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~~ISI~~ NATIONAL RECONNAISSANCE OFFICE

WASHINGTON, D.C.



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THE NRO STAFF

March 16, 1972

Dr. McLucas has seen.

MEMORANDUM FOR THE RECORD

SUBJECT: A Relevant Issue for SALT VII, Helsinki: Current Verification Practices

Among several SALT issues which are presently unresolved, either because of internal disagreement or fundamental disagreement with the Soviets, an issue on current verification practices is causing some concern. The Verification Panel is now addressing the issue and it is believed that some of the facts surrounding the issue were discussed this week by Dr. McLucas and Dr. Tucker.

Paragraph one of Article XII of the Joint Draft Treaty states "For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law."

Since there has been no specific discussion at the talks on the composition of national means or what the international law is which is generally recognized, the U.S. had planned to unilaterally introduce an "interpretive statement" in the record of the agreement. The Soviet delegation working level had originally agreed to remain silent upon the introduction of the statement.

The wording of the statement is: "It is agreed that each side shall use national technical means of verification at its disposal, in a manner consistent with generally recognized principles of international law. This obligation

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will not require changes from current operating practices and procedures with respect to employment of national technical means of verification."

On February 2, the Soviets altered their position and indicated that the following remarks would be made if the U.S. introduced the statement: Article XII is adequate as it stands; national means of verification should be used in a manner consistent with international law; and if the U.S. is legal in its employment of its national means, then no clarification of paragraph one of Article XII is needed (paraphrased).


The interagency reaction to the February 2 Soviet declaration is divided. The agency positions are as follows:

JCS - Obtain an agreed interpretive statement of legality of current practices. A unilateral statement is acceptable if the Soviets remain silent.

OSD - Make a formal statement for the record that current practices are legal.

ACDA, State, CIA - Make no formal statement on legality of current practices. If a statement is made, then it should apply to both agreements. (Treaty and limited agreement).

What bearing this has on "fact of" and "national means" insofar as it is associated with satellites remains to be seen. It is speculated that if no interpretative statement is introduced, the Soviets could be in a position to challenge satellites or third country ground stations at some future date. The National Security Council is supposed to come to a decision on this issue within the next few days. We will be informed of the status of this issue following the NSC deliberation.

  
HAROLD S. COYLE, JR.  
Major, USAF

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