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NRO and NSC review(s) completed.

25 JUL 1978

MEMORANDUM FOR: Deputy Director for Administration

FROM: [redacted] Acting Director of Security

SUBJECT: Civilian Space Policy Review Group

1. [redacted] Attached for your review is a copy of a draft paper entitled "A Review of Satellite Reconnaissance Security Alternatives" which was prepared by a Working Group of the Civilian Space Policy Review Group in response to a requirement to review the implications of declassifying the "fact of" photographic satellite reconnaissance.

2. [redacted] Participants in preparation of the paper were Gus Weiss, Chairman, from Admiral Murphy's office in OSD, David Williamson of NASA, Lt. Col. James Welch of Air Force, Stephen Bond from the State Department and [redacted] of the Community Security Group. Major credit for the writing effort belongs to Mr. Williamson and Lt. Col. Welch.

3. [redacted] I think you will agree that this paper represents a significant effort for a task that had a ten day deadline for submission to the Office of Science and Technology Policy, Executive Office of the President. It does not pretend to answer all questions that surround the issue, but hopes to draw to the attention of the policy maker a skeletal outline of problems and steps that must be faced should a decision be made to proceed with the declassification action.

4. [redacted] It represents the DCI's position and desire to see "how" we can declassify "fact of" rather than "why we shouldn't".

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Attachment

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D R A F T

7-20-78

A REVIEW OF SATELLITE RECONNAISSANCE
SECURITY POLICY ALTERNATIVES

I. Introduction and Objectives.

Presidential Directive NSC-37 established a security policy for space intelligence activities that states, inter alia, that "the fact that the US conducts satellite reconnaissance for intelligence purposes is classified CONFIDENTIAL (XGDS)" and that the special product controls (over imagery and other space-derived data) will be used sparingly by the DCI. This paper examines possible revisions to this policy, first in light of a simple declarative declassification only of the fact that the US conducts a classified satellite photography program as an adjunct to gaining SALT acceptance, and then in light of a possible extension of such declassification to selected reconnaissance imagery for furthering economic, social, and political objectives of the US.

II. Summary of Conclusions.

In summary, this very compressed review suggests the following:

1. Under appropriate circumstances and with stringent advance preparation, the "fact of" can be declassified with real but not unacceptable risks to intelligence security and to US foreign and domestic policy.

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2. The benefits of declassifying the "fact of" alone are rather limited: there is an obvious, commonsense value to the forthright admission of what is widely known: there are some relatively short-lived public information values; and there may be some improvement in the credibility of SALT verification.
3. If a decision is reached to go beyond declassification of the "fact of" and to include a selective and time-phased public release of substantive imagery, both risks and benefits increase; it is believed that the risks, while far from negligible, could be adequately controlled and that the potential longer term benefits of such a policy revision warrant a very careful assessment of this possibility before its acceptance or rejection.
4. It is imperative that full and detailed execution and contingency plans be developed and assessed well in advance of overt policy change or official public statement on this matter.

III. Considerations of Implementation.

An implementation plan for such declassification of "fact of" and/or imagery must, more or less in the order noted below, address the following elements:

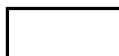
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1. The Congress. The Intelligence Committees and most of the senior leadership of both Houses are fully or sufficiently aware of the space intelligence program and its relation to NTM and verification. In case either limited or extended declassification is proposed, it would be necessary to fully brief the involved committees and the leadership on the purposes of the proposed policy change, the detailed action plan and contingency positions, and the longer range implications thereof. Without a Congressional consensus on the overall approach and, particularly, on the strict limitations of the scope of the declassification policy, it would not be prudent to proceed. On balance, it is deemed probable that such consensus could be reached and maintained if the proposal were thoughtfully worked out and the full prestige of the Administration were to back it.

