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WASHINGTON, D.C.

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THE NRO STAFF

January 25, 1972

MEMORANDUM FOR DR. McLUCAS

Dr. McLucas has seen.

SUBJECT: "Fact of" Activity Since September 1971

To the right is a detailed summary of recent activity in the "fact of" areas of interest for your review prior to your scheduled meeting with Mr. Helms. The primary focus on "fact of" since September has been through the deliberations of the NSAM 156 Working Group. The COMIREX study of Utilization of Satellite Photography has been progressing at almost negligible pace since last summer and has not yet significantly impacted upon the problem. The SALT context is receiving primary attention today.

There will be a final 156 Working Group meeting during the week of January 31. State does not know what the ultimate disposition of the study will be. Our perceptions of the key feelings are:

a. ACDA and State feel that "fact of" revelation without constraints is best; that this will lead to an eventual downgrading or declassification of the entire effort; that diplomacy and negotiation will be better served.

b. NSC desires an iterative study of "fact of" since apparently the President and Dr. Kissinger want to move SALT through Congress and the public without protracted debate at virtually any cost.

c. OST feels that caution should be exercised in "fact of" and is apprehensive about dangers in this decision.

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d. NASA is cautious because of potential association of reconnaissance with NASA's mission but remains noncommittal in the 156 Group.

e. CIA backs "fact of" revelation and nothing beyond; will oppose the idea of briefing the entire Congress.

f. NRO stated position calls for consultation with Soviets and third countries first and nothing beyond "fact of." The NRO Staff position is that the "slippery slope" is very real and that "fact of" is the cornerstone of protection of the scope and capability of the effort. The Staff also feels that it will be difficult to keep SIGINT and photographic efforts separate once "fact of" is publicly discussed by government spokesmen. JCS also holds these views, informally.

g. OSD is generally supportive of the NRO but will press to clarify legal aspects and to apprise the entire Congress.

In summary, there appears to be an overwhelming desire to move SALT through the Congress and the public scrutiny without protracted debate. There are many uncertainties involved with the ultimate effectiveness of SALT verification when one considers the prospect of

Congressmen and private individuals who would tend to be skeptical likely will remain skeptical no matter what the depth of explanation. The Staff strongly urges that you press for a reappraisal of Mr. Helms' view of revealing the "fact of" simply to placate the expected reactions of the uncleared Congress and the public. We feel that this is an unrealistic step from which there is no withdrawal.

Major, USAF

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A SUMMARY OF "FACT OF" ACTIVITY
SINCE SEPTEMBER 1971

- At TAB A is the letter sent on September 1 to Ambassador Johnson which requested that the NSAM 156 Group review the impact of the SALT ratification process on the NRP.

- Prior to the first Working Group meeting on this question, there was considerable high-level discussion of "fact of" policy. The DNRO spoke with several individuals, including Ambassador Johnson, regarding the urgency and validity of the need to downgrade or declassify the "fact of." These dialogs were stimulated by reactions to the on-going COMIREX utilization study. Following a morning meeting with Ambassador Johnson on September 30, the "fact of" issue was raised at the ExCom that afternoon. It was decided by the principals, at TAB B, that there was not a pressing urgency to reveal the "fact of."

- The essence of the ExCom discussion was relayed to Ambassador Johnson in a letter, at TAB C, signed by Mr. Packard on October 14. This letter advocated that SIGINT systems should be treated separately vis a vis photographic systems in future "fact of" discussions and that the 156 Committee should develop a policy to prevent inadvertent disclosure of "fact of" during the SALT ratification process.

- There have been three working group meetings. The "strawman" recommendations suggested by State following the initial meeting on October 21, at TAB D, introduced the notion that Congress and the press should be informed that national technical means include "information gathering satellites."

- Between the second meeting on November 2 and the third meeting on November 11, there was a decided turn-about in views toward the "fact of." CIA's comments on

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the initial recommendations, at TAB E, suggested that it would be prudent to declassify the "fact of" but go no further. These comments were somewhat opposed to the original NRO position and decidedly pleasing to State and ACDA.

- Prior to the third meeting, we requested guidance from the DNRO and Mr. Packard in line with Mr. Helms' altered position. The guidance, at TAB F, indicated that there was agreement with Mr. Helms' position, and that the U.S. should check with the Soviets informally and with selected third countries before going to the Soviets officially prior to release of the "fact of."

- The draft paper resulting from the third meeting on November 11, proposed several recommendations, at TAB G, which generally followed the changes introduced by the NRO. The NSC representative disclaimed the recommendations, stating that there was no in-depth analysis in the study to support the release of "fact of." ACDA verbally opposed the constraints involving other countries stating that it would hinder negotiations. They did not formally footnote the third draft.

- Formal comments to the third draft by the NRO, at TAB H; by OST, at TAB I; and OSD, at TAB J, suggested that the Soviet program should be explained concurrently - NRO; suggested that the 156 Committee should frame a better strategy and guidelines prior to concluding that "fact of" should be revealed - OST; and suggest that legal aspects should be examined, that declassification of "fact of" should only be accomplished if circumstances warrant, that China and other countries be considered, that study should be given to the merits of briefing the entire Congress, that the President be apprised of the 156 study, and that in no case should public disclosure be made before Congressional hearings - OSD.

- Since General Allison, JCS (ACSAN), had participated with Dr. Flax in earlier 156 policy discussions regarding

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SALT negotiations, we apprised his staff of the present process. General Allison requested that a draft letter to the Chairman, JCS be prepared for his signature citing his opposition to the revelation of the "fact of." This draft was forwarded to General Allison in Vienna and so far has not been signed.

- The OSD response, cited above, was made final on January 24. State informs that there will be a final meeting of the 156 Working Group during the week of January 31 to consolidate positions. Following this meeting a concrete appraisal will be able to be formulated. It is expected that the 156 paper will be sent to Dr. Kissinger rather than to the President directly.

- It is anticipated that there will be some form of Verification Panel effort devoted to the entire subject of SALT verification and ratification. The outcome of that study will probably impact the "fact of" debate in a more pronounced manner than the 156 Group effort. Both JCS and OSD(SA) have informally told us that they would advocate NRO Staff participation in the study.

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