

YCHS (2)
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URGENT

September 25, 1978

MEMORANDUM TO: OSTP - Mr. Morrisey
NSC - BG Rosenberg
OSD/ISA - Maj. Wayne O'Hern
JCS - Maj. Stanley Genega
ACDA - Mr. Halsted
DCI --Dr. Rosen
NASA - Mr. Williamson

FROM: PM/SA - Arnold Kanter *AZ*

SUBJECT: Preparations for Declassifying the
Fact of Satellite Photoreconnaissance.

The President has decided to declassify the fact that the US conducts satellite photoreconnaissance and has directed the Department of State to develop and execute a plan of consultations with appropriate members of Congress, Allies, and the Soviets.

The proposed plan is attached for your clearance. There are four elements:

- a. Procedure for notifying the Soviets
- b. Cable to inform NATO Allies and selected host governments.
- c. Plan for consulting with the Congress
- d. Contingency plans for dealing with possible UN and LDC reactions.

An outline of the overall preparations also is attached for your information.

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by R. Soubers, National Security Council

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Since the President wants these actions completed by October 1, we must set a very short deadline. Please provide your concurrences to me (Room 7428 NS, 632-8018) not later than noon, Tuesday September 26.

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Preparations for Declassifying "Fact of"

I. Decision

The President has directed declassification of the fact that the U.S. conducts satellite photoreconnaissance including acknowledgement that photoreconnaissance is one of the national technical means used by the U.S. for verification of compliance with SALT and other arms control agreements.

II. Timing

- Complete preparations and consultations in time for a planned October 1 Presidential speech on space policy.

III. Informing the Soviets (State action)

(very low key at Deputy Assistant)

A. Inform ^{at ~~Shulman~~} level in Washington before October 1 speech.

B. Explain SALT rationale and mutual interest in building US domestic support for SALT TWO ratification.

(indicate that decision has been made and)

C. If Soviets object, ^{caution} against adverse ^{Soviet} public reactions which could damage mutual interest in SALT, or in the exploration and use of outer space.

Even

D. [^] If Soviet reaction is unexpectedly negative, [^] *(don't give any indication that we would reconsider this decision.)*
Inform SPRC, and ~~review issue.~~

IV. Notifying the Allies (State action)

A. Do as cable to USNATO, Tokyo, Canberra, Wellington, Peking

(Note: may require change)

B. If timing permits, do as matter of fact announcements at regular weekly meeting of the NAC; otherwise, inform at POLAD level. Charge or political counselor to inform appropriate level MOFA official.

Reiterate to the

C. [^] ~~If asked, tell French that US position on their proposal for verification agency is unchanged by decision on "fact of."~~ ^{to}

V. Consulting with the Hill (State action)

A. Explain interest in responding to public concerns about US ability to verify compliance.

B. Provide assurances that decision will not jeopardize security of intelligence capabilities or activities.

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VI. Contingency plans for dealing with possible UN and LDC reactions (State action)

- A. Plan for possible reactions at UNGA in context of military uses of space, unauthorized remote sensing, etc. issues.
- B. Adapt US negotiating position for February and March 1979 meeting of UN Outer Space Committee's Legal Subcommittee and Scientific and Technical Subcommittee.

VII. Questions and Answers/Press Guidance (ACDA action)

- A. Develop guidance for *(submission to PRC for review and approval)* explaining how satellite photoreconnaissance helps verify compliance.
- B. Develop guidance *(for PRC review and approval)* to protect all other presently classified aspects of satellite programs and intelligence activities.

VIII. Security Plan (DCI action)

Develop and implement security plan to ensure that relevant personnel understand limited nature of declassification decision and that all other presently classified material remains classified.

IX. Relation to Kampiles case

- A. Consult with Department of Justice to ensure that the manner of declassification does not compromise possible legal action against Kampiles (DCI action).
- B. If asked, respond that decision in no way is in reaction to the Kampiles case.

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1. Informing the Soviets of declassification of "fact of" Level.

