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~~(S)~~ NATIONAL RECONNAISSANCE OFFICE

WASHINGTON, D.C.

THE NRO STAFF

2 September 1975

MEMORANDUM FOR THE RECORD

SUBJECT: NSC Under Secretaries' Committee on Space Policy

The first meeting of the Space Policy Working Group (TAB A) was called by the Chairman, James E. Goodby, on 27 August. I attended as the NRO representative in Lt Col Coyle's absence. Mr. Goodby opened by stating that Under Secretary Sisco plans to have a working luncheon for the principals in the near future. Preliminary to the discussions, Mr. Goodby handed out:

- The memorandum establishing the Standing Committee on Space Policy (TAB B).
- Excerpts from the Rockefeller Report on overhead photography (TAB C).
- The Presidential letter implementing some of the Rockefeller Commission recommendations (TAB D).
- The memorandum establishing the Committee for Civil Application of Overhead Photography (TAB E)

Mr. Goodby stated that he felt the Standing Committee on Space Policy was a "policy" as opposed to an "operating" committee and would take the difficult and sometimes controversial issues to Cabinet - or Presidential - level for decision. He indicated that the most immediate question was the inter-relationship of military and civil applications, but there indeed would be others which would be developed by individual agencies through the Space Policy Working Group or by the Under Secretaries Committee itself. He solicited draft proposals on specific issues from any agency representative at any time. Mr. Goodby expects the Standing Committee to continue not only through this administration but others as well. He feels the committee would not only review issues for resolution but approve guidelines for operating committees such as that formed by the Secretary of the Interior for civil applications of overhead photography.

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20520

TOP SECRET/GOEWORD

July 15, 1975

MEMORANDUM FOR

CHAIRMAN, NSC UNDER SECRETARIES COMMITTEE

SUBJECT: Establishment of a Standing Committee on Space Policy

The President has directed that a standing committee of the Under Secretaries Committee be established to address issues connected with our national space policy as it relates to the civil/military interface.

The committee should review the relationship between civil and intelligence space programs, the military significance of certain civil space programs, and any relevant international considerations. The committee should propose for the President's consideration appropriate new policies or changes to existing policies, and be a forum for the interpretation and implementation of such policies.

The membership of the committee should include the members of the Under Secretaries Committee augmented by representatives of NASA, NRO, OMB, the President's Science Adviser, and other agencies as appropriate to the particular issue under consideration. The committee should be chaired by the Under Secretary of State for Political Affairs.

DOD and NASA have requested that at an early opportunity the committee examine the international political considerations of remote earth sensing, the protection of sensitive space technology, and the public release of space data and information.


Henry A. Kissinger

cc: The Secretary of Defense
The Administrator, National
Aeronautics and Space Administration
The Director, Office of Management and Budget
The President's Science Adviser

TOP SECRET/GOEWORD (XGDS) (3)

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2. Overhead Photography of the United States

In 1966, the Special Assistant to the President for Science and Technology commenced a formal study on the use of aerial intelligence photography for civilian purposes. This study was commenced with the approval of the Director of Central Intelligence and in cooperation with the Departments of Agriculture, Commerce, Interior, the Agency for International Development and the National Aeronautics and Space Administration.

In 1967 the study resulted in the establishment of a steering committee in the office of the President's Science Adviser, with membership from the United States Geological Survey, the Department of Commerce, the Department of Agriculture, the National Aeronautics and Space Administration and other interested civilian agencies. This committee was designed to act as an interface, by which the intelligence community could assure the public that it was not involved in selecting or determining the end use of its aerial photographs of domestic areas.

The Director of Central Intelligence agreed to provide photography to civilian agencies pursuant to the steering committee's request, provided there would be no interference with intelligence needs nor any significant cost increase.³

The photographs of the United States actually turned over to civilian agencies were taken primarily for military mapping purposes. Since that time, aerial photography systems have been used for such diverse civilian projects as mapping, assessing natural disasters such as hurricane and tornado damage and the Santa Barbara, California, oil spill, conducting route surveys for the Alaska pipeline, conducting national forest inventories, determining the extent of snow cover in the Sierras to facilitate the forecast of runoff and detecting crop blight in the Plains States. Limited equipment testing and performance evaluation is also conducted, using photographs taken of areas within the United States.

