

February 14, 1958

MEMORANDUM

SUBJECT: Discussion at the 355th Meeting of the National Security Council, Thursday, February 13, 1958

EYES ONLY

Present at the 355th NSC meeting were the Vice President of the United States, presiding; the Acting Secretary of State; the Secretary of Defense; and the Director, Office of Defense Mobilization. Also present were the Acting Secretary of the Treasury; the Attorney General; the Acting Director, Bureau of the Budget; the Chairman, Atomic Energy Commission (participating in the action on Items 2 and 3); the Federal Civil Defense Administrator (participating in the action on Item 2); the Chairmen, Interdepartmental Intelligence Conference and Interdepartmental Committee on Internal Security (attending for Item 2); the Chairman, Joint Chiefs of Staff; the Director of Central Intelligence; The Assistant to the President; the Deputy Assistant to the President; the Director, U. S. Information Agency; the Special Assistants to the President for National Security Affairs, Science and Technology, and Security Operations Coordination; the White House Staff Secretary; the NSC Representative on Internal Security (attending for Item 2); Assistant Secretary of State Gerard C. Smith; Assistant Secretary of Defense Mansfield D. Sprague; the Executive Secretary, NSC; and the Deputy Executive Secretary, NSC.

There follows a summary of the discussion at the meeting and the main points taken.

1. SIGNIFICANT WORLD DEVELOPMENTS AFFECTING U. S. SECURITY

The Director of Central Intelligence pointed out that Colonel Husein, dissident leader on the island of Sumatra, had broadcast a demand on February 10 that the Djuanda Government resign within five days. The Government had rejected the demand and ordered the discharge of Colonel Husein and the other chief leaders of the dissidents. If, continued Mr. Dulles, the dissidents stick to their earlier demands, they should proceed to set up a rival government. However, they are showing reluctance to take this step, and conversations between them and the Central Government are more likely. Mr. Dulles said that it was extremely hard to predict the outcome of the crisis in Indonesia. Sukarno was expected to return to Java in a few days, and it is thought that he

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will try to pull his forces together. Hatta, who should have been the leader of the reorganization forces, has been reluctant to act in Sukarno's absence. He is proving unwilling to head the dissident movement or to take over the government. This is the existing situation. We may expect a renewed crisis in another ten days after the Central Government makes its decision.

The situation in Guatemala was quieting down, according to Mr. Dulles. The National Assembly had elected Ydigoras as President and thus avoided a revolution. There was reason to hope for the best. Ydigoras was a competent individual, though very far to the right in his politics.

In East Germany, Ulbricht has carried out a purge of three leading members of his cabinet. From this action Mr. Dulles deduced that the Soviets were extremely apprehensive of what might happen in East Germany, and had decided that they could not risk the creation there of a regime like Tito's or Gomulka's. Accordingly, they had strongly backed Ulbricht's tough policy in East Germany. It remained a question whether the widespread opposition to Ulbricht would take the purge lying down. Though we may see possible sporadic difficulties in East Germany, a large-scale revolt was highly unlikely.

The resignation of Chou En-lai as Foreign Minister of Communist China did not signify any change in the existing situation in that country. Mao Tse-tung's health is not good, and Chou will perhaps take over more of Mao's duties, though he will remain in the third position in the Communist Party of China.

Developments in Korea, said Mr. Dulles, may require of us careful consideration from the policy angle. Communist China and North Korea were making a determined effort to reunite Korea, and have made proposals to this end to the governments of the Neutral Nations Supervisory Commission (NNSC).

Events in Tunisia had been pretty largely reported in the press. At present the Tunisians had clamped a virtual siege on all French troops and naval vessels. Bourguiba, hard pushed by public opinion, had decided to take the case to the United Nations. Gaillard had admitted that the bombing had been done without the authority of the Government in Paris, which, however, felt compelled to assume the responsibility. Both sides were now attempting to avoid incidents, and had been successful so far. Tunisia hopes that the United States will intervene.

The National Security Council:

Noted and discussed an oral briefing by the Director of Central Intelligence on the subject, with specific reference to the situations in Indonesia, Guatemala, East Germany, Communist China, Korea, and Tunisia:

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2. U. S. POLICY ON CONTINENTAL DEFENSE

(NSC 5408; NSC 5606; NSC Actions Nos. 1574, 1781, 1814, 1815, 1841 and 1842; Executive Order No. 10173; NSC 5802)

General Cutler briefed the Council in detail on the history of U. S. Continental Defense policy, noting that in 1954, because of the lack of emphasis previously placed on programs for Continental Defense, the Council concluded that it would be advisable to raise to a high level of importance and urgency--in relation to other national security programs--certain military and non-military programs directly related to Continental Defense. For this purpose, a Continental Defense policy statement embracing over 30 selected programs was recommended to and approved by the President in February, 1954, as NSC 5408. General Cutler observed that in the years which have followed, the basic purpose of elevating these selected Continental Defense programs has been achieved, and the importance of selected Continental Defense programs is currently reflected in our Basic Policy statement (NSC 5707/8).

