

FOR MR

[redacted]

[redacted] these are very candid comments.

I told Lew they are the only kind you're interested in

Paul

6 Dec

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22 November 1968

For Colonel Worthman

SUBJECT: Initial Thoughts on proposed
Earth Resources Paper

First, the paper is fundamentally very good - the issue is important - the problem is outlined adequately and the proposed approach is generally satisfactory.

However, there are some (hopefully) constructive remarks to make:

1. It is probably not necessary to defend the value of overhead reconnaissance to the extent that is in the paper. The paper could start with a sentence or so asserting that satellite recce has been critically important to the U.S. and is very likely to remain so, particularly if arms limitations agreements are considered. I doubt that any high official of government would dispute the assertion. If it is accepted that satellite recce is of critical national importance, it really doesn't matter, for this paper, what the details are, or how many flights are required or what sort of program it is. So, the paper can be much briefer, and need not be a defense of satellite recce.

2. Similarly, the issue then is not to argue that national policy should be to avoid actions which may result in a prohibition of the recce - no one doubts that. The issue is what policy is best to assure our continued capability. The concern is that, among policy options, there are some involving earth resources which may be bad. The paper does not elucidate these well, or describe why they may be bad.

3. The fundamental issue then, not really discussed in the paper, hinges on the allegation that satellite recce is of, at best, marginal legality. There is basis

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for concern that, in an international legal forum, the U.S. could not defend its recce activities. One possible national policy, therefore, would be to meet the issue head on and declare recce legal and establish that legality through open and formal procedures. Such an option has always been open to us and the only reason for not pursuing it is that the best judgements available have indicated that it might not succeed. The doubts are particularly strong when one considers that satellites are rather indiscriminate of what country they overfly. Any small nation could insist on the right to privacy and sovereignty and it may be quite unreasonable to provide assurances that an opposing nation could not be overflown and photographed. There have been many legalistic essays on this subject and the meat of them should be in the paper.

4. If national policy, therefore, should not be to establish legality, how can illegal but accepted activities best continue? It is probably not possible or wise to attempt to establish an invariant doctrine which is imagined to never change. The important thing is to examine every proposed action in the light of current policy to see whether it leads to comfortable positions. It may be that the future holds the promise of international cooperation to include a broadly accepted policy of satellite recce for earth resources and for arms monitoring perhaps executed under international control. I think all of us dream of such a world and earnestly hope that satellite recce could be a key technical contributor to a peaceful world. So, a national policy should not be to deny such a hope. But realism dictates that national security must be maintained while international agreements and understandings are sought. Therefore, there should be no attempt to establish legality of recce as an essential first part of treaty negotiation. This matter has been discussed well in your re-write of the policy for treaty negotiations and the meat of that should be in this paper.

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5. The foregoing therefore starts with fact of the value of recce, establishes the question of legality and concludes that national policy must, for the time being, protect the option of continuing recce as a covert activity. A conclusion can now be supported that "confrontation" is undesirable. So, the heart of the problem is how to conduct earth resources without raising the possibility of confrontation. An immediate answer is, Carefully. Any policy must involve very careful, deliberate steps by NASA which are checked and reviewed continuously. Mechanisms involving DOD or DCI must exist and be enforced rigorously. Current policy seems to be that open activities are all right if it can be demonstrated that the photography is not of military significance. So far, whether there is danger or not, the NASA program has not raised sovereignty questions, so it is reasonable to presume the policy is sound. Any relaxation of that policy is dangerous and DOD should position itself to oppose any deviation. Therefore, the DOD position (and I don't see why it doesn't include DCI, etc.) must include these elements:

- a. Current guidelines must be maintained.
- b. NASA may discuss an earth resources satellite program, but every program proposal and approval must conform to guidelines.
- c. NASA may conduct aircraft programs to whatever extent desired permissively.
- d. To provide a basis for future policy decision extensive use of TK material may be made.
- e. With approval of USIB, or additional funding, specific TK coverage can be obtained (Hx could cover U.S.).
- f. In overlap with aircraft ^{on} progress, TK material may be declassified or used for charts, etc.

6. The plans and policy statements in the paper generally do these things but it seems they could be simpler and restricted to the points which directly affect national security without including points that relate to NASA execution or justification.



LEW ALLEN, JR.
Colonel , USAF

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