In 1973, the Office of the President's Science Adviser was abolished, and the special steering committee controlling the civilian use of aerial photography ceased to exist. Efforts are underway to establish a new committee to undertake this activity.⁴ In the meantime, the Director of Central Intelligence has entered into agreements with several

³ While the Agency engineered and developed most of the operational aerial photography systems, it is no longer responsible for the operational aspects of those systems.

⁴ The President has recently announced his intention to reestablish the Office of the President's Science Adviser.

federal agencies, including the Environmental Protection Agency, which permits them access to classified overhead photography.

Conclusions

The Commission can find no impropriety in permitting civilian use of aerial photography systems.⁵ The economy of operating a single aerial photography program dictates the use of these photographs for appropriate civilian purposes.

Recommendation (29)

A civilian agency committee should be reestablished to oversee the civilian uses of aerial intelligence photography in order to avoid any concerns over the improper domestic use of a CIA-developed system.

⁵ It is arguable that at least one present use of aerial photography is law enforcement in nature and outside the scope of proper CIA action. This use involves photography with infrared sensors to detect areas of high concentration of industrial pollutants in the air and in various bodies of water. Data obtained from this activity could conceivably be used as the basis for a criminal action brought under environmental legislation. The Commission believes, however, that the legislators, when they prohibited the CIA from engaging in law enforcement activities in their 1947 enactment of the National Security Act, could not have contemplated the systems presently in use. It should be noted that the CIA did turn down a request from the Alcohol and Tobacco Tax Unit of the Treasury Department to help locate moonshine stills in the North Carolina mountains using infrared photography, on the ground that such activity was law enforcement in nature.

THE WHITE HOUSE
WASHINGTON

August 16, 1975

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EXECUTIVE OFFICE
OF THE DIRECTOR
O.I.D.

MEMORANDUM FOR

THE ATTORNEY GENERAL
THE ASSISTANT TO THE PRESIDENT FOR
NATIONAL SECURITY AFFAIRS
THE DIRECTOR, OFFICE OF MANAGEMENT
AND BUDGET
THE DIRECTOR OF CENTRAL INTELLIGENCE

I have completed my initial review of the Report of the Commission on CIA Activities within the United States and Agency comments on its recommendations and believe that it is appropriate to proceed promptly with the implementation of the majority of the Commission recommendations. Toward this objective, I direct the following:

The Director of Central Intelligence should prepare internal CIA regulations and guidelines to carry out the purposes of Commission Recommendations numbered 6, 9-13, 14b, 15b-c, 16-18, 20, 22-25, and 27-28. To the extent practicable, and within the bounds of prudent security, these regulations should be unclassified. The DCI should also review all current CIA regulations and directives for conformity with these recommendations, make such modifications as may be necessary, and, as noted above, provide for their declassification as appropriate.

The Attorney General and the Director of Central Intelligence should prepare and coordinate as necessary the internal procedures and guidelines suggested in Commission Recommendations 6, 14, 18 and 30. These agreed guidelines should, to the extent practicable, be unclassified.

The Assistant to the President for National Security Affairs, the Director, Office of Management and Budget,

and the Director of Central Intelligence should prepare a draft directive establishing an interagency committee to oversee the domestic uses of aerial intelligence photography.

The above actions should be completed by August 31. Copies of the resultant directives should be forwarded to the White House for my information.

Ronald R. Ford

cc: The Vice President
The Secretary of State
The Secretary of Defense
The Secretary of the Treasury
Chairman, President's Foreign
Intelligence Advisory Board
The Counsel to the President

**THE WHITE HOUSE
WASHINGTON**

MEMORANDUM FOR

**The Secretary of Defense
The Secretary of Interior
The Secretary of Agriculture
The Secretary of Commerce
The Administrator, National Aeronautics
and Space Administration
The Administrator, Environmental Protection
Agency
The Chief of Engineers, United States Army**

**SUBJECT: Establishment of the Committee for Civil Applications
of Classified Overhead Photography of the United States**

The President has noted that the Commission on CIA Activities Within the United States in discussing classified overhead photography of the United States concluded that it can find no impropriety in permitting continued civilian use of such photography and that economy dictates the use of the photographs for appropriate civilian purposes. Accordingly, the President has directed the establishment of a civilian agency committee to oversee civilian uses of classified overhead photography taken over the United States.