General Cutler indicated that during the last four years some of these Continental Defense programs--especially those of a military nature--have been either completed, diminished, modified, or altered in priority by reason of scientific and technological advances. Thus, the Southern Canadian Early Warning Line and the DEW Line have been established and are in operation. In addition, other Continental Defense programs are in a continuing state of implementation. As a consequence of the foregoing, it has been conceded for some time that although NSC 5408 has remained the official policy statement, many parts of it are out of date and require revision.

General Cutler noted that the Council's recent consideration of the Gaither Report and of progress in advanced weapons systems related to Continental Defense, makes the present time suitable to present to the Council an up-to-date statement of Continental Defense policy to replace NSC 5408. He noted that when NSC 5408 was considered in 1954, then existing circumstances made it appropriate to present the issues in the form of a group of programs rather than in the form of policy guidance. Now, however, circumstances permit the presentation of the less detailed and non-programmatic statement (NSC 5802) scheduled on today's agenda. In the latter connection, General Cutler noted that the President had recently indicated it was high time the Council issued such revised non-programmatic statement of policy.

General Cutler called attention to the scope of NSC 5802 and to the fact, as stated in paragraph 1-a, that there are many policies relating to Continental Defense (for example, our overseas base complex) which are not included in the statement. He then invited attention to paragraph 1-b, which specifically notes that although NSC 5802 does not include programs, the omission from NSC 5802

of any program which had been included in NSC 5408 does not of itself cancel or change that program. Under paragraph 1-b each responsible agency is required to determine whether a specific program is currently valid under NSC 5802 or should be cancelled or changed.

General Cutler indicated that, following the introductory and general policy statements appearing in paragraphs 1 through 5 of NSC 5802, the statement covers strategic and tactical warning (paragraphs 6 and 7), military policies (paragraphs 8 through 12), internal security and port security policies (paragraphs 13 through 19), and other non-military policies (paragraphs 20 through 27). General Cutler then invited attention to paragraph 4 of the statement, which outlines the time-phasing and urgency of the new Continental Defense policy proposed in NSC 5802, which time-phasing takes into account the recent National Intelligence Estimate on "The Soviet ICBM Program".

General Cutler mentioned that the compilation of this draft policy statement involved great difficulties and complications with a few resulting divergencies of view as reflected in the paper. He then proceeded to take up each of these divergencies.

After reading paragraph 8 of the draft statement, General Cutler indicated that the Science and Technology Observer at the Planning Board, with the concurrence of the State, ODM and FCDA Planning Board representatives, recommended that there be included in paragraph 8 a requirement for a high percentage kill capability against enemy aircraft or missiles approaching or operating over the North American Continent before they reach vital targets.

Dr. Killian said this point had been suggested for inclusion in the policy paper in order to raise for Council consideration the question as to whether the programs envisaged in NSC 5802 would actually achieve the objective called for in paragraph 3 of NSC 5802 --namely, that the United States be prepared at all times to counter an attack on the North American Continent in such a way as to deter Soviet attack, or, if an attack occurs, to insure our survival as a free nation. He said that from a technical standpoint, the air defense system we presently have and the one we have programmed will probably not achieve the aforementioned objective, and that it will probably give us a kill capability of less than 50%. It was the view of the technological experts who examined this matter that our defenses against aircraft and missiles should have a greater capacity if we are to meet the objective referred to above. It was Dr. Killian's thought that the Council should be cognizant of this technological judgment before taking final action on NSC 5802.

Secretary McElroy thought Dr. Killian's point was a valid one and, indeed, a key one. He said, however, that the Defense Department questioned whether it would be desirable to include in a

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paper of this kind the "high percentage" phrase. While the Secretary would agree with the percentage figures as to kill capability cited by Dr. Killian and would certainly agree that within reasonable limits every effort should be made to improve our capability, it was the belief of the Department of Defense that the phrase in issue should be eliminated from the paper. This is particularly so at this time, inasmuch as Defense is not ready to implement such a requirement even if it is included in the paper.

