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

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THE NRO STAFF


August 14, 1974

NOTE FOR GENERAL JONES, OSD

SUBJECT: "Fact Of"

Here is a copy of the package you reviewed this morning. The package contains a recent letter to Mr. Plummer enclosing a copy of a proposal being made by Mr. Colby to the NSCIC to declassify the "fact of." A short note to Dr. Schlesinger from Mr. Colby asks for his concurrence before Mr. Colby would sign the letter. Another group of papers attached outlines the recent USIB deliberations on the same subject. There are also two notes which record Mr. Plummer's and Dr. McLucas's discussion with the SecDef. SecDef strongly opposed and asked that Mr. Plummer advise Admiral dePoix and other intelligence chiefs of his strong feelings. Mr. Plummer indicates that he called those people.

I have learned from the Intelligence Community Staff that Mr. Colby now plans to discuss the issue personally with Dr. Kissinger rather than raise the matter as an agenda item at NSCIC.



Lt Colonel, USAF
Deputy Director for
Plans and Policy

2 Attachments

1. DDCI Memo, dtd 12 Aug 74
2. Pkg on Release of "Fact Of"

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GENERAL DECLASSIFICATION SCHEDULE OF
EXECUTIVE ORDER 11652 EXEMPTION CATI
GORY 887 DECLASSIFY ON MAP DET.

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87-2-2537

9 August 1974

The Honorable James R. Schlesinger
The Secretary of Defense
Washington, D. C.

Dear Jim:

As I promised, herewith a copy of a draft of the 'fact of' question. I would like to raise this at the NSCIC meeting next week, but I will not sign it without hearing from you. Would appreciate your thoughts.

Sincerely,

/s/ Bill

W. E. Colby
Director

Attachment



THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

MEMORANDUM FOR: The Honorable Henry A. Kissinger
Assistant to the President for
National Security Affairs

SUBJECT : Modification of Security Classification

REFERENCE : Your Memorandum, Subject: Modification of
the Security Controls for the Products of
Photographic Reconnaissance Satellites,
dated 23 November 1973

1. The referenced memorandum contains the President's approval of modifications of some of the special security controls related to the U. S. photographic satellite reconnaissance program. One of these changes provided that thenceforth:

"The fact that the United States Government conducts a photographic satellite reconnaissance program for foreign intelligence collection be classified **SECRET**."

2. The purpose of this memorandum is to seek Presidential instructions as to whether the above provision shall be continued or changed to provide that the "fact of" the program be unclassified. There is a difference of opinion within the Intelligence Community and the Departments affected with respect to this question.

3. The fact that the U. S. Government conducts a photographic satellite reconnaissance program is widely known and is frequently the subject of press and public comment. Retention of the classification places Government officials in the position of violating the classification or being unreasonably reticent in discussions with the Congress, the press, and the public. Important aspects of the program, such as the resolution, swath width, frequency, etc., should remain classified, but these can remain classified in the same fashion

as communications intelligence programs remain classified despite unclassified (and statutory) recognition that the U. S. conducts communications intelligence operations. Declassifying the "fact of" the program would also open the opportunity of declassifying individual products of the program for public release where necessary classified aspects are not revealed, permitting greater public understanding of a number of important political or military matters. The erroneous disclosure of the U-2 photography over Cuba in 1962, and its value in convincing the world of the presence there of offensive missiles, was a dramatic example of the potential use of such material. Finally, it is almost impossible to justify the retention of a classification for the "fact of" the program under Executive Order 11652 standards for classification.

4. Objection to the declassification of the "fact of" the program rests on two major arguments. The first is the possibility that official admission by the U. S. of such programs could produce difficulties in our relationships with certain of the nations photographed. The question could become an issue in the United Nations over "unauthorized surveillance" of national territories, and the Soviet Union could be particularly disturbed by public recognition of this capability, which it has veiled under the euphemism of "national technical means of verification" in the Strategic Arms Limitation Agreements. The second reason is that declassification of the "fact of" the program could loosen the disciplinary tradition which has grown up within the Intelligence Community and its customers around this program as a whole. The fear is that this could then result in the exposure of details and related aspects of the program which continue to require the highest classification, e.g., SIGINT satellite reconnaissance, resolution, etc. In this view, declassification of the "fact of" would be apt to encourage public discussion of this field and lead to an erosion of the security standards which have characterized it, especially at lower echelons where the subtlety of declassification of only the "fact of" the program might be lost.

5. This matter was discussed in some detail at the USIB meeting on 11 July 1974, and the various points of view above articulated. I advised the USIB membership that I would present the alternate views when presenting the question for decision.