To implement the President's decision, the following actions are to be taken:

1. The Secretary of Interior will form a Committee for Civil Applications of Classified Overhead Photography of the United States which will:
 - receive, evaluate, consolidate, standardize, establish priorities and transmit to the Director of Central Intelligence (DCI) all requests for such photography from domestic civilian agencies;
 - facilitate civilian agencies' use of classified systems and coordinate the incorporation of photography, derived data, and technology in performance of domestic civilian functions;

- supply information to civilian agencies so that they may knowledgeably formulate requests and reach compromises between requests and capabilities;
- act as the interface between civilian agencies and intelligence collectors, recognizing that the Director of Central Intelligence will not be involved in judgments concerning civil agency needs or priorities and that collection for this purpose will remain incidental to foreign intelligence collection;
- oversee civilian agency uses of classified photography in a manner designed to avoid any concerns that domestic photographic coverage is being used improperly in, for example, law enforcement, police, or internal security activities.

In performing all of the above activities, the Committee will be subject to guidelines established by the President.

2. The Committee will be chaired by the representative of the Department of Interior and will consist of representatives of the Departments of Agriculture and Commerce, the National Aeronautics and Space Administration, the Corps of Engineers and the Environmental Protection Agency. Membership may be expanded at the discretion of the Committee.
3. The Director of Central Intelligence will designate a representative to serve ex officio on the Committee for the purpose of liaison with the intelligence community, to assist in obtaining domestic photographic coverage, to address issues concerned with the use of classified products, and to facilitate the acquisition of security clearances for users. Since civil usage of data is enhanced if unclassified, the DCI's representative will be an intermediary on questions concerning release of classified information from security control, as appropriate.

Henry A. Kissinger

William E. Colby

James T. Lynn

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Q's and A's on Rockefeller Commission Report

1. Q. What are the operational systems referred to by the Rockefeller Commission?
A. We cannot describe any of the "operational" systems for national security reasons. The Presidential directive is designed, however, to cover all classified systems involving overhead photography.
2. Q. The Commission's report refers to "aerial photography systems"? Does that mean aircraft? Does it include satellites?
A. We cannot comment on technical aspects.
3. Q. Did the CIA use photographic systems to spy on the US? Was this another kind of "domestic spying"?
A. The Commission's report makes clear that photographic systems were used. The Commission found no impropriety in their use. Such systems were not, in any event, used to acquire data on individuals, which was the main focus of the Commission's concern about CIA's activities.
4. Q. The Commission's report says CIA doesn't operate the systems any more. Who does?
A. That depends on the system, and we've already said we can't go into technical aspects.
5. Q. Does Defense operate some of the systems?
A. Yes.
6. Q. Does NASA?
A. The U-2 and RB-57 aircraft are now being routinely used by NASA on an unclassified basis in support of the civil earth resources survey program.
7. Q. Why does the photography have to be classified?
A. Disclosure would adversely affect our security interests by revealing (technical details) (capabilities) (accuracy) (resolution).

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8. Q. Will the new interagency committee be in charge of all classified photography of the US?
- A. It will oversee civilian uses by Federal agencies of classified photography of the US for domestic purposes.
9. Q. Do US agencies have requirements for classified photography of the US other than the kinds referred to in the Rockefeller Report?
10. Q. Could these tests lead to the kind of improper use the Commission wants to avoid?
- A. No.
11. Q. Who will ensure that CIA will not improperly use the results of the tests?
- A. Presidential guidelines will be set and we are confident they will be observed. As the Rockefeller Committee Report indicated, the CIA has resisted requests for uses of this photography which it judged to be law enforcement in nature.
12. Q. Is any of this information available to private users?
- A. Information produced may be made available to private users; not the classified photography itself. The Rockefeller report listed a number of examples of such uses.
13. Q. Why can't the needs of civilian agencies be met from unclassified sources?
- A. A great many of their needs can be met in that way. However, if classified photography can help them, then the Commission thought it should be available. This is a way of getting the most out of the taxpayer's investment.
14. Q. The Commission seemed to favor a single program. Is anything being done about that?
- A. That involves a number of complex questions which are being studied. The Administration neither endorses nor rules out that possibility at the present time.

