I. INTRODUCTION.

In recent years satellite reconnaissance has been the major source of U.S. strategic military intelligence of the Soviet Union and Communist China. This reconnaissance technique has supplied crucial information upon which the U.S. has greatly relied in evaluating these countries' military capabilities and in determining its own force structures. It has also provided important military intelligence about other countries, such as France, Indonesia and the Congo. Satellite reconnaissance intelligence has been especially important to the U.S. evaluation of Soviet strategic missile and other offensive weapon capabilities and of the Soviet and Chinese strategic military research and development programs.

Denial of satellite reconnaissance information to the U.S., or a reduction in the program's effectiveness, would have a significant adverse impact on U.S. national security. Because of the greater availability to the Soviets of strategic military intelligence about the U.S., the adverse effect of denial would almost certainly be greater upon the U.S. than upon the Soviet Union, which also conducts an extensive satellite reconnaissance program.

II. BACKGROUND OF THE PROBLEM OF "LEGITIMIZATION" AND "DISCLOSURE"

There has been extensive consideration within the Executive Branch of what U.S. policy toward legitimization and disclosure should be. NSAM 156, dated May 26, 1962, expressed first formal concerns about the legitimacy of satellite reconnaissance (Tab A). Recognizing the great national security importance of the U.S. program, it directed an inter-agency committee to
formulate policies that would enable the U.S. to carry on an effective military program while at the same time enable it to work for disarmament and international cooperation in space. Subsequent inter-agency discussions led to the issuance of NSC Action 264, July 10, 1962 (Tab B). Many of its 13 policy points rested upon the premise that limited and regulated disclosure of the U.S. program would be required in order to persuade international opinion that satellite reconnaissance was lawful and did not violate national sovereignty. In part to this end, point 3 directed the "public use" of the terms "observation" or "photographic" in lieu of "reconnaissance"; point 5 directed the release of appropriate data (e.g., mapping information) that would help create public acceptance of space observation; point 6 directed that "where feasible" the U.S. should seek to have the legitimacy of space reconnaissance accepted; point 8 decided that the U.S. would not undertake "a truly clandestine program"; point 11 directed strict control over "public statements and backgrounding" on reconnaissance satellites; point 15 authorized discrete and discreet disclosures about the U.S. program to certain "allies and neutrals".

There have been further inquiries within the Executive Branch on the subject. In January 1963, NSAM 215 (Tab C) initiated a study of whether the U.S. should formally disclose its program to the Soviets. The interagency estimates concluded, for reasons detailed below (see Part III. B), that no such action should be taken. In mid-1964 the same group again reviewed the
The question of disclosure in light of recent Soviet statements on satellite reconnaissance. Although no formal paper was prepared, it was decided that no significant action should be taken other than to provide source briefings on the U.S. and Soviet programs to high-level European allied leaders. This was done by the Director of Central Intelligence in September (Tab D). In addition, initial drafts were prepared of "contingency" white papers for possible use in a public disclosure should this become necessary or advisable.

During the years since the U.S. programs began there have been a variety of partial disclosures:

1. Early launches of such satellites were announced.
2. The program was publicly discussed by high-level government officials (Tab E).
3. The U.S. sought to direct U.K. inquiries and actions away from prohibitions against space "intelligence" activities and toward the more general concept that space activities should be devoted to "peaceful" uses (Tab F).
4. The U.S. has engaged in extensive "official" discussion of other uses of space "observation" or "photography", e.g., weather, mapping, geodesy (Tab G).
5. There has been increasing press coverage referring to the possibility—or to the fact—that important U.S. intelligence information has been obtained from satellite reconnaissance (Tab H).

In the course of these disclosures the JCS took the position that no further clarification of our satellite reconnaissance program should be made to the public. This position was based on the uncertainty of Khrushchev's motivations in releasing information on the Soviet program, the uncertainty of Soviet countermeasures, and the impenetrability of disclosing intelligence techniques (Tab I).

In late May of the Air Force opposed disclosure to the Soviets since it would serve no useful purpose and would be an irreversible step having profound adverse effects on enemies, allies and neutrals (Tab J).
The Soviets have also taken limited steps that indicate an uncertain intention to have satellite reconnaissance accepted as lawful (Tab K). As early as 1969, following the U-2 incident, Khrushchev implied that he would not object to satellite overflights of the Soviet Union. In the spring of 1954 he stated privately to persons whom he had reason to believe would republish his statements that the U.S. should cease U-2 reconnaissance flights because satellites could be used instead. Referring to the Soviet program, he offered to "exchange" pictures with the U.S. Other Soviet officials have also commented favorably on satellite reconnaissance and have implied that it is a legitimate reconnaissance means. Most important perhaps is the fact that in recent years the Soviets have in effect abandoned their early effort in the U.N. to condemn the use of space for military "spying or intelligence.

