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

THE NRO STAFF

27 September 1977

MEMORANDUM FOR MR. RAY KONAN, OFFICE OF THE GENERAL
COUNSEL, OSD

SUBJECT: Issue Paper on Executive Order to Replace
E.O. 11905

The attached comments are offered on the issues in
the draft E.O. which are most relevant to the NRO.



Lt Colonel, USAF
Assistant Deputy Director
for Congressional Affairs

1 Attachment
Comments on
Draft E.O.

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COMMENTS ON DRAFT EXECUTIVE ORDER

Issue #4 - Authority for DCI to Act as Principal Spokesman to Congress

Interface with the Congress has expanded significantly over the past two years. The depth and scope of involvement in programmatic matters is at a minute level of detail in many cases and the information presented one day could in actuality change the next day due to system anomalies, crisis requirements, hardware problems, etc. Additionally, the Congressional thrust today is on the value of what we do to the user community. Programs are no longer approved on their "technical merit" alone. Program managers have been charged to be able to justify their budget requests in terms of intelligence value. All of this leads to the necessity for close consultation and coordination by the DCI with agencies of the NPIP. Consultation and close coordination can help prevent differences in responses to similar questions asked multiple agencies. It is not uncommon for a Congressional staff member to ask the same question of the program manager and the DCI and compare responses. This happens frequently during Congressional hearings. Responses are frequently subjective in nature and prior consultation, when possible, could be extremely valuable.

Issue #5 - Explicit Authority for a DCI Public Affairs Program

In a program involving efforts of sensitive security, it would appear prudent that the DCI consult with respective program managers prior to a significant news release. On subjects of substance, such as the recent South African nuclear question, multiple agencies become involved, such as the NRO, from a collection standpoint; the DCI, as principal advisor to the President on intelligence matters; and the NSC. A unilateral release on overhead reconnaissance activities in support of the South African situation by the DCI, prior to consultation with the program manager on the possible implementation from a security standpoint to the source involved, could result in compromises of data/capabilities which could adversely impact a program in the long term. Additionally, it is possible for several organizations to receive a press query simultaneously, such as the DOD, DCI and NSC, on the same subject. Consultation should lead to the presentation of a unified front.

Issue #14 - Attorney General Control of Testing Electronic Surveillance Equipment

The NRO concurs with the NSC Staff, DOD, DCI, and CIA indorsement of the current draft. Since the issuance of E.O. 11905 in February 1976, we have worked closely with the DOD Inspector General for Defense Intelligence, have briefed the Intelligence Oversight Board on two occasions, and have developed and implemented procedures with respective NRP program managers to insure proper oversight with regard to essential test, evaluation, and calibration of NRP SIGINT systems requirements conducted over the United States. Quarterly reporting to the IOB through the DOD Inspector General for Defense Intelligence provides an excellent vehicle for continued emphasis in this area. Authorities and responsibilities delegated to program managers by the Director of the NRP have led to the development of detailed procedures for insuring that the individual rights of U.S. citizens are not violated.

Issue #20 - Requirement of Secrecy Agreement

Secrecy agreements have proved to be an effective method of curtailing disclosure of highly sensitive data and are currently used by the NRO where applicable and authorized. The requirement for oaths in the E.O., with provisions for judicial procedures for breaches, would go a long way towards strengthening the compartmented system currently used within the Intelligence Community.