

~~TOP SECRET~~

HANDLE VIA
CONTROL SYSTEM

13 July 1976


MEMORANDUM FOR MR. ROBERT D. MURPHY, CHAIRMAN, INTELLIGENCE
OVERSIGHT BOARD

SUBJECT: First Periodic Report on the National Reconnaissance
Program

Your 5 May 1976 letter called for the first periodic report on the National Reconnaissance Program by 15 July 1976. The DOD, as the Executive Agent for the NRO, provides General Counsel support to and will provide Inspector General oversight of the National Reconnaissance Program.

For your information, in accordance with DOD direction, the National Reconnaissance Office issued interim implementation instructions to NRP Program Directors on 28 May 1976. A copy of these instructions are provided for reference (Atch 1). A paper on Authority for the National Reconnaissance Program Domestic Satellite Reconnaissance Activities is also attached as background (Atch 2).

Within the authority of the NRP to conduct essential domestic satellite engineering and system test requirements, there have been no known breaches of Executive Order 11905.


ROBERT T. ANDREWS
Senior Adviser to the
OSD General Counsel


CHARLES W. COOK
Acting Director
National Reconnaissance Office

2 Attachments

1. NRP Implementing Instructions
2. Background Paper


CONTROL SYSTEM
13085-76
COPIES
PAGE 1 OF 1 PAGES

HANDLE VIA
CONTROL SYSTEM

~~TOP SECRET~~
Del
CLASSIFIED BY: [REDACTED] ON: [REDACTED]
EXEMPT FROM AUTOMATIC DOWNGRADING AND
DECLASSIFICATION
EXEMPT FROM AUTOMATIC DOWNGRADING AND
DECLASSIFICATION

~~TOP SECRET~~

HANDLE VIA
CONTROL SYSTEM

VERBATIM EXTRACT OF THE DIRECTOR,
NATIONAL RECONNAISSANCE OFFICE MESSAGE
TO PROGRAM DIRECTORS IMPLEMENTING E. O. 11905
28 MAY 1976

The President's new E.O. 11905 on Foreign Intelligence contains a restriction on electronic surveillance activities within the United States or against U.S. persons overseas. The principal paragraph of interest is Section 5, paragraph (b) (2), page 27 quoted below:

"Foreign intelligence agencies shall not engage in any of the following activities: (S) Electronic surveillance which is made from, or is intended by the sender to be received in, the United States, or directed against United States persons abroad, except lawful electronic surveillance under procedures approved by the Attorney General; provided, that the Central Intelligence Agency shall not perform electronic surveillance within the United States, except for the purpose of testing equipment under procedures approved by the Attorney General consistent with law."

The E. O. prohibits physical surveillance which is defined as "... continuing visual observation by any means"

The NRP has received interim authority from the Department of Defense to perform essential domestic satellite photo and electronic data collection for research and development and engineering test purposes. The Director of the NRO has been assigned the authority and responsibility for establishing and implementing procedures to insure that operating elements of the NRP adhere to the spirit and intent of E.O. 11905. Accordingly, the following policy and procedures are set forth for operating elements of the NRP. These procedures may be subject to change based on forthcoming guidance from the Justice Department.

a. The spirit and intent of the provisions of E. O. 11905 pertaining to electronics and photo activities will be strictly adhered to by all elements and members of the NRP.

b. NRP initiated domestic activities with reconnaissance satellites under the provisions of the authority

HANDLE VIA
CONTROL SYSTEM

~~TOP SECRET~~
CLASSIFIED BY [REDACTED] ON [REDACTED] BY [REDACTED]
EXEMPT FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION
EXCEPT WHERE SHOWN OTHERWISE

CONTROL [REDACTED] 13085-76
COPY [REDACTED] COPIES
PAGE [REDACTED] OF 3 PAGES

~~TOP SECRET~~

HANDLE VIA
CONTROL SYSTEM

delegated to the DNRO are limited to research and development and engineering test requirements consisting of signals and photo intelligence systems tests and ground truth tests, system operational calibration, and other essential efforts related to the development of satellite systems. The authority to conduct domestic operational requirements, such as mapping, charting and geodesy, is reserved to the DCI.