Since we want to declassify "fact of" in a low-key way, we should notify the Soviets at some level below that of Ambassador. ~~One possibility would be to have Marshall Shulman inform Soviet Embassy Minister Counselor Bessmertnykh.~~ Alternatively, ^{will} this could be done at the Dep. Assistant Secretary level, *in a low key manner*

Approach. We should notify the Soviets this week. In informing the Soviets we should emphasize that the purpose of declassifying the fact that satellite photoreconnaissance is used to verify arms control agreements is to build U.S. public support for SALT. We should point out that declassification will merely make explicit what is widely known already and will help to clear up some confusion among the general public about how our SALT agreements are verified.

Points to be Made:

- We both recognize that the capabilities which both sides possess to monitor compliance by satellite photoreconnaissance are an essential basis for the confidence which each side has in the SALT agreements and for the viability of the agreements.
- Our governments presently have this confidence. However, it is also essential that the basis for our confidence be widely understood by the US public. Public confidence that we can independently monitor compliance will be important in building support for SALT.
- However, the basis for our confidence that we can independently verify a SALT treaty is often imperfectly understood. It has been US policy in the past to refer only in general terms to "National Technical Means," without any elaboration or explanation. Although the meaning of the term is known to some people, it is obscure to others. The result is frequently to raise doubts about our verification capabilities and consequently about the value of the SALT agreements.
- *Delete* Consequently, in order to build informed support for SALT, the President has decided that in future US officials, in speaking of National Technical Means, will be able to say that satellite photoreconnaissance is used to verify SALT and other arms control

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~~agreements.~~ Soviet publications have made similar references to satellite verification of SALT.

- For obvious reasons, we do not intend to go beyond a simple acknowledgement of the fact of satellite photoreconnaissance. We do not intend to offer any more detailed descriptions or change our policy in any other way. ~~But we do believe this limited explanation of NEM can be useful;~~
- Before doing this, we wished to inform the Soviet Government of our decision.
- (If the Soviets object) ~~we will take your points into consideration. Should we go forward with our plan, however,~~ We hope that the Soviet Union would avoid any public steps which would damage our shared interests in SALT or in the exploration and use of outer space.

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(Note: Make comments to French consistent with IVC preceding)

2. Informing the Allies

Action: USNATO, TOKYO, CANBERRA, WELLINGTON, PEKING

INFO: ANATO, Moscow, Geneva

Tags: PINR, TSPA, NATO

Subject: Declassification of fact of satellite Photo-reconnaissance

1. The President has directed that

declassification of the fact that the U.S. conducts satellite photoreconnaissance including acknowledgement that photoreconnaissance is one of the national technical means used by the U.S. for verification of compliance with SALT and other arms control agreements..

2. The fact of satellite photoreconnaissance has been widely publicized in the press and is known among members of the foreign affairs community, but has never been officially declassified by the USG. Until now, USG spokesmen have been prohibited by security regulations from stating explicitly that the US conducts satellite photoreconnaissance to monitor SALT compliance. Spokesmen have been restricted to using the euphemism "National Technical Means" (NTM) when describing our monitoring capability. Officially acknowledging the fact of satellite photoreconnaissance is therefore intended to help USG spokesmen explain to the general public

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that the US relies on its own independent means to verify SALT compliance and not simply on the Soviets' word.

3. Only the fact of satellite photoreconnaissance has been declassified. All other presently classified information about satellite and other intelligence programs, including sources, methods, product and purposes remain classified.

4. The Soviets are being informed of this decision.

5. For USNATO: you should inform the Allies at next NAC or POLAD meeting (whichever earlier) of the foregoing.

If asked, you should say that declassification of this fact does not rpt not imply any change in USG attitude on French proposal for an international satellite verification agency.

6. For other action addressees: Host government should be informed at charge/polcon level of this decision during routine contacts with foreign affairs personnel.

7. President plans to acknowledge fact of satellite photoreconnaissance in October 1 speech. Allies and host governments should be notified prior to that date.

8. Guidance for public spokesmen is being prepared and will be forwarded septel.

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3. Congressional Consultations

Although official acknowledgement of satellite photo-reconnaissance will be viewed primarily as a non-event on the Hill, we plan to alert several members of Congress in order to prepare them to counter any possible criticisms from the right that this is just the first of many steps in enlightening our adversaries about our intelligence capabilities. Among those members and/or their staff we plan to contact are the following: Bayh, Byrd, Church, Clark, Cranston, Culver, Glenn, Hart, Kennedy, Mathias, Pell, Zablocki, Hamilton, *Mahon, Stennis, Stevenson, Tugua.*

Talking Points

-- The President has decided to declassify the fact that satellite photoreconnaissance is one of the national technical means we use to verify SALT. He intends to make this public in a speech at the Kennedy Space Center on Oct. 1.