In short, there has as of now been considerable public disclosure about the existence of both the U.S. and Soviet satellite reconnaissance programs. The existence of the program is common knowledge certainly among most of the world's interested governments and probably among many of their citizens. No significant recent efforts have been made by any nation explicitly to bar satellite reconnaissance. In a sense, therefore, a degree of legitimacy—admittedly uncertain—has been achieved. It is in this existing situation of already substantial disclosure and of practical if not formal legitimacy—that the question of whether the U.S. should seek further to legitimate and to disclose its capability should be considered.

I. SHOULD THE U.S. GOVERNMENT CONSIDER LEGITIMIZING SATELLITE RECONNAISSANCE? The answer depends upon the answers to the correlative questions: (1) What objective would the U.S. have in formally legitimizing satellite reconnaissance now?
1. Internationalization: The satellite reconnaissance problem is framed for U.S.
security interests.

Here, and perhaps all, proposals to seek formal legitimization
of a satellite reconnaissance through the U.N. will suffer from the significant
fact that the eventual outcome will be the surrender of the "right" to conduct
unilateral national programs in favor of the conduct of a single "international"
program by a U.N.-sponsored entity. "Internationalization" might well require
more law (and, of course, the Soviets) in order to dedicate their reconnaissan-
capability to international purposes.

It is likely that the U.S. would be required to provide some im-
potent advantages to the neutral or unaligned nations as well as to some of
our allies (e.g., France, Japan), before they would favor formal legitimiza-
tion and the benefits they have been the U.S. could offer them. Those advantages
might involve, among other things: 1) multilateral participation in an
international organization that supervises the conduct of satellite reconna-
sance (possibly of other satellite activities as well); 2) multilateral
participation in the management and operation (tracking stations, personal,
and launch production) of satellite programs; 3) making the results of all
reconnaissance and other satellite activities available internationally on a
non-discriminatory basis. Conclusions of these types would seriously
adversely affect U.S. security interests. They would reduce significantly U.S.
control over the program and introduce a substantial risk that, if a single
nation or group of nations objects, the U.S. would subsequently be unable

If the U.S. should permit international discussions on communications satellites
and reconnaissance, it is clear that the U.S. will have a dominant voice in the
establishing international organization, but it will by no means be able to acc-
untably as it wishes. Thus, a joint military-reconnaissance system was created
(TOP SECRET)

(continued on p. 6)
It is evident that a certain degree of reticence is necessary for security reasons. For if the legitimacy of the existing U.S. program would unduly be clouded in question by the absence of any international discussions on its implementation, and the U.S. would be disinclined to the denial of legitimacy if it did not make the required concessions to internationalization.

In balance, the risk is calculated that a large measure of international control over satellite reconnaissance would be the price of formal legitimacy. Such control is the one means that the many small nations, including some of our allies (e.g., France, Japan), would have of reasserting national sovereignty over their airspace. The pressures of domestic politics and national prestige on these countries to press the issue is probably manageable so long as the U.S. does not ask for formal legitimization of satellite reconnaissance and avoids excessive disclosures about its program and capabilities.

2. Limitation through the UN

The need might arise, or it might be advantageous, to seek formal legitimization of more extensive disclosures in the U.N. in the following possible circumstances:

1. International stress. A near nuclear confrontation or some other situation might arise where it would be advisable by intelligence obtained from reconnaissance photography. It might become necessary, as it did in the Cuba crisis, to prove the U.S. "first" to the U.N. by publicly producing photography

In several respects, the lack of information submitted. Finally, recent discussion in the U.N. has led some observers to conclude that many neutral and unfriendly nations believe that there was a "virtual illegitimation" of the use of satellite reconnaissance equipment. It might be argued that if given the opportunity, these as well as other nations might be able to exercise some or at least some control of any information disclosed, underlining from the U.S. and placed in their own hands.
and reflecting the intelligence it reveals. Extensive disclosure of
U.S. capabilities, providing the world with substantial information about
our program, would be misleading. It is possible that following disclosure
in this situation a number of countries would question the legality of
satellite reconnaissance and internationalization would be urged (with all
its attendant dangers). The international political and military stakes
casing disclosure should therefore be of the highest order, and there
should be a high probability that the crisis will abate through disclosure.

2) U.S. decision of U-2 flights over Cuba. The desirability of an
necessity for disclosure would vary markedly depending upon whether the debate
occurred pre- or post-shootdown.

