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(S) NATIONAL RECONNAISSANCE OFFICE
WASHINGTON, D.C.

OFFICE OF THE DIRECTOR

11 February 1976

MEMORANDUM FOR THE OSD GENERAL COUNSEL

SUBJECT: Draft Executive Order on Intelligence

I have reviewed the National Reconnaissance Office charter and other available portions proposed for inclusion in the President's Omnibus Executive Order and offer the following comments.

The most important issue in this proposal is the de facto admission that the U.S. Government conducts satellite reconnaissance operations. While there is obviously considerable public knowledge of the program, my view is that formal acknowledgment of the "fact of" would inevitably lead to erosion of the security of the program. Further, once the program is publicly admitted, the Soviet leadership could be subjected to different, largely unforeseeable, and possibly unfavorable pressures from our viewpoint. And, it is likely that declassification would lead to considerations of national sovereignty and U.N. discussions that could be harmful to our interests. The subject has been deliberated at length in the Executive Branch without reaching a consensus and I believe it unwise to subject ourselves to the added risks and public discussion which could affect this vital program. I urge against declassification.

An alternative to acknowledging the national reconnaissance function in the unclassified Executive Order would be to include in the responsibilities for the Secretary of Defense a short statement such as "Provide for the direction, supervision, funding, maintenance, and operation of national reconnaissance activities and respond to the intelligence requirements and priorities of all elements of the intelligence community as identified and approved by the Director of Central Intelligence.

The charter itself is sufficiently broad to permit considerable latitude in the management of the program. I strongly support continuation of the management structure in its present form--the Executive Committee concept, responsiveness to USIB

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requirements and streamlined, very direct lines of authority-- and there does not appear to be any conflict with the charter as proposed. This observation is, however, made without benefit of reviewing all other organizations' charters under the Omnibus package.

Attached are point papers which further elaborate on my concerns. I regard these subjects as being of the highest importance to the Nation and strongly request that I be permitted to elaborate on my views should changes still be desired.

~~████████████████████~~
J. W. Plummer

Attachments

1. Security of the NRP Including "Facts Of"/Facts About
2. NRO Charter Considerations

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SECURITY OF THE NRP INCLUDING "FACTS OF"/FACTS ABOUT

Extraordinary security has been employed regarding U.S. satellite reconnaissance since its inception. One reason for the security measures has been to prevent the disclosure of "facts about" our high quality and quantity reconnaissance capabilities to our adversaries.

It is security policy that there shall be no public, official acknowledgment of the "fact of" satellite reconnaissance. Keeping the "fact of" classified precludes discussions which could result in possible international reactions or repercussions by adversaries, or even allies or friendly nations. The exact potential consequences of open acknowledgment are unknown but they could seriously affect continued conduct of the program. And, satellite systems are vulnerable to a variety of attacks or countermeasures.

The present space reconnaissance environment consists of a tacit agreement by the U.S. and USSR to engage in space reconnaissance activities. Since satellites are such prolific intelligence collectors, it is essential for the U.S. to maintain an atmosphere that will permit continued operations.

The U.S. has acknowledged several space reconnaissance-related roles, such as the declassification and acknowledgment of weather satellites and warning satellites. While the hardware and operational details of photographic and SIGINT satellites are still protected by compartmented security controls, acknowledgment of photographic space reconnaissance as an activity is currently classified SECRET. A substantial amount of the current SIGINT and photographic satellite product is decompartmented and distributed at the SECRET level. Further, the Director of Central Intelligence has chartered a national group which is currently meeting to look at the overall issue of decompartmentation. The group's objective is to recommend ways to make more data available to intelligence users and we have made recommendations to them.

The proponents for retaining the present classification make the arguments that:

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1. Create new avenues for initiating actions where there is no basis for action now. For instance, the Soviets or Chinese could conceivably feel compelled to react to official acknowledgment of overflight of their country by U.S. espionage satellites.