2. The USSR. Given that "fact of" classification is largely a political consideration first designed to maintain a "gentlemen's agreement" with the USSR on the conduct of space intelligence and more recently to avoid confrontative questions in the area of NTM for SALT verification, it

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seems that the Soviet interest in a change in US policy would be so high as to require formal, high level consultation based on considerable frankness as to the scope and implication of the US proposal. The USSR has made a distinction between satellite reconnaissance for National Technical Means (NTM) of verification and satellite reconnaissance for "espionage." The Soviets have never explicitly stated their definition of the difference, however, and Soviet reaction to a proposed policy change is uncertain. The USSR is sensitive to world opinion about the relative technological capabilities of the US and the Soviet Union. Comparisons between Soviet and US NTM capabilities, even speculative, would cast the USSR in an unfavorable light. (The position taken by the USSR in the UN on allowable resolution limits for open dissemination of satellite imagery has already prompted unfavorable comparisons). Furthermore, the Soviets have expressed their sensitivity about US release of NTM issues discussed in the SALT Standing Consultative Committee. Second, the Soviets could view a public policy change as casting doubt on their ability to prevent "espionage" from outer space

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and, for internal and international prestige reasons, they might choose to take a tough line, including a more aggressive posture on ASATs and on the rights of overflight. Lastly, declassification could be viewed as a form of international "one-upsmanship" by the US, especially in light of current tensions. Such private consultation with the Soviets would stress the relationship of the proposed policy change to national acceptance of SALT II and, if imagery release were contemplated, the scope, content, purposes, and timing of such release. If the consultation results in a Soviet assessment that the impact would be relatively benign and that their net national interests were still protected, their real interest in SALT and their overall political posture vis-a-vis the US might lead to a favorable response. A negative Soviet reaction would not place at risk the technical security of space intelligence but would provide some further insight as to basic Soviet international political and military perceptions. Without an understanding as to the probable Soviet posture, it would seem unwise to proceed unilaterally with a policy change.

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3. US Intelligence Security.

- a. The classification of the "fact of" satellite reconnaissance has served as the first line of defense for overhead intelligence programs. After declassification, US agencies and officials could expect to be under considerable pressure to provide more information in a climate in which intelligence photography and perhaps other information is known to be available. Moreover, interpretation of photography alone is ambiguous; intelligence information is derived from a careful professional analysis of data from several sources, including SIGINT. Compromise of these electronic systems could result from explanations and interpretations accompanying even selective release of photography. This argues that careful, well thought out strategies of information release and management of requests and criticisms are necessary adjuncts to declassification of the "fact of." It seems highly unlikely that declassification of the "fact of" alone could take place, with absolute refusal to release any more information about derived

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data, sources, methods, and analysis. Some additional information is certain to be released, whether inadvertently or purposefully thereby threatening at least a partial compromise of intelligence discipline.

- b. This then argues for development of a strict and coherent revised security policy prior to implementation of a policy change. Elements should include: a firm and uniform Executive Branch administrative penalty policy (dismissal) for violations of space intelligence guidelines; advance instructions to all in-place security officers in Federal, industrial, and academic institutions; briefings for senior former members of the space intelligence community to establish the limits of intended disclosure; establishing a central single source for responses to public queries.
4. Allies. Given that US friends and allies are either direct or indirect beneficiaries of the US intelligence programs, their interest in preserving unimpeded access to valid intelligence information would have to be assured through consultations that outlined the limits and extents of planned disclosure and the political assessment of

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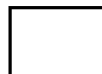
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external (i.e., Soviet and other) reactions. Particular care would have to be given to the question of possible imagery release by the US of data taken over Allied countries; it is not clear at this time that any such release from intelligence systems should be contemplated without the prior consent or even through the intermediary of the friendly nation. Those who have had access to classified satellite imagery in the past may react quite differently than those who have not.

