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MEMORANDUM FOR MR. LAIRD

SUBJECT: Revelation of "Fact Of" Satellite Reconnaissance

The United States is critically dependent upon reconnaissance satellites for verifying Soviet compliance with the Strategic Arms Limitation agreements. The Verification Panel will shortly consider whether we should make some formal public statements about these satellite capabilities as an element of our "national technical means of verification." We believe it is in the best interest of the United States not to change our policy with respect to satellites--that is, we should not begin discussing the "fact of" satellite reconnaissance. In taking this position, we realize that the subject may need to be addressed again later if new circumstances arise. The paper at the right explains the background of the issue and the rationale for our position in more detail.

The main reasons for our conclusions are:

a. We recognize and support the need for full disclosure, with proper precautions, of all relevant capabilities to persons responsible for SALT ratification. This is the current policy and should be continued.

b. The simple admission of the "fact of" satellite reconnaissance therefore does not represent any new information and cannot be an inducement to ratification because everyone concerned either 1) knows, or 2) assumes it.

c. What is new is the official nature of a disclosure. An official disclosure has two distinct disadvantages 1) it may force Soviets or third countries to react adversely, 2) it does weaken real security rules because there is no practical enforceable rule between the "fact of" and "facts about" satellite reconnaissance.

RECOMMENDATION: We do not favor any disclosure at this time, and believe that positive steps are required to preclude inadvertent disclosure. We recommend that you bring these points to the attention of the President at the earliest possible time.

Gardiner L. Tucker

John L. McLucas

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Summary

This paper discusses alternative policies for releasing information to the public on satellite reconnaissance in conjunction with the current SALT agreement and follow-on discussions. The current policy, established a decade ago by the President and periodically reaffirmed since then, prohibits disclosure of the "fact of" U. S. satellite reconnaissance outside of Talent-Keyhole ~~Delete This~~ control system channels; i. e., neither the public nor the vast majority of normally cleared personnel are even told that the U. S. has reconnaissance satellites.

The SAL agreement provides that each side shall use "national technical means of verification", consistent with "international law" and will not "use deliberate concealment" or "interfere with national technical means." All these phrases will probably cause considerable public interest. Questions will be raised as to:

- what are the U. S. national means and how effective are they?
- what have we told the Soviets about these means and what implicit or tacit agreements have resulted from the negotiations with respect to concealment or interference?
- does the U. S. conduct satellite reconnaissance?
- what is the international law?

There are many options for response by officials:

- we can hold to current practices and sidestep questions.
- we can provide much more compartmented information to all members of Congress interested in SALT or allow the "fact of" to be downgraded to Secret (i. e. un-compartmented).
- we can limit the acknowledgement of the "fact of" to certain highest officials only as necessary to respond to Congressional hearings on SAL agreements. Policy for all other people would be as before.
- we can publicly acknowledge the "fact of" U. S. satellite reconnaissance but provide no other information whatsoever at an unclassified level.
- we can acknowledge the "fact of" and also provide broad background information on the scope and nature of photographic reconnaissance.
- we can decide to hold to current policy in the initial phases of Congressional and press relations but release more data if the pressures develop and after consultation with the Soviets.

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The current major issue within the Government is whether to acknowledge the "fact of". All parties seem to agree that we will need to play by ear the extent of classified discussions with Congress. The key underlying issues are:

- . Would disclosing "the fact of" eventually lead to more detailed disclosure of capabilities which could lead to Soviet understanding of verification shortcomings and consequent temptations to cheat in these areas.
- . Is disclosure necessary or helpful in getting SALT agreements ratified.
- . Would disclosure at this time assist in "legalizing" satellite reconnaissance, or alternatively, could disclosure lead to declaring it contrary to "generally accepted principles of international law", thus compromising U.S. capability to verify the SALT agreement.
- . Would disclosure permit or provoke some third parties to object to satellite reconnaissance as an invasion of their military and economic privacy.
- . Would disclosure now assist us in establishing within the government or challenging with the Soviets a possible Soviet violation of the agreements.

We conclude as follows:

1. The U.S. security policy during the past decade has very successfully achieved its objectives (this is discussed in a following section).
2. A SAL treaty and the growing recognition and acceptance of satellite reconnaissance are factors that argue under certain circumstances for more candor on the part of the Government.
3. It has not been shown that acknowledging the "fact of" will help to sell a SAL agreement to the Congress or the public.

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4. There would probably be no damage to security if only the top leaders were to acknowledge the "fact of" (without any details) in appropriate circumstances. However in view of #3 this only serves to relieve the awkwardness in a minor way. However if the Government as a whole acknowledges the "fact of" it is certain that much more information will become available, possibly starting an irreversible process that damages both critical U.S. intelligence and even the current or potential SAL agreements.
5. Disclosure could place the Soviets into an untenable position, forcing them to react unfavorably.
6. Acknowledgement of the "fact of" may invite or provoke some third countries to object and possibly to lead a movement to declare it illegal. Some believe this to be a major risk.
7. The verification issue should not be upgraded within the Administration so that it is forced into the spotlight in order to sell the agreements. .
8. These issues should be discussed with the President but the DoD position at this time should not be changed.

Extent of Disclosure

During Congressional hearings on SAL agreements top leaders will likely be questioned closely on means for verification; they will probably be asked if the U.S. has reconnaissance satellites. It will be very awkward for them to decline to comment in these circumstances. There is support for a policy which would allow top leaders to acknowledge only the "fact of" under this pressure with no other changes to the national disclosure policy to the Control System.

