

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

*File NSC*

MEMORANDUM FOR DR. KISSINGER

FROM: Morton H. Halperin

SUBJECT: NSC Procedures

This memorandum responds to your request for my thoughts on how the system which has evolved so far can be improved so that you and the President can stay ahead of problems. I take it our goal is to identify issues far enough in advance of the time of Presidential decision so that:

- (1) the bureaucracy can be asked to prepare a paper laying out the options and providing the necessary background;
- (2) the NSC staff can enlarge upon the options if necessary;
- (3) the issue is brought to the President early enough for him to make an unhurried decision which takes account of our long run objectives as well as the tactical concerns of the moment.
- (4) there is a follow-through mechanism to insure that the President's decisions are, in fact, implemented.

Changes in the system can be thought of in three categories, discussed in the three attachments:

- (1) Improving the procedure for identifying items for NSC consideration (Tab A);
- (2) Improving NSC discussion (Tab B);
- (3) Monitoring the implementation of Presidential tasks (Tab C).

## IDENTIFYING ACTIONS FOR NSC CONSIDERATION

Thus far, most of the items on the NSC agenda are broad discussions of the major foreign policy issues facing the U.S. While a few specific issues, such as Biafra and Peru, have been put on the NSC agenda, no clear pattern has yet emerged as to how the President will want to deal with a variety of specific issues which will require his attention and for which he should consider options and long run implications.

The choices appear to be:

(1) Wait until the State Department sends the issue to the President.

This will almost certainly mean that the issue arrives very close to the time that the President needs to decide and that he will be confronted with a recommendation rather than options. The NSC staff could add a cover memo stating alternatives, and the President could decide based on the written material, but this does not seem to be compatible with the President's desires.

(2) These matters could be handled on an ad hoc basis with State, and other agencies involved ~~would be~~ informally asked to give their views in writing to the President who could then convene a meeting of those directly involved. For example, rather than waiting for the Visit Briefing Book for Presidential visitors, the agencies concerned could be asked to provide their views in writing on the main issues long enough in advance to enable the NSC staff to put them together to give the President a view of the issues and raise additional alternatives. The President should then decide whether to hold a meeting of those concerned. Similar procedures could also be used on issues like the FRG offset or our position on the details of mutual withdrawal from SVN. This approach can work and will certainly have to be used for some issues.

(3) Schedule on the NSC Agenda issues for which the President should review options and alternatives and use the existing NSC machinery to develop the necessary papers. This approach has been used thus far to a remarkable degree. The specifics of our Middle East negotiating policy, the issue of Sentinel deployment and

the question of Biafran relief have all been handled through the regular NSC procedures despite the temptation to handle them otherwise. (We are skipping the Review Group on the Sentinel issue, but there is no great harm in doing that when the laying out of alternatives is largely the job of a single department. If time had permitted, it would have been useful to circulate the Defense paper in advance and solicit written comments from other agencies.) To continue to use this system for the growing number of issues that will come before the President requires two things:

(a) A willingness on the part of the President to continue to hold one, and in many cases two NSC meetings per week, and a willingness on his part to schedule several items at a single meeting (in most cases after there has been an initial NSC discussion of the basic issue). These meetings will have to dispense with the formal procedures of CIA and other briefings and focus rather sharply on the immediate issues for decision. They will require the kind of brief agenda papers suggested in the next attachment.

(b) An intensive effort on the part of the NSC staff to identify these issues far enough in advance to put the NSC machinery to work. It will have to be made clear to the operations staff members that such issues should be brought into the NSC system. The NSC planning group will have to carefully monitor forthcoming meetings, visits, matters of Presidential interest and concern, etc. and then work with the Assistants for Operations to put the machinery into motion.

On balance, Option 3 would appear to most closely conform with the President's desires. Setting the machinery into motion on a particular issue does not commit the President to holding an NSC meeting. Papers approved by the Review Group can go to the President for his information and for decisions based on the written documents. Alternatively, the President could call in a subgroup of the NSC to discuss a particular problem. Using the NSC machinery guarantees, in any case, that the President will have put before him a discussion of all of the relevant options as well as a careful analysis of the situation and the long range implications of any decision that he makes.

## IMPROVING NSC DISCUSSION

NSC discussion thus far has probably suffered because of a lack of knowledge on the part of the NSC members as to what items the President wished to focus on and what policy issues he wished to have their advice on. This is particularly a problem for the kind of general papers that have on the whole been discussed thus far but it will be somewhat of a problem even for more narrowly focused issues.

The NSC discussion has also suffered from the fact that papers have been distributed only a short time before the meetings.

The schedule is now set up so that beginning with the April 2 discussion of NATO we will have 13 days between the Review Group meeting and the NSC meeting for regularly scheduled items. (We will, of course, have to add on other items with shorter deadlines.) This more extended period between the Review Group meeting and the NSC meeting will have several advantages:

(1) It will permit a more careful rewriting of papers when the Review Group decides that is necessary.