5. International Reactions.

- a. The program to gain tacit acceptance by all countries of the principle of overhead data collection has been primarily possible through the efforts of civil remote sensing programs. This gradual, de facto approach has been low-key and very successful, taking into account those data which could potentially impinge on US intelligence programs and on international sensitivities about strategic-quality information. A precipitous US shift from this gradualism may force governments to take positions they have otherwise avoided taking. The ensuing reactions could tend to blur distinctions,

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both in the minds of the US public and foreign countries, between the use of space for beneficial and military purposes. It has in the past been considered to be in the best interests of the US to promote an image of satellites being only for certain humanitarian purposes and to avoid tainting this image by blending in other actual or potential uses for satellites.

- b. Developing countries (LDCs) recognize that they can benefit from remote sensing of their territory.

However, the LDCs generally are arguing for a restrictive legal regime governing these activities, asserting that release of remote sensing data to third parties without their prior consent is a violation of their national sovereignty and poses a threat to their economic and national security. The effect of a US disclosure of satellite reconnaissance could be to stiffen their resolve to restrict overhead reconnaissance. One would expect that the obvious international benefits of nuclear arms control would soften such arguments. The record of the LDCs in the United Nations, while largely one of narrow self-interest, may not be an

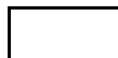
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accurate measure of real LDC responses, however, to the extent that they have a sincere desire to further nuclear arms control.

- c. Pressure for a more clearly defined international legal regime for space would probably increase in the United Nations as a result of declassification of "fact of." The United Nations has assiduously avoided formal consideration of satellite operations related to military or national intelligence purposes, and UN discussions deal only with remote sensing of the earth and its natural resources, but an announcement by the US could force the issue. Countries previously quiescent about overhead reconnaissance would be forced to take a position on the basic questions concerning sovereignty, internal and external security, and exploitation by more powerful states. Accusations of superpower hegemony by the PRC is one example of a possible reaction. Such reactions could have a heavy impact on the still-developing international law of outer space. While the US, Soviet, and French position is that photo reconnaissance of the earth from space is

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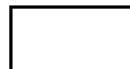
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not precluded by applicable international law, many states if forced to take a position on the issue are likely to seek a restrictive regime or to deny entirely the legitimacy of such activities, at least without prior consent. This would place both US civilian and military space programs on the defensive. Just as could happen with the USSR, prior consultation would be helpful if the US could be sure of eliciting an affirmative or neutral response; but a negative response would exacerbate the risk of adverse political reactions.

6. US Public Reactions.

- a. The case for the verifiability of a SALT II agreement could be made more convincingly to the public if an explanation could be offered as to how the verification is accomplished. An announcement that the US verifies such agreements by use of satellite reconnaissance may allay fears about Soviet cheating and contribute to public and Congressional support for a SALT II agreement. Since much of the informed public, press, and Congress already assumes satellite reconnaissance, the increase in support might be marginal; this margin could mean

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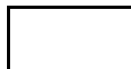
the difference in eventual ratification in the US Senate. The announcement could also serve to affirm the commitment of the Administration to greater openness in government and the promotion of space operations for keeping the peace. Without public examples of data quality, however, there is some question as to the degree of public satisfaction on verifiability.

- b. There is no question that data on space intelligence would be sought under the FOIA and that, in the worst case, legal proceedings could force disclosures inimical to intelligence discipline and national security unless impeccable guidelines were established and maintained as to what is classified and why (see 3b, supra).

IV. A Concept for Further Study.

Preliminary review suggests the possibility of a new national policy in the use of remotely sensed imaged data for a spectrum of US interests, both domestic and foreign. The focus of such a policy would be on the use of remotely sensed data and the information that can be derived therefrom, not on the management or control of the systems which collect such data.

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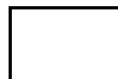
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The purpose that could be served is an expansion of the utility of data and information to the nation without incurring severe political and national security costs.

