

~~TOP SECRET~~

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

~~TOP SECRET~~
13 00000000

THE NRO STAFF

21 June 1972

MEMORANDUM FOR DR. McLUCAS

SUBJECT: White House Decision Not to Disclose "Fact Of"

The following is a reconstruction of events leading to the NSC letter of 17 June on the "Fact Of." We have been promised the "full story" on the recent internal activity of the NSC Staff at an early date, so it can only be conjectured at this point as to what occurred.

May 4 - NSC Staff requested State to originate a paper for the Verification Panel on public statements about U. S. verification capabilities. This request, in effect, transferred the "fact of" question from the NSAM 156 Committee to the Verification Panel. ACDA was also requested to prepare a series of questions and answers about the agreements.

May 12 - State distributed its paper containing four alternative levels of disclosure, which ranged from retention of the present non-disclosure policy to disclosure of the entire verification capability. The paper was biased towards disclosure of the "fact of" photographic satellites. JCS comments pointed to the inadequacy of the paper and requested State to hold a Working Group meeting. State did not apparently desire to redraft the paper since no second draft was ever accomplished.

May 12 - ACDA distributed its question and answer paper. The portion on verification capabilities was withdrawn from the first draft at the request of the NSC Staff.

~~TOP SECRET~~

EXCLUDED FROM AUTOMATIC DOWNGRADING
AND DECLASSIFICATION

CONTROL NO. Internal
COPY 1 OF 2 COPIES
PAGE 1 OF 3 PAGES

~~TOP SECRET~~

May 23 - Dr. Naka hosted a meeting which was attended by Dr. Tucker, Mr. Benington, and NRO Staff members. It was decided that a position paper on the "fact of" issue would be prepared for Secretary Laird and that Dr. Tucker would be the spokesman for the consolidated OSD position.

May 26 - A second meeting was held with Mr. Eagleburger. Mr. Morrison was also in attendance, and Mr. Wood attended for Dr. Tucker. It was decided to draft a one page left-hand memo for Mr. Laird to accompany the longer "consensus" OSD paper which was agreed to by ASD (ISA), (SA), and (I); DDR&E; and NRO.

May 29 - Dr. McLucas met with Mr. Wood, Mr. Eagleburger, and Mr. Morrison. The action was passed to ASD (SA) for Dr. Tucker to present to Mr. Laird. No further action was ultimately pursued on this paper.

June 7 - Although the SALT agreements had been made public and were accompanied by much press speculation on the use of satellites, no official disclosure had been made. The Verification Panel met to approve the Letter of Transmittal of the Agreements. The first draft of the letter contained a passage citing an example of "non-interference with national means" and stating that the Soviets would not use anti-satellite weapons against U. S. satellites in orbit. At JCS request this passage was withdrawn from the letter. The Verification Panel, in its session, approved the letter without the passage. State then obliquely raised the "fact of" issue. After much confusion and since Dr. Kissinger had left the meeting, Mr. Odeen asked that the Agency Heads' positions be made known to the White House on June 8. A late in the day memo to the Verification Panel from NSC stated that decision was to include the non-interference example in the transmittal letter.

June 8 - ASD (SA) obtained views on "fact of" disclosure from DNRO, ASD (ISA), ASD (I), DDR&E, Mr. Nitze, and Mr. Rush for presentation to Mr. Laird. The latter two were in favor of disclosure; Dr. Hall and Mr. Eagleburger were the strongest against disclosure. Dr. Tucker maintained a non-advocacy position. Mr. Laird decided to support the release of "fact of" and limited discussion by a limited number of spokesmen. CIA, ACDA, and State also supported "fact of" disclosure.

~~TOP SECRET~~

EXCLUDED FROM AUTOMATIC DOWNGRADING
AND DECLASSIFICATION SCHEDULES

CONTROL NO. Internal
COPY 1 OF 2 COPIES
PAGE 2 OF 3 PAGES

~~TOP SECRET~~

Dr. David took a strong opposing stand. Dr. Kissinger left for Japan without a definite "fact of" decision having been made.

June 13 - Mr. Walsh informed us that there was some internal disagreement in the NSC Staff on the "fact of" issue but that he did not have any details.

June 14 - General Haig made the statement that (in the view of the NSC Staff) the Letter of Transmittal for the Congress did not constitute a disclosure of "fact of."

June 16 - Mr. Helms signed a memorandum to the USIB principals saying that in the event of a "fact of" disclosure, such disclosure would be limited and only designated spokesmen would be authorized to address the subject.

June 17 - General Haig signed a letter for Dr. Kissinger to the Heads of Agencies which stated that it had been decided "not to reveal the 'fact of' types of systems to be used for verification." A follow-up query by JCS was made to the NSC Staff pertaining to the Letter of Transmittal reference to satellites. JCS was told that the Letter of Transmittal reference should be construed as hypothetical in nature and not a disclosure of the "fact of."

In summary, it is hypothesized that Dr. Kissinger, having heard arguments for and against disclosure, felt that no real benefit to ratification would accrue from disclosure at this time and that the near-term uncertainties vis-a-vis Soviet and third-country reactions did not make an official disclosure practical. In any case, with the impetus favoring disclosure as recently as a week ago, the rather sudden and curious turn of events was unexpected but not unwelcomed by the NRO Staff. We will provide you with additional details when they are known.


Major, USAF

~~TOP SECRET~~

EXCLUDED FROM AUTOMATIC DOWNGRADING AND
DECLASSIFICATION SCHEDULES UNLESS INDICATED OTHERWISE

CONTROL NO Internal
COPY 1 OF 2 COPIES
PAGE 3 OF 3 PAGES