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15. Q. Can domestic agencies obtain classified photography of other countries?
- A. The Commission was concerned with activities within the US, and the new committee will be concerned with photography of the US. (I have no comment on photography of other countries.)
16. Q. Will the President's Science Advisor be involved in the new interagency committee?
- A. The establishment of new Science Advisor Office is still pending.
17. Q. Would we make available classified data from our classified system to a foreign requester?
- A. We would not ordinarily provide classified photography of the US to a foreign requester unless there were some significant mutual defense interest involved.
18. Q. How can the US justify running both an open and a closed reconnaissance system?
- A. We see no inconsistency in having classified systems to meet national security needs and unclassified systems to meet civil needs.
19. Q. How much better is classified photography than unclassified?
- A. We cannot comment on comparative technical capabilities

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DRAFT STUDY OUTLINE

US National Space Policy: The Relationship Between
Civil and Intelligence Space Programs

I. Overview of Existing US Remote Sensing Programs

A. Intelligence Programs

1. Description of Programs (including Technical Capabilities) and Organization

2. Costs

3. Importance to US Security Interests

- SALT Verification

- Strategic Targetting

- Geodetic Data

- Other Military Intelligence

4. Current practice and policies on release of data

5. Importance for domestic US interests

6. Projected Future Capabilities

7. Comparison of US/Soviet Capabilities

B. Civil Programs

1. Description of Programs (including Technical Capabilities) and Organization

2. Costs

3. Benefits to US

- What benefits do these programs provide to the US, presently and potentially

- To what extent might these benefits be increased by greater technical capabilities?

4. Distribution of data

- Description of data release policies and mechanisms
- Implications of more stringent release policies

5. Projected Future Capabilities

II. The International Environment

A. Benefits to Other Nations of US Civil Programs

B. International Attitudes

- International political and legal acceptability of remote sensing
- Has acceptability changed as result of openly conducted US civil programs, or as a result of other factors such as knowledge that arms control verification rests in large part on remote sensing?
- Assessment of actions, programs and trends in the UN.
- Relations with the USSR

III. Current Issues in the Relationship Between Civil and Intelligence Earth-Sensing Programs

- A. Do overt civil programs arouse more or less international resistance to the acquisition of data from space?

B. Are such reactions likely to increase or decrease if technical capabilities of civil systems are upgraded?

C. Does open release of data acquired by civil systems compromise US classified technology, or provide information of military value to other nations? To what extent is this a function of their technological capabilities?

D. To what degree are these risks offset by the present or potential economic and political benefits of civil earth-sensing program?

E. What technical capabilities are required to maintain or increase these benefits?

F. Is there redundancy in present and planned civil and intelligence systems? Political and security considerations aside, to what extent are they capable of performing each other's missions?

G. What are the budgetary penalties of maintaining separate but parallel systems?

IV. Alternative Options

Alternatives to existing policy involve expansion of the NASA unclassified programs, or increased application of data from classified programs to the civil sector. Three illustrative options would be analyzed?

A. Maintain Two Separate Tracks

Technological capabilities of NASA unclassified systems might or might not be upgraded. The current and planned classified systems would be continued.

B. Civil Application of Classified Data

Data derived from classified programs would be made available to US, and if appropriate, to foreign users. No expansion of classified programs, but it might be possible to share costs of some classified programs among several US agencies.

C. Lift the Veil Covering Classified Operations

This option would explore the implications of declassifying the fact that the US operates reconnaissance satellites, and of making data from classified programs available for civil applications without attempting to conceal their source. A conscious effort would have to be made to emphasize the beneficial effects of reconnaissance satellites in resource development.