6. I recommend that this question be discussed at the forthcoming meeting of the National Security Council Intelligence Committee. My own recommendation is to declassify the "fact of" photographic satellite reconnaissance by the U. S. I believe this should be done as follows:

a. The President be advised of the argumentation above and issue a decision that the fact that the U. S. Government conducts a photographic satellite reconnaissance program for foreign intelligence collection will be unclassified.

b. The change be implemented simply by changing the appropriate security regulations.

c. There be no official public announcement of the change, and an effort be made to minimize publicity about it.

d. All other aspects of the U. S. satellite reconnaissance program for the collection of foreign intelligence remain classified in accordance with existing regulations.

W. E. Colby

~~SECRET~~

DEPARTMENT OF THE AIR FORCE
OFFICE OF THE UNDER SECRETARY

MEMORANDUM

Discussed problem with
Sec Def at his initiation
He strongly opposes
asked I call all Def
people represented to
advise his position

Adm dePue ✓

Sen Pustay Keyser ✓

USA - Sen Small (for dePue)

USN - Adm Reforms ✓

J. W. P.

~~TOP SECRET~~

DATE: 18 JUL 74

DR MCLUCAS

SIGNATURE _____
APPROVAL _____
COMMENTS _____
COORDINATION _____
ACTION _____
INFORMATION X

TICKLER _____
RETURN TO _____
FILE _____
SUSPENSE _____

RELEASE OF "FACT OF"

Dr. McLucas has seen.

BY Clark

COMMENTS/DIRECTION:

ACTION

*See Alby
call all govt reps. - Done Hold
for future discussion*

see note inside

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THE UNDER SECRETARY OF THE AIR FORCE

18 July 1974

MEMORANDUM FOR DR. McLUCAS

Reference SecDef discussion of security release of "fact of." The attached Memo for Record provides opinions by many USIB people on the proposed release - some for, some against.

Would it be desirable to pass this to SecDef for his review? Or should we let it stand on today's meeting?

J. W. Plummer

Attachment

JWP
I suggest there is no need to go back to SecDef. Rather, there is a need to tell the other including lobby, how the def views the matter.
WJP

~~(S)~~ NATIONAL RECONNAISSANCE OFFICE

WASHINGTON, D.C.

THE NRO STAFF

July 12, 1974

Dr. McLucas has seen.

MEMORANDUM FOR THE RECORD

SUBJECT: USIB Meeting on Release of "Fact Of"

The USIB met on July 11 and the first item on the agenda was a review of Mr. Colby's proposal to declassify the "fact of" photo satellite reconnaissance. The following paragraphs reflect my interpretation of what occurred at the meeting.

Mr. Colby introduced the issue by saying that there have been numerous references in the press about satellite reconnaissance and in our open society it doesn't make sense to maintain a secret which everyone knows about as a secret. He said that last fall we moved out with "little feet" steps in the decompartmentation decision and that it may be time now to take another "little feet" decision for the declassification. He believes that it is not proper to continue "holding the fig leaf" any longer. Mr. Colby recognized, however, that there were counter attitudes toward his proposal. He stated that Mr. Plummer's opinion deserves the full recognition of the USIB although the NRO security study recommended a go ahead with the declassification. He completed his opening remarks by saying that he desired a discussion at the meeting and did not plan to come to a decision because he should check with Mr. Plummer and others before coming to such a decision.

Mr. Singel volunteered a clarification of the security committee's recommendation. He said that Mr. Colby may be interpreting the recommendation to release the "fact of" too broadly and stated that the committee generally believed that the political considerations might override any desire on the part of the intelligence community to release the "fact of."

** I spoke to Mr Colby the morning before the meeting and he indicated that regardless of what happened at the meeting, he was planning to hold off a decision by of the fall.*

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Mr. Colby asked Mr. Denny of State for his position. Mr. Denny said that the Department was not in favor of the proposal and its desirability was not obvious. A release of the "fact of" might cause problems in debating the issue of earth observation and State would like to leave things the way they are. UN debates and resolutions would be made more easily for the United States if countries desire to affirm their sovereign rights and proprietary interests. (Mr. Denny had told me before the meeting that his personal position was not the position that he was directed to present at the meeting. I learned subsequently that Under Secretary of State Sisco had reversed the initial State Department position which was in favor of Mr. Colby's proposal.) Mr. Colby countered Mr. Denny's remarks by saying that the United States needs to continue being vague about its space activities and would do so even if the "fact of" were released. Mr. Singel brought up the point that, with respect to ERTS, the United States has made a commitment to release all acquired information to the public domain and would not be able to do so with reconnaissance satellite photography. Mr. Colby agreed that this was a correct statement.