c. Each NRP initiated domestic requirement will be personally approved by the respective NRO Program Director (i.e., Gen Kulpa, Mr. Duckett, and Capt Darcy).

d. Domestic collection will be minimized by limiting research and development and system engineering test activities to those requirements which clearly cannot be met realistically by other means.

e. Domestic photo and electronics data inadvertently obtained on U.S. persons or organizations will not be used for any purposes and will be destroyed at the earliest practical time (when the target data is no longer of technical or scientific use).

f. A written record containing the description of each domestic research and development and test requirement will be maintained.

g. NRP contractors will be apprised of the provisions of this directive and compliance requirements of all organizations supporting the NRP.

h. Should any unforeseen requirements arise which would deviate from the above provisions, they will not be initiated without the prior approval of the DNRO.

Request each addressee provide by 1 July 1976, a detailed plan which identifies procedures for:

a. Approving NRP initiated requirements by the respective NRO Program Director.

b. Maintaining records on authorized domestic activities conducted with NRP satellite reconnaissance assets.

c. Destroying domestic material inadvertently obtained on U.S. persons or organizations.

HANDLE VIA
CONTROL SYSTEM

~~TOP SECRET~~

CONTROL SYSTEM 13085-76
COPIES
OF 3 PAGES

~~TOP SECRET~~

HANDLE VIA
[REDACTED]
CONTROL SYSTEM

d. Reviewing NRP contractor adherence to the applicable procedures of this directive.

This plan should be addressed to the NRO Staff, attention Colonel [REDACTED]

HANDLE VIA
[REDACTED]
CONTROL SYSTEM

~~TOP SECRET~~
CLASSIFIED BY [REDACTED] ON [REDACTED] DATE [REDACTED]
EXCLUDED FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION

CONTROL NO. [REDACTED] 13085-76
COPY [REDACTED] OF [REDACTED] COPIES
PAGE 3 OF 3 PAGES

~~TOP SECRET~~

HANDLE VIA
CONTROL SYSTEM

**AUTHORITY FOR THE NATIONAL RECONNAISSANCE PROGRAM
DOMESTIC SATELLITE RECONNAISSANCE ACTIVITIES**

I. Background. The National Reconnaissance Program (NRP) was established as a national effort to satisfy those foreign intelligence needs of the United States Government which can best be met by overhead reconnaissance satellites. The NRP consists of Photo and Signals Intelligence (SIGINT) satellites that have a unique capability to obtain intelligence from "denied areas" of the world. Information obtained by NRP satellites is used in fulfilling national, political, economic, strategic and tactical military, and scientific and technological intelligence needs. This information directly supports national objectives and requirements, such as SALT monitoring, Mutual Balanced Force Reductions, indications and warning, and operation and command support. The total NRP--the development, procurement and operation of reconnaissance satellites, is conducted under extremely sensitive security policies and procedures.

II. Organization. The National Reconnaissance Office (NRO) was established as a result of a Presidential decision to create an intelligence collection program operating on a low profile basis and using minimum management overhead. The Secretary of Defense is the Executive Agent for the NRP. The Under Secretary of the Air Force, in his assigned position as the Director of the NRO, has been delegated the responsibility and authority for accomplishing the NRP mission. The Executive Order assigned responsibility for acquisition of intelligence data to the DCI.

The NRO is a separate agency of the Department of Defense organized to provide a central, streamlined management agency for the NRP. In addition to a headquarters staff, the NRO has three Program Offices: Program A, an Air Force element located at Los Angeles, California; Program B, a CIA element located in Washington, D.C.; and Program C, within the Navy, also located in Washington, D.C. These Program Offices have the responsibility to design, develop, and operate the reconnaissance satellite systems.