(a) Pre-shootdown. For domestic political reasons and for reasons
of national prestige, the U.S. probably could not accept satellite photography
as a substitute for the U-2 program, and therefore would try to avoid disclosure
of its capability. The U.S. would be required initially to retaliate against
Cuba, and the effect of retaliation upon both Cuba, the Soviets and the U.S. is
difficult to foresee. The U.S. room for maneuver is significantly less after
a shootdown than before and the entire question of satellite reconnaissance
would be overshadowed by the international crisis that might result following
the U.S. retaliation. (Areas other than Cuba,—e.g., Berlin, Korea—could
also be involved.)

(b) Post-shootdown. The U.S. should decide whether it will pursue
the existing U-2 program. If the decision is affirmative, the U.S. position
in a U-2 debate would be to minimize the utility of satellite photography
for its reconnaissance and probably for other purposes as well. If the
In any U-2 disclosure involving the substitution of satellite reconnaissance for the U-2, the U.S. should seek to induce the Soviets to produce publicly satellite photography of such quality that it could be relied upon for Cuba reconnaissance. The U.S. Intelligence estimate is that the Soviet photography is at best only a resolution to make this case (1000-2001). The Soviet photography would of course appear greatly inadequate by comparison with the U-2 product. Depending upon the U.S. position regarding continuation of the U-2 program, the U.S. could show poor, good or excellent satellite photography.

All the foregoing assumes that the U.S. will not renounce completely its ancient right to overfly Cuba by aircraft. If the decision were to renounce completely the U.S. would be required, for domestic political reasons and for
NRO APPROVED FOR RELEASE
22 June 2015

It is unlikely that forthcoming discussions on peaceful uses of outer space would either make it advisable, or force us, to disclose our program. Three factors are relevant:

1. The Soviets no longer refer to the "peaceful uses only" clause in their outer space discussions in the U.N., although some bloc spokesman still dwell on the clause, continue, probably, as a sop to non-aligned nations.

2. As outer space achievements are made, some of the most vocal of the peaceful uses advocates, e.g., Japan, U.S., will assume more of a "national posture" as the Soviets have done.

3. The process of legitimization has been slowly, but surely, acting black and the pressures in the U.N. on the peaceful uses front are not expected to lessen so great that they cannot be substantially reduced while the process continues.

Would these factors prove insufficient barriers against pressures in the U.N. for further disclosure, and should a proposed declaration of principles appear imminent, our only recourse would be to take a strong position in favor of formal legitimization (perhaps in coordination with the others).

4) International Political Initiative.

Following. It is conceivable although highly unlikely that the U.S. could indicate its possession of reconnaissance capability to the U.N. either
The Soviets, in an effort to gain international political prestige and at the same time to embarrass the U.S., It is conceivable, although also unlikely, that the Soviets would decide to dedicate their own capability to the U.N. For minimum effect, any such action probably would be taken entirely apart from the Cuba situation or formal U.N. proceedings on outer space (e.g., a major General Assembly speech), and probably would be related to arms control. The question of formal legitimacy would become secondary, and the focus of discussion would shift to the kind of international control that would be required to implement the Soviet proposal, which would probably be presented in vague and general terms.
Committee on the Soviet

The reasons for and against disclosure to the Soviets were explored in the January 1963 memorandum of the Inter-agency committee (Tab 1). The committee's negative recommendation was based largely on: 1) the very substantial uncertainty about the Soviet response that disclosure might produce; 2) the conclusion, on balance, that the response would be negative; and 3) the lack of any apparent compensating gain to the U.S. from disclosure. Generally speaking, these considerations are equally compelling today.

The first two considerations, which weighed heavily with the Inter-agency committee, are buttressed today by the recent change of leadership in the Soviet Union. The difficulties the U.S. might have had in judging Khrushchev's possible reactions to disclosure are increased measurably by the change. Such an event, typically, heralds a period of uncertainty in Soviet policy and, for other countries, of difficulty in anticipating possible actions that the Soviets might take. Reports that Khrushchev was removed at least in part because the Soviet military thought that his leadership had endangered national security is also a factor that militates against disclosure at this time. Formerly confronted with the reality of the U.S. program, the new Soviet leadership--pressed by the military--might be induced to take an extreme or military countermelasures intended to neutralize the U.S. capability.