again

from

Mr. Katz then read the Memorandum which Dr. Ikle has signed to Secretary Kissinger opposing the release of the "fact of." Mr. Katz stressed the fact that there was no international law about space reconnaissance and that if the Russians knew precisely how good we were it could be construed as espionage as opposed to observation. He finally stated that if such a decision to release the "fact of" is made then it should be recognized as an irreversible one.

again

Admiral dePoix then stated that although the proposal had two edges, he personally believed that there was a net advantage to be accrued from the release. His personal feelings are that the intelligence community should take the initiative and accomplish the release. He believes that security can be maintained and that Secretary Kissinger can make an announcement in a matter of fact way. Admiral dePoix thinks that the release of the "fact of" would permit an ability to release to the public selected satellite

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photography which would be used to substantiate points being made by the Secretary of Defense and others about the foreign threat. He concluded his remarks by saying that we should consider joining up ERTS and reconnaissance satellites in the international forum openly in order to substantiate the United States' freedom to use space.

General Allen opened his remarks by saying that the perspective away from the center of Washington seems to be different from that existing in councils such as USIB and in the Pentagon. He believes that the field, such as Los Angeles and Ft. Meade, would have a very difficult time living with a release of the "fact of" as it is proposed. He thinks that the existing policy creates a very favorable security environment and that we never have been forced to deny the existence of the reconnaissance satellite program. He questioned Mr. Colby on this point since it was stated in Mr. Colby's proposal. He said that the advantage of the present security is that it avoids unwanted discussion about the program. He said that Air Force procurement, the industrial complex and the NRO contractors are constrained by the present policy from discussing the nature of the procurement activities and that this policy works well. He believes that a move to declassify would open a one way wedge in security. He then went on to say that the definition of satellite reconnaissance is a broad one and that satellite reconnaissance has been acknowledged and is still being acknowledged very often. He cited the fact that national technical means is associated in almost everyone's mind with satellites and that satellite reconnaissance per se, in the broad definition, is acknowledged with the Meteorological Satellite Program, with DSP, and other systems. He pointed out that Mr. Colby may really be asking for an acknowledgement of [redacted] instead of the "fact of" itself. He asked if Mr. Colby desired to continue restricting public discussion about the intelligence satellites. He stated that we must continue to maintain the present policy because we need the "blanket" it provides and that the present policy has worked well for thirteen years now. He said that we cannot be discrete between photo and SIGINT and that SIGINT must be protected because of its vulnerability to information

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denial. He concluded his remarks by saying that he cannot see a major change in policy, such as this, as accruing any benefit whatsoever to the country and wondered why Mr. Colby was pursuing this approach.

Mr. Collins, the Treasury Department representative, stated that he was predisposed initially to back Mr. Colby's proposal, however, on hearing the arguments he was now supportive of General Allen's arguments. *James*

General Giller, AEC, stated that he believed the UN context would not present a problem if the "fact of" were released and that he is concerned that the press will point to this as being a foolish secret. He believes that Dr. Teller's philosophy about openness is very important. Mr. Katz interjected that disclosures for their own sake have never done the nation a good service. *James*

Mr. Colby then polled the Service representatives. The Army representative stated that the Army generally goes along with Admiral dePoix. The Navy representative said that security provides a convenient shield with respect to foreign representatives but the Navy also has a strong intuitive feeling favoring the release, so the Navy could be characterized as being 51 to 49 in favor. General Pustay then said that he was highly persuaded by General Allen, however, he wondered whether or not there was too much caution being exerted now and he would agree with the Navy in terms of the slight edge in favor of the release. General Allen then stated that the present policy works, and if we were to make a major change it might not work and it should be remembered that as silly as the policy appears, it is a clearly effective one. *James*

The FBI representative said that what was really being proposed was "to take the stamps off" photo satellite reconnaissance and with a little more freedom to discuss a lot more freedom would be taken. He questioned the need for relaxing the current discipline and said that he was in high support of General Allen's argument. *James*

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General Walters then stated that he was in support of General Giller's argument and that we must consider the need to maintain as open a posture as possible. He would advocate the points made by both Admiral dePoix and General Giller. Mr. Singel then reiterated that the slippery slope argument was extremely valid and that we should be extremely cautious in pursuing this line without some means of containing the slippery slope.

After hearing the various views, Mr. Colby said that he had not intended to come to any conclusions at the meeting and appreciated all of the arguments--pro and con. He was impressed with General Allen's arguments, but said he must account also for Admiral dePoix's arguments because of the basic need to accommodate the open society. He plans to discuss this issue in the near future with Mr. Plummer and others before he decides on any further action to be taken.

[REDACTED]

LT Colonel, USAF

[Handwritten Signature]

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