III. Domestic Requirements. The NRP conducts limited domestic photography collection in response to approved Intelligence Community and civilian requirements, as directed and approved

HANDLE VIA
CONTROL SYSTEM

~~TOP SECRET~~

CLASSIFIED BY: [REDACTED]
DATE: [REDACTED]
EXEMPT FROM AUTOMATIC DOWNGRADING AND
DECLASSIFICATION

CONTROL NO. 12909-76
COPY [REDACTED] COPIES
PAGE [REDACTED] PAGES

~~TOP SECRET~~

HANDLE VIA
CONTROL SYSTEM

by the DCI. NRP satellites also collect photography and electronic data in support of satellite research and development and system engineering tests. In the process of performing essential research and development and system engineering tests, NRP satellites inadvertently obtain incidental electronic and photographic data on other than test targets from within the United States. However, this incidental collected domestic data is not exploited or used in any way other than for development and system engineering requirements.

Photography within the United States is taken by NRP satellites for three purposes.

a. To fulfill tasking by the Committee on Imagery Requirements and Exploitation, at the direction and approval of the DCI, in support of the exploitation studies (target signature comparison, photo interpreter training, and system comparison tests); and to establish ground truth tests or ground scene accuracy (by identifying a specific target and measuring the exact dimensions and reflections of the target.)

b. In support of engineering tests, directed at optimizing the information return of satellite systems on-orbit.

c. In response to civilian requirements, as established by the "Committee for Civilian Application of Classified Photography of the United States," and as approved by the DCI, such as mapping and forest and agricultural, geological surveys, and special requirements.

Electronic data is collected within the United States in support of SIGINT tests and calibration of systems.

When approved by the DCI, special SIGINT collection exercises are conducted in the United States in conjunction with military training exercises to support operational military requirements.

IV. Implications of Executive Order 11905. Executive Order 11905 (page 27, para 5(b)(2)) prohibits foreign intelligence agencies from performing "...electronic surveillance to intercept a communication which is made from, or is intended by the sender to be received in, the United States, or directed against United States persons abroad, except lawful electronic surveillance under procedures approved by the Attorney General...." The Executive Order also prohibits physical

HANDLE VIA
CONTROL SYSTEM

~~TOP SECRET~~
CLASSIFIED BY [REDACTED] ON [REDACTED] 1987
EXEMPT FROM AUTOMATIC DOWNGRADING AND
DECLASSIFICATION UNDER EXECUTIVE ORDER 11652
UNLESS INDICATED OTHERWISE

CONTROL NUMBER [REDACTED] 2809-76,
COPY [REDACTED] COPIES
PAGE [REDACTED] PAGES

~~TOP SECRET~~

HANDLE VIA
CONTROL SYSTEM

surveillance which is defined as "...continuing visual observation by any means...." (page 25, para 5(a)(8)).

NRP authorized and initiated domestic activities with reconnaissance satellites are limited to research and development, engineering tests and system improvement efforts on reconnaissance satellites. The NRO does not direct or task any satellite to obtain domestic data for any purpose other than for research and development and system engineering test requirements. However, as identified, NRP satellites inadvertently obtain, in the course of performing routine research and development and system engineering tests, intercepts of electronics signals and communications and photographs of other than selected test targets from within the United States.

V. Authority for the NRO to Conduct Essential Domestic Satellite Photo and Electronic Data Collection. The NRO is authorized to perform essential domestic satellite photo and electronic data collection for research and development and system engineering test requirements. The Director of the NRO is delegated the authority to perform these system essential requirements and is charged with establishing and implementing procedures to insure that operating elements of the NRP adhere to the spirit and intent of Executive Order 11905; and that the domestic data collected by the NRO for research and development and engineering test requirements.

VI. Implementation. The authority and responsibility contained in Section V will be implemented by the DNRO immediately and will be set forth in Department of Defense Directive Number TS 5105.23.

HANDLE VIA
CONTROL SYSTEM

~~TOP SECRET~~

CLASSIFIED INFORMATION
EXCLUDED FROM AUTOMATIC
DOWNGRADING AND
DECLASSIFICATION
EXCEPT BY
QUALIFIED PERSONNEL
ONLY

CONTROL NO. 2909-76/1
COPY ~~1~~ COPIES
PAGE 3 PAGES