Secretary McElroy then called on Deputy Secretary Quarles for further comment. The latter indicated that the Defense Department experienced considerable difficulty in trying to determine the degree of increase intended by the phrase in issue. He stated that in the event of a small raid on the continental United States, we would expect to inflict a relatively high percentage of kill; whereas if the raid were a large one, we would not expect to have such a high kill capability. He noted further that the phrase in issue could be so construed as to require a doubling of our air defense costs. He stated that the Defense Department would, of course, like to see a better air defense capability than we presently have, and went on to point out that war games which were conducted in the past reflect that under our present defense programs we have what is regarded as a solid deterrent position.

The Chairman of the Joint Chiefs of Staff indicated that the Joint Chiefs of Staff did not know the precise meaning of this phrase. He thought that the language "high percentage" could be so construed that if it were fully implemented the Defense Department would be put in the position where it did not have money left to do anything else in other important defense areas.

The Acting Director, Bureau of the Budget, indicated that his Bureau was encouraged to see the Defense Department supporting the Budget Bureau's position. He indicated that it was the Budget view that if the phrase in issue were included in the policy statement, it would almost imply a crash program for air defense against aircraft and missiles. The Budget Bureau was opposed to such a crash program.

Secretary McElroy thought that the problem under discussion was but one of a number of questions which would have to be faced by the country. He said that this kind of problem is becoming more complex. Today we must defend against aircraft, missiles and satellites; tomorrow who knows what we will have to defend against. He mentioned that in time we may have aircraft that will travel three times the speed of today's planes, and we may have to prepare defenses against planes of such speed. He observed that the speed with which weapons technology is moving raises and will continue to raise a variety of questions. Consequently, on a matter such as that at issue, we must ask what are the most important things that we should do, and to what extent should we do them. It was his

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thought that we couldn't do everything, and that we must do that which is determined to be most essential.

The Vice President, who presided at the meeting in the President's absence, said it seemed to him that in many of our policy papers of this general type, we seem to express the pious hope of achieving maximum objectives which are beyond our reach. It seemed to him that the real question was to determine how the language suggested by Dr. Killian, if included in the statement, would really affect or change what we do. He thought that all concerned realize the importance of Continental Defense. The real question was whether our Continental Defense policy on air defense against aircraft and missiles should be changed--should we expend more in this area than we presently plan?

In response to the Vice President's inquiry, Secretary McElroy expressed the thought that the inclusion of the language concerning "high percentage" would change what the Department of Defense is endeavoring to do in this and related programs, because statements contained in NSC policies are used as the basis of military planning. Should the phrase in issue be included, the military planning in this area would be different than that now envisaged. The Vice President inquired as to whether the Defense Department feared that the inclusion of such language would take something from or otherwise divert from other important areas in which the Defense Department is working. To this, Secretary McElroy responded that there may be interference with things the Defense Department may be recommending in the future, and that such things might deserve higher priority than the priority suggested by the inclusion of the "high percentage" phrase in paragraph 8. Secretary McElroy indicated that despite this concern, the Defense Department would of course like to achieve the high capability envisaged by the phrase in issue and would strive to that end even if the particular phrase were not included in NSC 5802.

The Vice President inquired of Dr. Killian whether, in the opinion of his people, the Defense Department needs to be "revved up" in this area of Continental Defense. He asked whether Dr. Killian thought the President should indicate to the Defense Department that it should place greater emphasis on the aspect of active air defense covered in paragraph 8.

Dr. Killian expressed the view that this aspect of our Continental Defense program must be looked at in the context of other important military programs. He thought, however, that our present Continental Defense program constitutes more of a psychological than an actual deterrent and, accordingly, in approving a statement of policy on this point, the Council should bear this fact in mind. Dr. Killian continued, however, that he could not strongly advocate diverting funds to the Continental Defense program from other important programs underway.

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General Cutler observed that the stated objectives of Continental Defense have always been higher than the programs to implement same, and it was his view that the purpose of Dr. Killian's raising and suggesting the language under discussion was to call attention to our technological capabilities and limitations in this area of the over-all Continental Defense program.

The Director of the Office of Defense Mobilization indicated that he favored the inclusion of the "high percentage" phrase. He joined with Dr. Killian in the latter's concern lest anyone feel we have a greater capability in the air defense area than we actually possess. He thought the real question to be considered did not involve diverting funds from other military programs to the one under discussion; rather, the bigger question to be considered was whether we want to raise the budget ceiling for Continental Defense purposes.

Secretary McElroy indicated, in response to the last point mentioned by Mr. Gray, that this immediately raised questions as to whether any such increase in funds should be used for the programs under consideration here, or for other relatively more important programs.

