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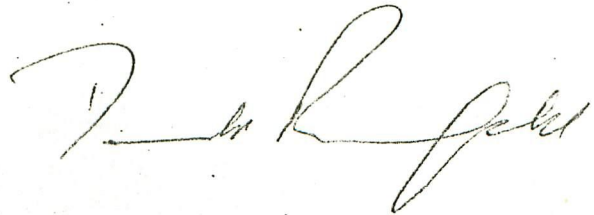
27 JAN 1976

MEMORANDUM FOR Brent Scowcroft  
Assistant to the President for  
National Security Affairs

SUBJECT: Defense Representation in National Security Council  
Activities

In order to keep the record straight, I believe your signature on a memorandum such as the one attached is needed.  
Thanks.

Attachment



WH

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DRAFT -- WHITE HOUSE STATIONERY

MEMORANDUM FOR Honorable Donald H. Rumsfeld  
Secretary of Defense

SUBJECT: Defense Representation in National Security Council  
Activities

In accordance with your recommendation, the President has designated Deputy Secretary of Defense Robert Ellsworth, as Defense Department representative for National Security Council activities involving intelligence matters, including the 40 Committee and the National Security Council Intelligence Committee.

Brent Scowcroft  
Assistant to the President for  
National Security Affairs





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DEPARTMENT OF DEFENSE  
OFFICE OF GENERAL COUNSEL  
WASHINGTON, D. C. 20301

*WH Section*

*(DW)*

*Although this is not in the precise form you desired, I believe it addresses your concerns satisfactorily.*

January 23, 1976

*A.*

MEMORANDUM FOR SECRETARY OF DEFENSE  
VIA THE SPECIAL ASSISTANT

SUBJECT: Delegation of Authority to the Deputy Secretaries of Defense - ACTION MEMORANDUM

Attached is the completed package, which has been approved by Mr. Clements and Mr. Ellsworth, delegating their specific authorities.

- Tab A is the basic delegation, DoD Directive 5105.2, which you signed previously.
- Tab B is a memorandum to Deputy Secretary Ellsworth detailing his responsibilities. The change to this, from the version you saw earlier, is limited to the addition of a final paragraph indicating that Bob Ellsworth will act for, and exercise the authority of the Secretary of Defense on those matters on which Deputy Secretary Clements has disqualified himself.
- Tab C is the customary, internal multiple-addressee memorandum through which Mr. Clements formally disqualifies himself from certain actions.
- Tab D is a memorandum for Brent Scowcroft which you signed earlier. This requests a memorandum back designating Bob Ellsworth as Defense Department representative for certain National Security Council activities.

The content of this package has gone through several drafting efforts, and the conclusion reached between General Counsel Wiley and Mr. Woods was that this configuration is the neatest, and most internally consistent manner in which to treat the whole matter.



UPON REMOVAL OF ATTACHMENTS THIS DOCUMENT BECOMES UNCLASSIFIED

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Recommendation: That you sign the memorandum to Deputy Secretary Ellsworth at Tab B.

Mr. Woods -- please note that all of these documents should be dated the same day.



L. Niederlehner  
Deputy General Counsel

Enclosures

As stated above



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January 27, 1976

NUMBER 5105.2

ASD(C)

## Department of Defense Directive

**SUBJECT** Delegation of Authority to the Deputy Secretaries of Defense

**Reference:** (a) DoD Directive 5105.2, subject as above, July 2, 1973 (hereby cancelled)

### I. PURPOSE

The purpose of this directive is to indicate precedence within the Department of Defense between the two Deputy Secretaries of Defense, and to delegate to them authority and responsibilities.

### II. PRECEDENCE

Pursuant to section 134(b) of title 10, United States Code, precedence within the Department of Defense has been established by the President by the order attached as enclosure 1.