The following would be among the important issues to be explored under the above options:

1. Effects on US Security Interests

- Extent to which US classified technology might be compromised if NASA systems upgraded under Option A. What ceilings, if any, should be placed on specific capabilities such as resolution?

- Possible compromise of US classified technology through release of data from classified sources under Option B and C.

2. Political Impact

- Effects of each option on international acceptability of earth-sensing activity
- Soviet reactions to Option C.
- UN aspects.

3. Processing and Distribution of Data

- Alternative distribution policies which might increase acceptability under options B and C
- Methods of protecting origin of data under Option B

4. Organizational Implications

- Alternatives for organization space responsibilities under various options

5. Budgetary Implications

- Comparative costs of various options
- Cost-sharing of some classified programs, particularly under Option B.

OJCS SUMMARY SHEET

TO: OJCS	CLASSIFICATION: SECRET NO FORN DISSEM DISSEM	FOR USE BY ORIGINAL DIRECTORATE	
THRU: DJS	DIS. NO.	OJCS DISSEMINATION DATE	
SUBJECT: Standing Committee on Space Policy (C)		ACT. NO.	
		APPROVAL	DATE
			XIX

REFERENCE

1. (C) The attachment to JCS 228J/490 of 30 July 1975 referred to J-5 a memorandum directing a Standing Committee on Space Policy. The committee was to be chaired by the Under Secretary of State for Political Affairs. The OSI and the CJCS were requested to participate. On 8 August, Hon L. T. Kearney, Jr., USAF was designated as your representative and a working group representative from J-5 was designated.

2. (SNPD) On 27 August, James E. Goodby, Chairman, Space Policy Working Group, held an initial working group meeting to discuss the substance of the problem assigned. Working group representatives were present from the Joint Staff, OSI (ISA) (Dr. James Wade), CIA, USAF, USC, OCS, Secretary USAF/SS in addition to various State Department representatives. Background papers were passed out such as:

Classified by Director, J-5
 SUBJECT TO GENERAL DECLASSIFICATION
 SCHEDULE OF EXECUTIVE ORDER 11652
 AUTOMATICALLY DECLASSIFIED AT TWO
 YEAR INTERVALS
 DATE 08 DEC 2008 BY 60322 UCBAW/STP

INTERNAL STAFF PAPER
 RELEASE AUTHORIZED BY JCS MOP NO. 3

ACTION OFFICE:	COORDINATION/APPROVAL					
	OFFICE	DATE	OFFICER	TYPE	REMARKS	DATE
Cdr. R.W. Curran, USN, G&C Div, Cr. Hr., J-5 Ext 52739						

- The recommendation of the Rockefeller Commission Report on CIA activities to establish a civilian agency to oversee civilian uses of aerial intelligence photography.
- A memo from the President directing the Assistant to the President for NSA, OMB and DCI to prepare a directive establishing an interagency committee to oversee domestic uses of aerial intelligence photography.
- A draft copy of this directive designating the Secretary of Interior as Chairman.
- A draft study outline for the working group entitled US National Space Policy: The Relationship Between Civil and Space Programs.

3. (SNFD) The following two significant comments were made:

- OMB representative asked if the topic of a single overhead surveillance system, desired by the President could be included in the study.
- NSC representative stated that no Space Committee report should be received by the NSC prior to complete interagency staffing and comment.

The Chairman stated that the single surveillance system question might have to wait until completion of present study and he concurred in the need for complete agency staffing of any study report to the NSC. Additionally, Mr. Goodby stated that he looked for an end of September deadline for the study, admitted that the deadline might be unrealistic and ended the meeting by asking for interagency comment on the adequacy of the draft study outline by 2 September.

4. (SNFD) The following appear implicit in the direction the Standing Committee may be going:

- Study will involve most highly classified programs.
- Potential exists for an apparent effort to extract the reconnaissance program from the DOD.

Issues here are:

- Dual utilization of resources.
- Operational authority.

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Dual utilization with, of course, adequate protection of national security interests is seen as feasible; however, operational control of these programs by an agency other than the DOD is another matter.

5. (U) The above is provided for your information. Points of Contact have been established in this matter with the Services, Secretary of the Air Force/SS, the DIA and OSD(ISA).

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