General Cutler noted that since this Administration assumed office it has increased greatly expenditures on Continental Defense.

It was the Vice President's thought that the discussion on this issue indicated quite clearly that everyone is aware of the problem. As a consequence, the contested language might be eliminated from the final statement of policy on the subject, with the understanding that those concerned do desire and will strive to achieve improved air defense capabilities.

General Cutler indicated that the contested language would be eliminated from the paper as finally submitted to the President for approval; but, at the time of such submission, the President would be informed as to the pro's and con's of the Council discussion on paragraph.

As a closing note on the Council discussion of this phase of the subject, Dr. Killian noted that the problem related inevitably to the shelter program and to our general defensive capabilities. As a consequence, he thought the question of our air defense capabilities would inevitably arise when the shelter program is again considered by the Council.

General Cutler next referred to paragraph 8-b of NSC 5802, which called for the development of "an anti-ICBM weapons system operational capability as a matter of the highest national priority".

Secretary McElroy, in response to General Cutler's request, commented that the Defense Department believed the phrase "operational capability" should be omitted from the policy statement on the subject because, at this time, the problem of defending against an ICBM attack involves too many unknowns. It was the Secretary's thought that it would be premature to include in a policy statement at this time language calling for such operational capability.

Dr. Killian agreed with Secretary McElroy's point, and, in the absence of objection from other Council participants, General Cutler indicated that the phrase "operational capability" would be omitted from the revised statement of policy on the subject.

General Cutler then read paragraph 9 of NSC 5802, noting that the ODM Member of the Planning Board favored the inclusion of language which called for "hardening" as well as other protection of essential facilities.

Mr. Gray, based on his understanding that the subject would be taken up on February 27 when the Council considers the Gaither Report again, indicated that he would not push for the inclusion in this paper of the language recommended by his representative on the Planning Board. He accordingly agreed to deletion of the contested language in the draft statement of policy on Continental Defense, with the proviso that such deletion would not prejudice its being raised when the Council considers further the Gaither Report. In the latter connection, Secretary Quarles indicated that the Defense Department would be ready to report to the Council, on February 27, on those aspects of the Gaither Report to which Mr. Gray had referred.

General Cutler next invited attention to the section of the draft policy statement dealing with port security (paragraph 19). After reading this paragraph in its entirety, General Cutler noted that the policy guidance contained in this paragraph is intended to support detailed programs for screening seamen, surveillance, port denial, etc., which had been precisely worked out over a period of years and which were covered in some four pages of NSC 5408. He mentioned that in September, 1957, the port denial program was amended to exempt certain Polish vessels (NSC Action No. 1781). He said it was the Planning Board recommendation that the Treasury Department prepare, for approval of the President, proposed programs to implement all aspects of paragraph 19, including appropriate exemption for Polish vessels as well as a proposed amendment of Executive Order 10173.

Referring in detail to Executive Order 10173, which was issued in 1950 to implement the Magnuson Act, General Cutler indicated that amendment thereof is required because the Executive Order directs the Commandant of the Coast Guard to take actions which

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are in direct conflict with the U. S. Circuit Court of Appeals decision in Parker v. Lester. He stated that:

"The Executive Order provides that the Commandant shall not grant mariners' papers to U. S. merchant seamen or identification credentials to dockworkers, unless the Commandant is satisfied that such individuals are not inimical to U. S. security. Under this Executive Order, --in the course of screening over 800,000 persons, -- the Commandant has denied or revoked the papers of several thousand persons believed by him to be subversive (including some persons scheduled by the FBI for detention in the event of war).

"In 1955 the Circuit Court of Appeals decided that the screening procedures followed by the Coast Guard under the Executive Order failed to meet the minimum requirements of due process as to notice of charges, opportunity to be heard, confrontation by confidential informants, and cross-examination of witnesses. The Court enjoined the Coast Guard from interfering with the employment of mariners, even though they had been found by the Commandant to be subversive under the Executive Order, and directed the Commandant to issue forthwith, upon application of mariners, the papers which he had previously denied to them.

"Thus, the Commandant is now required by Court order to issue papers to mariners whom he determines under the Executive Order to be security risks. His only recourse is to initiate, after such issuance, new proceedings (which meet due process requirements of the Court decision) to revoke such papers.

"The practical difficulties confronting the Coast Guard under these legal complications are illustrated by the fact that the Commandant has had to reissue 267 mariners' papers previously denied, and has been able to revoke such reissue in only two cases (with 25 other cases pending). These practical difficulties stem from the Coast Guard's problem in locating and producing individual mariners as witnesses at due process hearings, because by the nature of their calling mariners are continuously voyaging all over the world."