1. Features of Policy Concept.

- a. The fact that US space systems collect photographic data for national security purposes is declassified.
- b. The security protection afforded to all the systems -- space and other -- which collect global military and intelligence data is continued and enhanced to preserve a "band of uncertainty" as to US capabilities, limitations, vulnerabilities, and importance.
- c. The US will begin a careful, time phased, centrally controlled and evolutionary process of releasing selected reconnaissance imagery into the public domain in two ways:
 - 1) For economic and development purposes, release selected blocks of mapping quality imagery of the US from the existing archives as an adjunct to the existing data base.
 - 2) For policy purposes dealing with specific US interests, use individual samples of imagery

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(archival or new) on a priveleged or public basis when credible evidence is required on particular conditions or events.

- 3) Depending on international reactions during and after the initial period of release of US imagery only selected blocks of foreign coverage may be released either bilaterally or openly.
- d. Since the organized release of previously classified imagery will supplement, not replace, the growing capabilities of civil space systems responsible for continuing and updating the global data base from space, developing national and international expectancies will have to be met by operational civil systems such as follow-on earth and ocean survey satellites and Shuttle-based film return capabilities in the 1980's and beyond; the priorities of on-going space intelligence systems remain the national security interests of the US.

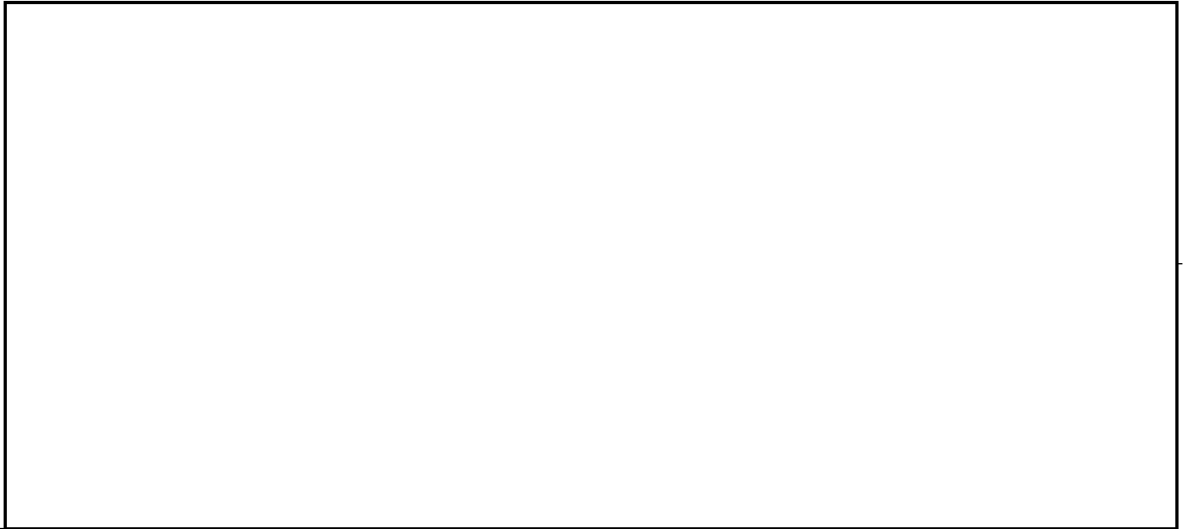
2. Potential Benefits.

- a. The broader use of previously classified and compartmented data could well be an efficient means of meeting

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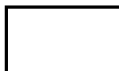
important domestic needs for an authoritative data base supplementing (or in some cases replacing) imagery sources currently available to the private and public sector. 25X1

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By limiting release to existing imagery of the US, no added burden is placed on current intelligence collection systems. The additional burden on the intelligence community of sorting and reviewing appropriate US regional data sets for phased release would depend upon the rate of release desired; presuming that such release is aimed at bridging the period until similar materials can be collected by open civil programs (e.g., Shuttle Large Format Camera), the effort could be spread over some

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three or four years without becoming unduly burdensome.

