcroft was based on his recollection of the Haig retirement.

Attachment

THE WHITE HOUSE

WASHINGTON

November 4, 1975

MEMORANDUM FOR: GENERAL SCOWCROFT

FROM: PHILIP BUCHEN

SUBJECT: Assumption of the Duties of
Assistant to the President for
National Security Affairs

This is to present my recommendation that, prior to your retirement from the Air Force, you should refrain from assuming the office or exercising the functions currently held by Secretary Kissinger in his capacity as Assistant to the President for National Security Affairs.

Legal Constraints

10 U.S.C. §973(b) derives from the Act of July 15, 1870, ch. 294 §18, 16 Stat. 319. As most recently amended and recodified, it reads:

* * *

"(b) Except as otherwise provided by law, no officer on the active list of the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard may hold a civil office by election or appointment, whether under the United States, a Territory or possession, or a State. The acceptance of such a civil office or the exercise of its functions by such an officer terminates his military appointment."

* * *

10 U.S.C. §8911, in pertinent part, provides that the Secretary of the Air Force ". . . may, upon the officer's request, retire

a regular or reserve commissioned officer of the Air Force who has at least 20 years of service . . ."

Thus, if the exercise of your new duties as the successor to Secretary Kissinger in his capacity as Assistant to the President would constitute a "civil office" within the meaning of 10 U.S.C. 973(b), your acceptance of such appointment or exercise of the functions of such office would have the effect of automatically terminating your military employment. Moreover, it would appear that such a termination would also have the effect of making you ineligible for military retirement benefits to which you would otherwise be entitled under 10 U.S.C. §8911.

Discussion

The term "civil office" as used in 10 U.S.C. 973(b) and predecessor statutes has not been statutorily defined. It is a term of variable meaning, the connotation of which changes with the context in which it is used. Morganthau v. Barrett, 108 F. 2d 481, 483 (D.C. Cir. 1939). The meaning to be given the term when used in a statute should be that which will effectuate the purposes of the statute being construed. See, e.g., Pardon v. Puerto Rico ex rel. Castro, 142 F. 2d 508, 510 (1st Cir. 1944).

From the debate on the floor of the Senate in 1870 regarding the antecedent of section 973(b), it appears that the primary concern of the Congress was the exercise of civil authority by military officers. CONG. GLOBE, 41st Cong., 2d Sess. 3393-3404 (1870). To this end, the Congress sought to prevent "the union of the civil and the military authority in the same hands," id. at 3401, in part because it was concerned that a military officer exercising such authority would be subject to the commands of his military superiors. The Congress did not intend to prevent civilian officials from seeking advice or administrative assistance from military officers. See, id. at 3403 (remarks of Sen. Trumbull).

The Comptroller General has consistently required that the following three criteria must be present to constitute such a "civil office":

* * *

The specific position must be created by law, there must be certain definite duties imposed by law on the incumbent, and they must involve the exercise of some portion of the sovereign power [44 Comp. Gen. 830, 832 (1965)].

* * *

An application of these criteria to the facts in the instant case leads to the following conclusions.

First, it appears that your position as Assistant to the President for National Security Affairs would be one "created by law". For at least the last 15-20 years, the position of national security adviser has been one on the immediate staff of the President under 3 U.S.C. §106. Additionally, your de facto function would involve management of the staff of the National Security Council, created by 50 U.S.C. §402.

Second, it also appears that the position would include "certain definite duties imposed by law on the incumbent", viz. ". . . such duties as the President may prescribe." (3 U.S.C. §106)

Third, and most importantly, the position likely would be held to "involve the exercise of some portion of the sovereign power." Given the concerns of the drafters of 10 U.S.C. §973(b) for civilian independence from military authority, this would seem to be the most important touchstone of the three under discussion.

3 U.S.C. §107 provides authority for the detail of military officers to the White House in order to provide advice on military matters or administrative assistance. This authority has traditionally been asserted as a basis for the detail of officers for service as White House military aides and for the detail of a Deputy Assistant to the President for National Security Affairs. In these instances, the theory is that such detailees are limited to providing administrative support or advice limited to military matters. On the other hand, the President's principal national security adviser has traditionally been responsible for eliminating or minimizing differences of opinion between the Departments of State and Defense and other

interested agencies, with a right of direct access to the President.

Recommendation

The Attorney General and the Acting General Counsel of the Department of Defense agree with my conclusion that, given the substantial risks involved, i. e. loss of your military retirement and other military privileges, you are best advised to resign your commission in the Air Force prior to the acceptance of an appointment as Assistant to the President for National Security Affairs or the assumption of any duties of that office.

In closing, I should also note that retirement at the grade of Lieutenant General would require Presidential approval and the advice and consent of the Senate [10 U.S.C. 8962]. This does not apply to retirement at any rank below that of Lieutenant General.

#

November 5, 1975

MEMORANDUM FOR: PHIL SUCHEN
FROM: JACK MARSH
SUBJECT: Senator Stennis

I met with Senator Stennis this afternoon and he was of the impression that the National Security Council post, which involves Brent, was made a confirmable position by changing the law sometime within the last two years.

He asked me if I would check on this for him.

I would appreciate your looking into this.

JOM/dl