General Cutler indicated that the Planning Board had recommended a Council action on the aforementioned problem, which recommendation had been varied somewhat slightly by the Treasury Department. He thought the Treasury Department's revision was a desirable one, and suggested that it be considered by the Council in lieu of the action recommended by the Planning Board.

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The Attorney General favored splitting the Council action, as recommended by the Treasury (one action to deal with the general port security program and the second action to deal specifically with the matter of proposing legislation to deal with problems growing out of the Parker v. Lester decision).

The Acting Secretary of State said his Department was very concerned about the problems occasioned by the Parker v. Lester decision, and it was the hope of that Department that the Administration would draft and submit legislation on the subject to the Congress. It was the Department's thought that if corrective action is not taken by the Congress, it should be made clear that the Legislative and not the Executive Branch is responsible for the situation which obtains.

The Attorney General agreed with the Acting Secretary of State, provided legislation along the lines indicated is determined to be constitutionally possible. The Attorney General said this matter would be considered when efforts are made to draft such legislation. He said that he would personally try to get across the point that resolution of the problem described in detail by General Cutler rests with the Congress or the courts, and not with the Executive Branch.

General Cutler next commented on paragraph 14 of NSC 5802, dealing with selected internal security measures, including the development and use of detection devices, to meet the threat of clandestine introduction of nuclear weapons into the United States. He stated that the policy guidance in this paragraph is consistent with the revisions of our Basic National Security Policy and with the President's assignment, in 1953, to the NSC's Internal Security Committees of responsibility for coordinating the development of countermeasures to detect and defend against the clandestine introduction of nuclear weapons into the United States. He stated that in the course of the Planning Board's discussion of this matter, the following operational facts were brought out:

"(1) The existing devices used to detect clandestine introduction of nuclear weapons are not discriminating and require improvement to be able to identify fissionable from other radioactive material.

"(2) (a) In 1956, at conferences between Treasury, Justice, and the NSC Internal Security Committees, the Committees accepted--as a limited start towards what they considered a necessary total countermeasures program against clandestine introduction of nuclear weapons--a Treasury proposal under which Treasury would procure and put into use 125 detection devices for Coast Guard and 90 devices for Customs.

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"(b) This proposal has been implemented only to the following extent: The Coast Guard has acquired 138 portable devices (\$96,000) and the Customs 6 stationary and 13 portable devices (\$39,000); and the Treasury is not asking for funds for FY 1959 to augment the number of devices.

"(c) Under this situation, the Immigration Service (Justice), which conducts inspections for Customs in certain instances, has not put into operation the 31 portable detection devices (\$21,000) which it acquired under the limited program accepted by the IIC and ICIS.

"(d) Nevertheless, it is interesting to note that the devices used by the Coast Guard and Customs have, during the brief period of their use, detected smuggled watches with radioactive dials, which when sold by the Government realized \$136,000 and brought in \$6,000 in fines; and have revealed radioactive ore samples coming from unexpected geographical areas."

General Cutler then called on Mr. Hoover, Chairman of the Interdepartmental Intelligence Conference (IIC), who stated that from an internal security and intelligence point of view, the devices should be used wherever it is practicable to do so at ports of entry. It was his thought that the present device program should be expanded to the extent that budgetary limits permit. He said that while the present devices are not perfect, they are beneficial from the standpoint of the clandestine entry problem, and they do serve as a deterrent to clandestine introduction.