(2) It will permit us to circulate papers substantially in advance of meetings -- normally one week.

(3) It will permit the preparation of an agenda paper, discussed below.

(4) It will permit the President to receive his NSC book 48 hours or more before the meeting.

This new time schedule would permit the preparation of an agenda paper which might help to sharpen the focus for NSC discussion. This paper, which would in effect be a combination of what has previously been in the HAK talking points and in the Issues for Decision paper, would indicate to the members of the NSC what areas they should come prepared to discuss and on what specific decisions the President will want their advice.

If agenda papers are to be used, they should be prepared as indicated in the initial procedures memo approved by the President.

A draft of the agenda paper would be circulated and discussed at the Review Group meeting and members of the Review Group would then be given two additional days to provide comments on the draft. It would be understood, of course, that the draft was subject to review by the President and that, in any case, he would retain his prerogative to lead the discussion in other directions if he decided to do so. Following the revision of the paper based on Review Group comments, the paper could be distributed to the agencies. Alternatively, and preferably, HAK could discuss the paper with the President eight days before the NSC meeting and secure his general approval for the paper. This would increase the probability that over time there was a reasonably close overlap between the items raised in the agenda paper and those that the President would want to discuss. This will insure that the agenda paper is taken seriously by the staffs and will mean that the NSC members are better prepared to discuss the key issues and major decisions.

### ILLUSTRATIVE CYCLE FOR NSC MEETING

1. Friday: Response to NSSM and/or other paper comes to NSC staff.
2. Tuesday PM: Pre-RG meeting.
3. Thursday: RG meeting. Reach consensus on agenda focus.
4. Monday: Revised draft agenda approved by HAK.
5. Tuesday: HAK checks agenda paper with RN.
6. Wednesday: Agenda paper and IG paper circulated to NSC one week in advance of meeting.
7. Friday: Pre-NSC meeting with HAK with RN and HAK books.
8. Monday: RN book forwarded.
9. Wednesday: NSC meeting.
10. Friday: NSDM sent out with record of decision (to appropriate extent) and assignment of implementation action.

## IMPLEMENTATION OF DECISIONS

The process for implementing the Presidential decisions which take the form of general policy guidance has been less fully developed than the other parts of the NSC system.

The intention of circulating a Decision Memorandum after each NSC meeting, providing the President's decisions and the rationale for them, has been greatly limited by the President's desire to restrict decisions of NSC meetings to the principals only. Thus, most decisions have passed by debriefs from the members of the NSC to their staffs or from the NSC staff member to his agency counterparts. This process has the drawback that the President's intentions are nowhere clearly stated. It is possible to have different interpretations of his decisions passed on by different participants in the meeting. Where the dispute concerns a particular single decision--should there be a Biafra relief coordinator--the matter can if necessary be referred back to the President, but where the issue concerns style, tone and nuance--just what is our attitude toward Four Power Middle East talks--the current procedure leaves much to be desired and is susceptible to both inadvertent ignoring of Presidential decisions or deliberate distortions.

There is much to be said for trying to return to the original notion of a careful Decision Memorandum stating the President's decision and the reasons for it, while recognizing this cannot be done with some issues. The Decision Memorandum could clearly be separated from the NSC meeting. One need not refer in any way to the NSC deliberations or attempt to include all of what the President said at the NSC meeting. Rather, the Decision Memorandum would be a document carefully written to tell those who will implement the policy what they need to know about the President's desires in order to do what he intends and to provide enough explanation of why the President has decided as he has to enable those implementing the policy to follow the spirit as well as the letter of the Presidential decision. While such Decision Memoranda would normally be written soon after an NSC meeting, in other cases they might be issued after some delay, when the President clearly came down on position.

The Decision Memoranda should, in most cases, clearly assign responsibility for implementing the decision. This assignment should be determined on a case-by-case basis. In some instances a Cabinet officer should be assigned responsibility (perhaps in consultation with other officials); in other cases responsibility could be assigned to an interdepartmental group: the Under Secretaries Committee, an IG,

or an ad hoc group. In other cases responsibility could be assigned to a particular individual. In the absence of a specific delegation it is much less likely that a policy will be implemented and it is much harder to monitor compliance.

There is a related question of long run monitoring of implementation of Presidential decisions. This should be the primary responsibility of the operations officer. At some stage, we may want to consider some system of periodic reporting on the implementation of decisions--perhaps internally by the NSC staff member or formally by interagency group, where it has been assigned responsibility for action. The procedure to be adopted for follow-on will depend in large part on the choice made on how to inform the bureaucracy initially of Presidential decisions and should, therefore, be deferred until there is a longer period of experimentation on the prior question.