- b. Other economic applications of space data dealing with dynamic phenomena -- land use changes, disaster assessment and relief, environmental monitoring, crop productivity -- require the repetitive coverage being offered by civil systems and not envisaged for intelligence systems. Such civil uses would also benefit considerably from the availability of a high quality imagery data base even if quite old.
- c. A new dimension of flexibility could be provided in the US in international affairs by less-constrained use of remote sensing data: peacekeeping possibilities might include private or public release of visual evidence and analysis of impending crisis, hostile actions, or threatening situations (weapons shipments, border violations, guerrilla concentrations, nuclear capabilities); selective economic development information can be provided without subterfuge as to data sources; and treaty verifiability and verification can be more credibly demonstrated as needed for domestic and international audiences.

3. Implementation Approaches.

- a. All the issues noted in Section III, supra, would have to be dealt with in detail before this concept could be implemented; in addition, some purely domestic issues stemming from release of imagery of the US might arise in the areas of privacy or of use of such data for law enforcement purposes.
- b. If implementation barriers were overcome and foreseeable new problems contained in a detailed plan, an eventual policy structure might take the following direction:
 - 1) The US is dedicated to the concept of open available and freely interchanged data about the world -- for the social, environmental, and economic betterment of human society. Note that this is the objective as put into law in the 1958 space act.
 - 2) Civil space programs will, in the future as in the past, continue to make available data on a global basis except in times of national emergency; data from our military space programs will be used to supplement civil data through the periodic release

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of significant data sets useful for specialized cartographic, geological, and related analyses.

- 3) To support these ends, certain previously restricted space data acquired by the Defense Department in pursuit of its national security mission will be made available through official channels.
- 4) This approach is designed to meet several major objectives: the reduction of classified data and activities, the preservation of national security as required, the integrated use of US resources to meet the needs of the country and the world, and the dedication of technology to humane purposes.
- 5) The continued separation between civil and military activities in space is fundamental to the US way of life. Space must remain open and free for the use of all nations in seeking their own objectives, and hostilities in space must be forbidden.

V. Recommendation.

Given that the initial assessments outlined above appear reasonable, it is clear that further work on analyzing the concept of a space intelligence security policy change is in

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is in order. This effort should fall into four phases:

1. An intensive analysis of the points and possibilities noted in this paper by a few key individuals selected from the Departments of Defense and State, the intelligence community, and the Executive Office of the President under the direction of a senior NSC member. This could be accomplished within 4 to 6 weeks; with an additional 2-week period for official agency comment.
2. Presidential review and decision on desirability of change and appropriate scope thereof in 3 weeks.
3. Detailed development and setting in place of the implementation elements -- consultation strategies, security planning, contingency plans -- by the responsible agencies over a period of at least 12 to 16 weeks.
4. Execution after final Presidential review and approval.

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RETURN TO OS REGISTRY

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Civilian Space Policy Review Group

[redacted]
Acting Director of Security

[redacted] 25 July 1978

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Attached for your information is a memorandum reporting the completion of your tasking to participate in a group reviewing how to handle declassification of the "fact of."
(DDA 78-2458 & DDA 78-2458/1)

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FROM:
Acting Director of Security

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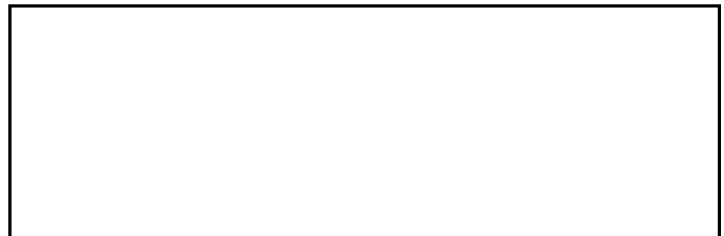
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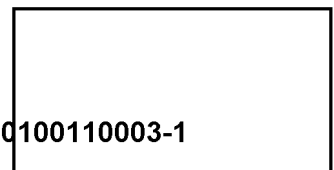
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