-- We are informing our Allies and the Soviets.

-- Although the fact that we use satellite photography is already well-known to those who follow SALT, we want to be able to explain to the man in the street that our confidence in SALT compliance comes from our own capabilities, not our trust in the Soviets. The term "national technical means" does not sufficiently explain how we verify SALT Provisions so we want to be able to refer to the fact that

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we use satellite photoreconnaissance.

-- This action does not pose any risk to our national security and it does not mean that we are now preparing to declassify any other information about intelligence programs or products. Declassification is limited to the fact that the US conducts satellite photoreconnaissance and that satellite photoreconnaissance is of the NTM used to verify compliance with SALT and other arms control agreements.

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4. Dealing with the United Nations and LDCs

Within the UN context, there are two fora in which the U.S. should prepare for the consequences of declassification of the fact of satellite photoreconnaissance. In each of these areas, consequences might well differ, depending on how much publicity and attention the decision attracts.

I. UN General Assembly (September 19-December 22)

A. Outer space matters in general. The UNGA annually considers and passes a resolution dealing with the past and future work of the UN's Committee on the Peaceful Uses of Outer Space. While the work of the Committee will most likely be affected by declassification (see below), the UNGA resolution itself is anodyne and probably will not be affected unless the Soviets choose to use it as a vehicle for raising an issue on this matter. This conclusion pertains regardless of the manner of declassification. No consultations beyond those already described are suggested specifically in regard to this item.

B. French proposal for establishment of an international agency for satellite verification of arms control agreements. This proposal was set forth by President Giscard D'Estaing at SSOD, despite strong U.S. objections to its substance. It will certainly be pushed by France during the General Assembly in the context of disarmament issues. If asked, we will tell the French that the U.S. view is unchanged. We also should be prepared to explain to the French in detail why, despite the apparent shift in U.S. approach, the French proposal remains unacceptable.

C. Other. Because of the extreme sensitivities shown in the Outer Space Committee by the Soviets and LDCs over remote sensing of their territory, the Soviets or some LDCs might propose a resolution to condemn as espionage or as in violation of international law either all satellite photo-reconnaissance undertaken without the permission of the sensed country or, perhaps more likely, all such reconnaissance except in the context of verification of arms control agreements or with prior approval. The latter would not be more acceptable to us than the former, as it would affect civil programs (Landsat) as well as certain other non-civilian uses of satellites.

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Leaving aside the Soviet issue (treated in another paper), we should be prepared to consult key LDCs, such as Brazil, Argentina, Nigeria, India and perhaps Algeria and China at the first signs of any such effort. The intensity of such consultation would vary in accordance with the publicity given the declassification.

II. The UN's Outer Space Committee (OSC)(February - April)

For the past several years, the OSC's Legal Subcommittee (LSC) has been endeavoring to negotiate principles on remote sensing of the earth and its natural environment. The negotiations have so far been unsuccessful because of the near-paranoid fear of many LDCs (with the Soviets leading the effort) that remote sensing could compromise their essential economic and security interests. Declassification of "fact of" will necessitate the U.S. reexamining its own position in these negotiations, which has heretofore stressed the open availability of data on the earth and its natural environment derived from remote sensing. The subject of classified data has been ignored, but declassification of "fact of" will make this more difficult in the future.

The U.S. should, therefore, have a position prepared by January 1979 in order that it may consult with the Soviets on this matter before the next session of either the Scientific and Technical Subcommittee (February 5-23) or the LSC (March 12-April 6). The Soviets will certainly propose such consultations, as they do before most LSC meetings. In the course of routine consultations with the Soviets in the UNGA after declassification, (probably when discussing the resolution on the work of the OSC) we should note that we are examining our approach to the remote sensing principles and giving careful attention to the Soviet proposal for a limit on dissemination of remote sensing data having a finer (i.e. lower) resolution than a predetermined figure.

Similar points could be made to key LDCs, should they have appropriate personnel present at the UNGA.

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