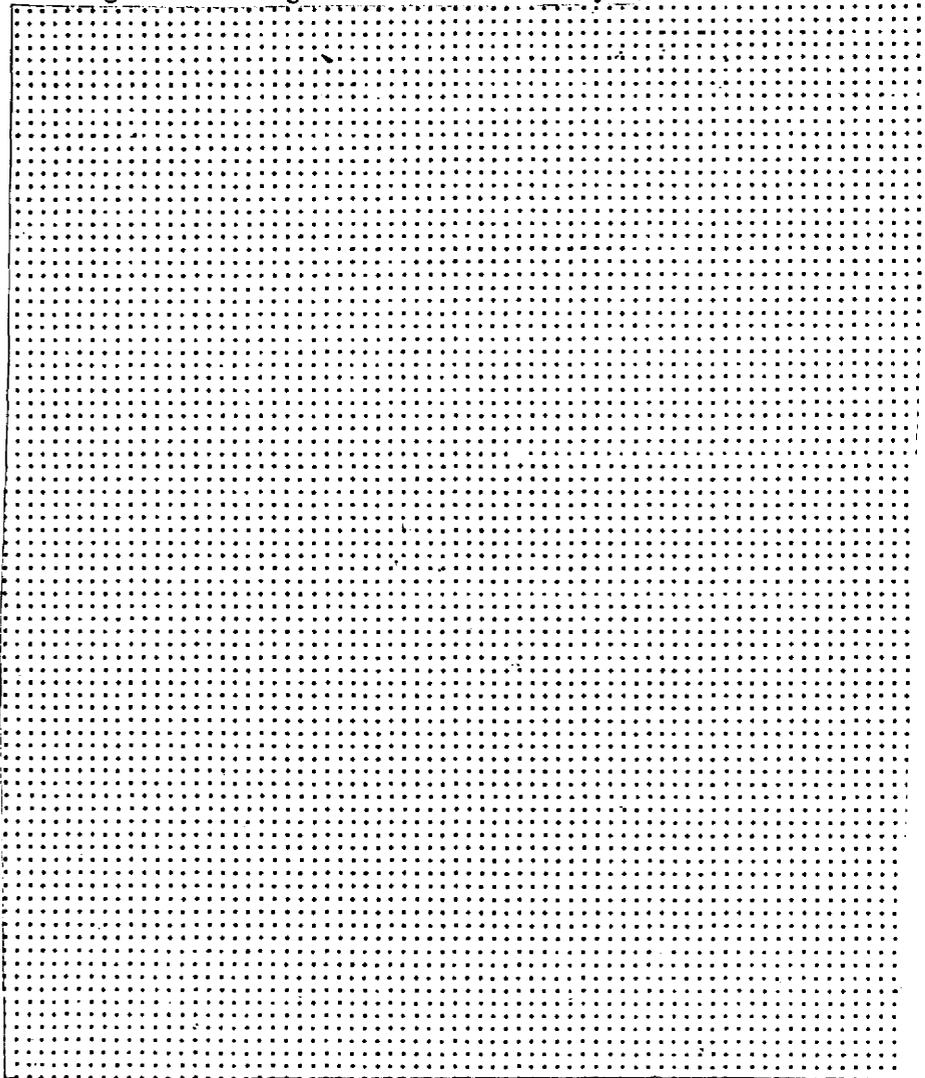
Mr. Yeagley, Chairman of the Interdepartmental Committee on Internal Security (ICIS), was of the view that the devices will not actually prevent clandestine introduction

The Chairman of the Atomic Energy Commission indicated that no one thought these devices were perfect and they were never so represented. It was his view that the present devices constitute a deterrent and therefore available devices should be used. Admiral Strauss then referred to the old problem of what agency should be responsible for bearing the cost of these devices and for operating them. He said that all agencies concerned with the problem, except the Treasury Department, were of the view that the Treasury should bear the cost. He assumed that this was no longer a problem, however, inasmuch as the devices have paid for themselves through recoveries resulting from detections made by the devices.

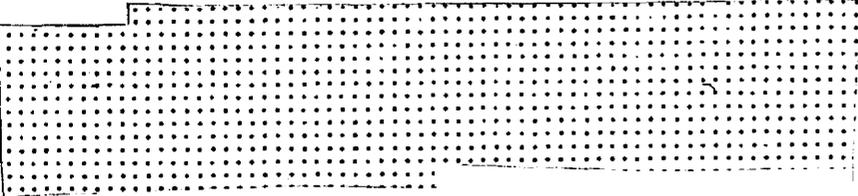
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Admiral Strauss further stated that the Atomic Energy Commission has been working very hard in an effort to develop better devices, but they have not been too successful as yet. He indicated that the Commission is working not only on improving existing passive devices, but also on the development of active devices. He stated that the small passive device can readily be made in quantity, and it was his thought that by increased use of the passive devices we can establish a greater deterrent by making it appear that we are looking at most things that enter the country.



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General Cutler indicated that, in accord with the Council discussion, the Record would reflect that the responsible agencies should make use of available passive devices for the detection of fissionable material.

General Cutler next turned to paragraph 20-b of NSC 5802, and briefed the Council on the discussion held in the Planning Board relative to ODM's proposal for the inclusion of a sentence calling for the continuous staffing of all Government emergency relocation facilities.