2. Result in adverse worldwide reaction of U.N. or other international bodies or third world nations making entreaties to the U.S. to curtail or cease space reconnaissance activities.

3. Encourage allies or friendly nations to request removal of ground-based intelligence collection space systems. The removal of ground sites would relieve certain political pressures.

4. Indiscreet release of data gives the Soviets and Chinese a greater appreciation of our collection and its utility, especially in the SIGINT area, perhaps inspiring them to counter our efforts through increased efforts to deny us information.

5. The initial "fact of" release would tell the public little that it does not already know. The initial step, however, would remove the keystone from the policy that inhibits public discussion. Once disclosed, the declaration is an irreversible step.

6. "Fact of" disclosure could be the opening wedge that leads to more and more pressure for additional information and a general erosion of the security structure. Normal security rules have rarely been able to preserve secrets for any extended periods of time.

7. Disrupt a present policy that works well. There are no external pressures to admit U.S. space reconnaissance. The present status quo with the Soviets maintains the tacit agreement, enforced by the "national means of verification" language in the SALT agreements, to allow each side to conduct space reconnaissance.

The proponents for declassifying the "fact of" argue:

1. The "fact of" secret is a non-secret already. U.S. space reconnaissance activities have been reported in the

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world press and on U.S. television. Keeping the "fact of" classified is an example of over-classification.

2. The declassification would gain credibility for the government in general and enhance the intelligence community's image in particular.

3. Intuitively there would be positive and beneficial overall consequences, such as popular endorsement and perhaps even financial support for continuation of some of the activities.

In summary, the minimum adverse impact of this release of the "fact of" does not tell the public any more than it already knows. The maximum adverse impact of release could pose an increasing threat to U.S. ability to conduct effective space reconnaissance. Our space intelligence collection efforts are, in many cases, the only source of valued information. Release of the "fact of" could jeopardize our present unhampered access to space and in the process eliminate our ability to collect intelligence vital to our national defense.

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NRO CHARTER CONSIDERATIONS

The Role of the NRP ExCom.

The NRP ExCom was established, and composition of its membership determined, by Presidential direction in 1964. The ExCom acts for the Secretary of Defense and is established to:

- a. Recommend to the Secretary of Defense the overall appropriate level of effort for the NRP in responding to requirements in light of technical capabilities and fiscal limitations.
- b. Approve or modify the consolidated NRP and its budget.
- c. Approve the allocation of responsibility and the associated funds for R&D for new systems.

The ExCom has recently been composed of the DCI, acting as Chairman, and the Assistant Secretary of Defense (Intelligence) who represents the Secretary of Defense. In years past, the committee included the President's Scientific Advisor until that position was abolished. The Assistant Secretary of Defense (Intelligence) replaced the Deputy Secretary of Defense who was Chairman until 1971. Recently, consideration has been given to a member representing the National Security Council.

The Role of the DNRO.

By a DOD/CIA Agreement and DOD Directive, the DNRO is responsible for the day-to-day management and conduct of the NRP. The NRP is based upon a single charter which makes its mission unambiguous. The NRO is a separate operating agency of the DOD and can make use of DOD services. The DNRO's role in the NRP can be considered analogous to that of a corporate president of a company.

External to the NRO: Developing the corporation analogy, the DNRO responds to a "board of directors level" composed of three parts. In the first part, the DNRO looks to the Secretary of Defense for policy guidance and decisions since

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the Secretary of Defense is the NRP executive agent. In the second part, the DCI, through the USIB mechanism, provides to the DNRO national requirements which NRP space systems should fulfill. And third, the DNRO receives program resource allocation directives from the ExCom, as well as direction as to the pace to be maintained regarding various projects within the NRP.

Internal to the NRO: The DNRO has an interagency staff and his own Comptroller and three Program Offices to aid him. His line organizations (in the corporation analogy--and military sense--too) report directly to him. The variety of managerial tools that he has to fulfill his responsibilities are unique and essential (streamlined management) in order for the NRP to continue to fulfill its role effectively and efficiently.

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