### III. DELEGATIONS OF AUTHORITY

A. In accordance with the provisions of section 133(d) and 134(b) of title 10, United States Code, I hereby delegate to Deputy Secretary of Defense William P. Clements, Jr., full power and authority to act for the Secretary of Defense and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law, except for:



1. All matters relating to intelligence; provided, however, that during such periods of time that Deputy Secretary of Defense Robert F. Ellsworth is absent or disabled, Deputy Secretary of Defense William P. Clements, Jr., is delegated full power and authority to act for the Secretary of Defense and to exercise the powers of the Secretary of Defense upon matters relating to intelligence.
  2. Matters on which Mr. Clements has disqualified himself from acting.
- B. In accordance with the provisions of section 133(d) and 134(b) of title 10, United States Code, I hereby delegate to Deputy Secretary of Defense Robert F. Ellsworth, full power and authority to act for the Secretary of Defense and to exercise the powers of the Secretary of Defense upon:
1. All matters relating to intelligence;
  2. Matters excepted from the delegation of authority to Deputy Secretary of Defense William P. Clements, Jr., by subparagraph 2 of paragraph III. A., above;
  3. All other matters delegated to Deputy Secretary of Defense William P. Clements, Jr., by paragraph III. A., during such periods of time that Mr. Clements is absent or disabled.
  4. Such other matters as the Secretary of Defense or Deputy Secretary of Defense Clements may from time to time designate.
- C. The authorities delegated herein may not be redelegated.



IV. CANCELLATION

Reference (a) is cancelled.

V. EFFECTIVE DATE

This directive is effective immediately.



THE WHITE HOUSE

WASHINGTON

December 10, 1975

MEMORANDUM FOR SECRETARY RUMSFELD

Upon the confirmation and appointment of Mr. Robert Ellsworth as the second Deputy Secretary of Defense, I designate Mr. William P. Clements, Jr., as the principal Deputy Secretary of Defense. Moreover, in accordance with section 134 of title 10, United States Code, precedence in the Department of Defense next after the Secretary of Defense, is established as follows:

- (1) Deputy Secretary of Defense - William P. Clements, Jr., and;
- (2) Deputy Secretary of Defense - Robert Ellsworth;

who in this order shall act for and exercise the powers of the Secretary of Defense when the Secretary is disable or there is no Secretary of Defense and who shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

*Handwritten signature: Robert Ellsworth*



Enclosure 1  
WH 32138





THE DEPUTY SECRETARY OF DEFENSE  
WASHINGTON, D. C. 20301

27 JAN 1976

MEMORANDUM FOR The Secretary of Defense  
Deputy Secretary of Defense Ellsworth  
Secretaries of the Military Departments  
Chairman of the Joint Chiefs of Staff  
Director of Defense Research & Engineering  
Assistant Secretaries of Defense  
General Counsel  
Director, Telecommunications and Command  
and Control Systems  
Assistants to the Secretary of Defense  
Directors of the Defense Agencies

SUBJECT: Disqualification From Performance of Official Functions

This memorandum supersedes all prior statements on this subject.

Over and above the limitations of the conflict of interest statutes, and to avoid even the appearance of conflict, I have disqualified myself from the performance of any official duties relating to the following:

A. Matters having a major impact on the petroleum industry generally, such as:

1. Recommendations with respect to the Naval Petroleum Reserves;
2. Decisions on procurement of petroleum;
3. National energy policy decisions of the Executive Branch;
4. International energy matters including foreign development and production of oil and gas resources, and import or export of oil and gas, and material and equipment relating to such development and production; and



5. Decisions relating to the leasing of and drilling in Department of Defense offshore ranges, U.S. continental shelf, or public lands;

B. Matters having to do in any way with the countries of Iran and Algeria; and

C. International negotiations relating to the disposition of resources in the deep sea beds.

Any such matters which require the attention of the Secretary of Defense or the Deputy Secretary of Defense should be brought directly to the attention of the Secretary of Defense or Deputy Secretary of Defense Robert F. Ellsworth.

*A.P. Clement*