The Director, ODM, indicated that the agencies which would be primarily concerned with such staffing would be State, Defense, JCS, CIA, FBI, and possibly Treasury. He indicated that the ODM proposal is based on the assumption that there will be no strategic warning, and that if tactical warning is received there would be no time to relocate. Mr. Gray indicated that one of the reasons for suggesting the inclusion of language calling for continuous staffing of such sites, was the President's statement, at a Cabinet meeting following Operation Alert 1956, that it was desirable to maintain cadres at the relocation sites. Mr. Gray said that two of the agencies he had named--FBI and CIA--thought that they had adequate provision along these lines now, in view of their field office arrangements. Mr. Allen Dulles stated, with regard to the latter point, that CIA does have a staff operating continuously at its relocation site, but it is not made up of key decision-making people.

Secretary McElroy stated that the Defense Department is in agreement with the objectives sought to be achieved by the ODM recommendation, but thus far has been unable to devise practicable means of carrying it out. He referred to the very practical difficulties involved in trying to maintain, at a point distant from Washington, top-level personnel who are qualified to act in the event of war. He said that the Defense Department is still trying to work out this problem, and although it is in agreement with the objective, it is opposed to the inclusion in NSC 5802 of language along the lines suggested by ODM.

Mr. Gray went on to state that although he is a supporter of the policy here recommended to the Council, he was guilty of not following this policy in ODM.

Secretary Herter said that the Department of State has a very small staff but, like CIA, personnel there are not at the decision-making level.

Mr. Gray indicated that, in the light of the discussion, he was willing to withdraw his proposal, provided that it is mentioned to the President at the time NSC 5802 is presented to him for approval.

General Cutler then took up paragraph 21 of NSC 5802, indicating that the Director, ODM, was desirous of suggesting a revision thereto. Mr. Gray pointed out that the language contained in the draft of NSC 5802 was taken from a 1950 Defense Mobilization Order which is in the process of revision. He mentioned that as the Director of Defense Mobilization he has a statutory responsibility in areas relating to paragraph 21. At the same time, however, he fully understood and agreed with the concern of the Defense Department over having any officer outside the Department of Defense concern himself with the location of military installations. Nonetheless, it was his belief, from the standpoint of continuity of government, that the statutory responsibility of ODM should be taken into account. He thereupon proposed revised language which he thought would be satisfactory to both Defense and ODM. He said that under this revised language the department head could continue to have final responsibility for deciding on the construction of new buildings, merely reporting same to the President through ODM.

Secretary McElroy stated that the Defense Department agreed with the revised language, as interpreted by Mr. Gray.

General Cutler then raised for discussion paragraph 22-b-(2) of NSC 5802, as proposed by the ODM Member of the Planning Board. Mr. Gray stated that he would not pursue further the aforementioned proposal and, accordingly, it was agreed that paragraph 22-b-(2) would be deleted from NSC 5802 when that paper was revised.

General Cutler next raised for discussion paragraph 23, and called on Mr. Gray for comment. Mr. Gray expressed the view that stockpiling by the Federal Government would not be necessary in many cases, although the connotation of the paragraph was to the contrary. It was his thought that the Federal Government should do as little in the stockpiling area as is appropriate and safe for the country.

Secretary McElroy indicated that the Defense Department agreed with the objective sought to be achieved by the ODM language, as explained by Mr. Gray. He thought that if the paragraph could be revised to express in general terms the views orally expressed by Mr. Gray, the Defense Department could agree therewith.

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It was accordingly agreed that the bracketed portion of paragraph 23 would be deleted, and that the following phrase would be added to the last sentence in paragraph 23: "and with maximum encouragement of private participation."

General Cutler next raised for discussion the JCS comments on NSC 5802, which were circulated at the beginning of the Council meeting. (A copy of the JCS comments is filed in the minutes of the meeting.)

The Chairman of the Joint Chiefs of Staff indicated that although he had signed the memorandum containing the JCS comments on the subject, he was not particularly proud of it. General Twining, accordingly, did not press for the inclusion of the changes suggested in the JCS memorandum. (It is noted in this connection that the suggestion contained in paragraph 2-d of the JCS memorandum had been considered and adopted by the Council when raised by General Cutler during the earlier portion of today's meeting on the subject.)

(NOTE: The above summary of the Council discussion on U. S. Policy on Continental Defense was recorded by Mr. J. Patrick Coyne, NSC Representative on Internal Security.)