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The key question remains whether acknowledgement of the "fact of" can be limited to this simple disclosure or whether acknowledgement will be the beginning of an erosion of security such that in months there will be widespread public knowledge of the extent, success and limits of U.S. satellite reconnaissance. If disclosure and discussion could with very high confidence be limited to the simple "fact of", then there is no strong opposition. However,

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there is a strong view on the part of some that "the wound will not heal", that erosion is inevitable and that the long-term consequences may be Soviet, Chinese and third country actions that will significantly damage U.S. intelligence. According to this view the "fact of" is common knowledge whether or not the Government officially acknowledges it. Public debate and public interest will demand more details and "crossing the line" to acknowledge the "fact of" will signal to the Congress, press, public, and bureaucrats that we are prepared to disclose more.

The Current U.S. Position

The rationale for the current U.S. position is as follows. Reaction by the Soviets or others to U.S. satellite reconnaissance seems to be heavily determined by the extent to which the subject is discussed and becomes an issue. The simple acknowledgement by the U.S. that it photographs the Soviet Union may be embarrassing to the leaders, not directly, but by putting them in a position to be pressured by the military, security and intelligence units, and their allies. Equally, acknowledgement will increase awareness.

There is some evidence that a decade of photographic reconnaissance may have significantly changed the attitude of Soviet leaders toward more widespread acknowledgement within the Soviet Union that nations photograph each other:


- The SALT discussions and language imply acceptance of the legality of overhead reconnaissance.


The Soviet's own reconnaissance satellite activities are increasing and being increasingly used against China.

Nonetheless, the Soviet Union has many of the characteristics of a very large bureaucracy that is difficult to control and prone to compromise. To the extent that the military and security elements of the bureaucracy become aware, concerned and knowledgeable of U.S. reconnaissance, we can as a minimum, expect reactions in the form of concealment and deception. We may also see development of anti-satellite capabilities not otherwise needed but maintained in case the SAL agreement is terminated.

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Issues Raised by SALT

In the context of SALT, a number of factors argue for wider dissemination of information on U.S. reconnaissance:

1. Acknowledgement and dissemination may help gain approval of SAL agreement by providing assurance that the U.S. knows what strategic forces the Soviets have, and will be able to verify development and detect violations if they occur.

Discussion: If intelligence and verification become public issues, this is so. However, these are not the issues that are being raised by those who think we have given away too much, and are not the concerns of the SAL supporters.

2. If the United States plans to disclose in the foreseeable future the "fact of" satellite reconnaissance, making such an announcement a part of the SAL package would result in the greatest likelihood of gaining international acceptance.

Discussion: However, disclosure could, in spite of international sentiment favoring SAL, cause other nations to renew their stated objections to satellite reconnaissance and press for action to declare such operations illegal. Such an eventuality would create serious problems since we have accepted the Soviet stipulation that verification of the agreement must be "in accord with generally recognized principles of international law."

3. Disclosure could inform the public of uncertainties and risks caused by the SAL agreement and so help to gain their acceptance of developments or deployments that will be needed within the agreement to provide U.S. safeguards.

Discussion: On the other hand, disclosure of previously unheard of U.S. capabilities may cause public overconfidence (something seems much better than nothing). At the same time, the Soviets would better understand the U.S. shortcomings and might be tempted to cheat or at least "test" these weak areas.

4. Acknowledgement of the "fact of" would make it less awkward for officials to face questions on what is meant by "national technical

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means"; acknowledgement would recognize the people's right-to-know and increase the credibility of the Government.

Discussion: These are true to the extent that details are presented. It is hard to see how more acknowledgement (without additional details) would be significantly less awkward than a reply: "The U.S. has a number of means of verification and it is our policy not to discuss them even in broad qualitative terms. To the extent that we say anything, we either assist other countries to recognize the priorities we attach to different means or we mislead the public. These matters are discussed on a classified basis with members of the Congress."

5. Acknowledgement of the "fact of" will be helpful in preparing U.S. and international public acceptance of future U.S. claims of Soviet violations if these occur.

Discussion: Public acknowledgement is not necessary prior to confronting Soviets in the Standing Consultative Commission. If public acknowledgement becomes necessary to gain acceptance of a violation charge there would be no penalty in delaying until that time, arguing that early disclosure could have revealed weaknesses allowing even more cheating.

There is a dilemma in establishing a public information policy on disclosure. An informed public and credibility demand honest details but these details may cause Soviet reaction and concealment and open the way for cheating. Making details of U.S. verification available to the Soviets may in fact lead to haggling over conformance since they can more safely "test the edges" of the agreement with respect to concealment.

Conclusion

A decade of satellite reconnaissance has helped establish de facto acceptance. A SAL treaty has significantly assisted this by:

- adding formal recognition of national technical means (but not specifying satellites).
- providing an informal forum for discussion between us and the Soviets.
- ensuring non-interference and minimizing some concealment as long as the treaty is in force.

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Although there are probably some short-term advantages to more open discussion of satellite reconnaissance, there are also some long-term risks. Discussions would likely lead to an overall revelation of the capabilities and limits of our reconnaissance, and there is the danger that disclosure will stimulate an unofficial Soviet reaction of significant concealment and deception, even if these do not clearly violate the treaty.

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