The major objective of disclosure would be to indicate to the Soviets that their policy of national secrecy is no longer valid in the satellite age.
that the U.S. had substantial intelligence about Soviet strategic capabilities and that they cannot hope to win a strategic military victory by surprise. It is doubtful whether disclosure would further these objectives. Instead of clearing the Soviet’s security policy, disclosure would more likely stimulate additional secrecy efforts specifically directed against the U.S. program. The Soviets might undertake to accelerate development of an anti-satellite missile or of electronic or other means of neutralizing the U.S. capability without invading U.S. airspace. They might move more rapidly to develop their ballistic missile submarine capability. It is possible that they would publicly challenge the legality of satellite reconnaissance and be willing to forego the benefits derived from their own program. Certainly, the Soviets would step-up their efforts, already underway, to camouflage anticipated satellite photography targets such as hardened strategic missile sites and nuclear weapons development areas.

Additionally, the Soviets even now have some incentive to act against the U.S. program. They knew that the program existed and almost certainly have some idea about the nature of the U.S. capability. Probably, however, lacking sufficient intelligence and examples of U.S. photography, the Soviets’ knowledge is quite limited and imprecise. On the other hand, the Soviets—and the Chinese—believe by now that satellite photography is a key source of U.S. military intelligence about the Soviet Union and China. And both governments must be aware that this source is far more important to the U.S. than it is to them (except that the Soviets may have a higher priority need for satellite photography of China than of the U.S.). Any substantial actions taken to disclose the U.S. program to the Soviets might be the event that triggers their more determined opposition.
Disclosure to the Soviets in crisis situations raised separate problems. The intent here would be to indicate clearly to them that they cannot rely upon secrecy for any military actions they may be contemplating in the crisis and that the U.S. has usable and precise intelligence about potential targets in the Soviet Union. Again, however, the Soviet reaction would be difficult to predict. They might well take action contrary to what the disclosure was intended to produce. They might conclude that the disclosure amounted to a U.S. ultimatum that they resist in the crisis and react precipitously. On balance, there is no clear-cut basis for concluding now that disclosure in crisis would be desirable in principle. The decision will ultimately be shaped by the expected reaction of the Soviets to disclosure in any particular crisis.

By “disclosure” in crisis refers to disclosure of photographs of the crisis area. The precise area of crisis would be elsewhere—a.g., Cuba. Similarly, photographs of such areas would almost certainly have to be secured by traditional means for reasons of timeliness.
5. The Arms Control Committee's Findings.

Arms control appears to be an area in which a policy of disclosure, if properly and carefully handled, would have promise in the reasonably near future.

The January 1963 report of the Inter-agency committee was qualifiedly negative on this issue; the committee believed that, on balance disclosure would not measurably assist and might harm existing arms control efforts.

Ambassador Thompson was more sanguine, relying to a large extent on Khrushchev's apparent interest in reducing the burden of armaments on Soviet society. He recommended that the question of disclosure be reconsidered when disarmament prospects improve. In this year's review AIAA presented a very rudimentary, generalized proposal that does not appear to have received thorough consideration and analysis (II.A 4). There are many problems, but the proposal may contain the germ of a useful approach.

AIAA's proposal seems to contemplate the creation of an internationally supervised or operated satellite reconnaissance system that would have no immediate adverse impact on existing national systems. The U.S. would provide technical and other support for the system, as would the Soviets and other interested nations presumably. The system would provide "moderate" resolution photography (AIAA indicated no figures, but 18 ft is reasonable) that would be received and used by some international disarmament body. The U.S. proposal would make clear that satellite reconnaissance can only supplement, and not substitute for, ground inspection; that it might indeed stimulate the need for ground inspection in some circumstances by disclosing suspect activities.

Reference to specific U.S. capacities would be avoided as much as possible in any discussions or implementation of the proposal.
The proposal is attractive for the reasons that it: 1) avoids a direct
mimulation between national and international programs with a consequent
inherent risk of disadvantaging the former; 2) does not confront the Soviets, either
publicly or privately, with the reality of the U.S. program; 3) will enable
the U.S. to continue its own program until it unilaterally decides, if at all,
to rely upon the international program; 4) will achieve a measurable step
in general legitimization at little risk to the U.S. national program.

The proposal probably does not overcome the major objection voiced in the
past to serious discussion of satellite reconnaissance as an arms control in-
spection technique. The fear has been voiced that the Soviets would make the
availability of satellite reconnaissance a basis for objecting to ground in-
spection. This possibility will have to be carefully evaluated, but it is
expected that careful attention to the timing and nature of a satellite
reconnaissance proposal would effectively minimize this risk. (Satellite
reconnaissance should, for example, be proposed as a part of an over-all
inspection program)

There is the further danger that the U.S. national program will be caught
in the mire of internationalization if satellite reconnaissance is proposed as
an arms control inspection technique. This risk probably will be considerably
less than the risk of internationalization that would be involved in explicit
modification of the U.S. program in other international political situations
(see I.I. D. above).