The National Security Council:

- a. Discussed the draft statement of policy on the subject contained in NSC 5802; in the light of the views of the Joint Chiefs of Staff thereon, as presented at the meeting.
- b. Adopted the statement of policy in NSC 5802, subject to the following amendments:
 - (1) Page 5, paragraph 8: Delete the bracketed phrase and the footnote thereto.
 - (2) Page 6, subparagraph 8-b, 4th line: Delete the words "operational capability".
 - (3) Page 6, paragraph 9: Delete the bracketed words and the footnote thereto.
 - (4) Page 11, subparagraph 20-b: Delete the bracketed sentence and the footnote thereto.
 - (5) Page 12, paragraph 21: Revise to read as follows:

"21. Except as otherwise determined by proper authority, new Federal facilities and major expansion of existing Federal facilities, important to

national security, should not be located in target areas. The location of new or expanded military installations, excluding the Pentagon and other similar administrative headquarters, shall be within the sole discretion of the Secretary of Defense."

- (6) Pages 12-13, subparagraph 22-b: Delete the bracketed subparagraph (2) and the footnote thereto; eliminating the numeral "(1)".
- (7) Page 13, paragraph 23: Revise the second sentence to read as follows (deleting the footnote thereto): "Where total availabilities appear inadequate, measures should be developed to meet minimum requirements with the least disruption of the economy, the least cost to the Government, and maximum encouragement of private participation."
- c. Agreed that the statement of policy in NSC 5802, as finally adopted and approved, is intended to supersede NSC 5408; but is not intended, of itself, to cancel or change any program set forth in NSC 5408, each of which programs should be reviewed by the responsible departments and agencies in accordance with paragraph 1-b of NSC 5802.
- d. Recommended that the responsible agencies should use, on a continuing basis, available passive devices for the detection of fissionable material, pursuant to paragraph 14 of NSC 5802.
- e. Noted that the Department of State would undertake to examine and report at the next Council meeting, on
- f. Requested the Departments of the Treasury and Justice, in view of the decision in Parker v. Lester:
 - (1) To draft an Executive Order, to supersede Executive Order No. 10173, which will enable Federal authorities to take the most effective action

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possible in the circumstances to deny access to U. S. merchant vessels, ports, and waterfront facilities on the part of individuals considered inimical to the security of the United States.

- (2) To draft proposed legislation, which would enable Federal authorities to take more effective action in this area, for consideration for submission at this session of the Congress.

- g. Requested the Department of the Treasury to prepare for Presidential approval the programs to implement all aspects of paragraph 19 of NSC 5802; such draft to include (1) instructions taking into account the new Executive Order referred to in f-(1) above and (2) appropriate provisions along the lines of those stated in NSC Action No. 1781 (which related U. S. policy toward Poland to the port security provisions of NSC 5408).

NOTE: NSC 5802, as amended and adopted, subsequently approved by the President; circulated as NSC 5802/1 for implementation by all appropriate Executive departments and agencies of the U. S. Government (together with the action in c above, as approved by the President); and referred to the departments and agencies indicated in the table on "Primary Responsibilities for Implementation" (with the exception of the Department of State and the Central Intelligence Agency) for report, in a special annex to their respective annual status reports, on progress in implementing the appropriate paragraphs of NSC 5802/1.

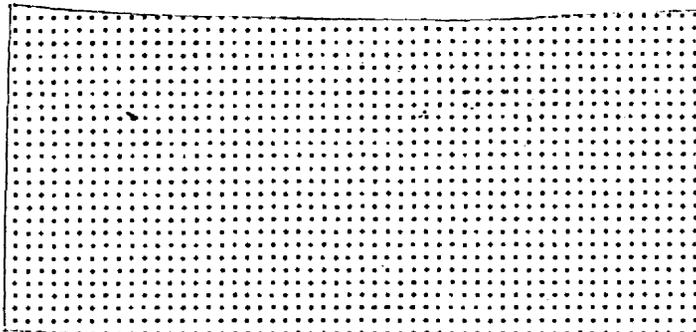
The actions in d and f above, as approved by the President, subsequently transmitted to the Secretary of the Treasury and the Attorney General for appropriate implementation.

The action in e above, as approved by the President, subsequently transmitted to the Secretary of State for appropriate implementation.

The action in g above, as approved by the President, subsequently transmitted to the Secretary of the Treasury for appropriate implementation.

February 3, 1958; in the light of the views of the Joint Chiefs of Staff thereon, transmitted by the reference memorandum of February 12, 1958.

- b. Agreed to recommend that NSC 123 be rescinded, subject to the understanding that:



NOTE: The action in b above, as approved by the President, subsequently transmitted to all holders of NSC 123 for appropriate action by the responsible departments and agencies.

- 4. U. S. POLICY TOWARD TURKEY
(NSC 5708/2; Progress Report, dated January 29, 1958, by OCB on NSC 5708/2)

The National Security Council:

Noted the reference Progress Report on the subject by the Operations Coordinating Board.

S. Everett Gleason

S. EVERETT GLEASON