

URGENT Action

MEMORANDUM

NATIONAL SECURITY COUNCIL

4708

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June 9, 1972

MEMORANDUM FOR DR. KISSINGER

FROM: Helmut Sonnenfeldt/Phil Odeen *PO*

SUBJECT: Announcement of Fact of Satellite Surveillance

As a result of the last Verification Panel meeting, we have assembled the agency positions on whether the Administration should officially acknowledge the fact that we have surveillance satellites. The familiar arguments for and against are summarized below.

Some of the arguments for announcing "fact of" are:

-- It would help reassure doubts about our verification capability.

-- It would tend to legitimize what is otherwise ambiguous in international law.

-- It would, thereby, make interference more clearly a violation of the "non-interference" clause in the agreements.

-- It would allow us to be more free in making public photography of Soviet strategic forces thus reinforcing our estimates.

-- We would feel free to use photography to prove violations.

The arguments against:

-- It might upset a satisfactory modus vivendi which exists between the U.S. and USSR.

-- It would inevitably lead to a "slippery slope" involving more detailed disclosures of our capability. It might, for example, lead to disclosure of our SIGINT and COMINT capability -- which is a key aspect of our verification.

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-- It would raise an issue with third countries where none exists now. The Indians, Chinese or Egyptians could protest that our satellites violate their air space. More importantly, third countries would be most apprehensive over US/USSR bilateral agreement or surveillance.

-- If administration claims for Soviet capabilities lack credibility they are not likely to be supported by photography which requires expert analysis and interpretation by the Administration.

-- If we felt it necessary to use photography to support charges of a violation we could make that decision at the time.

#### Agency Positions

All of the agencies seem willing in some degree to have the "fact of" announced, but there are important differences in the positions.

-- State and ACDA support an official announcement in any form.

-- Secretary Laird wants the letter of submittal to acknowledge the fact that "national means" includes satellite surveillance for both the U.S. and USSR. He would have key administration officials do the same in testimony. The Secretary would provide the Soviets with our statement in advance. The Secretary feels that making such an announcement is overdue and that this is a propitious time since we can capitalize on the fact of SALT.

-- Director Helms, while not enthusiastically in favor of the idea, sees no harm in making a low-key public admission that national means includes satellite surveillance. But he would prefer that we hold off admitting "fact of" until it becomes necessary during the hearings.

-- The Joint Chiefs of Staff concur in a simple low-key admission. But they want it made clear that spokesmen reveal no details of our capability.

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Nixon Presidential Materials Project. National Security Council Files. Box 883. SALT (Helsinki) May-August 1972. Soviets not yet responded to US interpretations of SALT provisions re Golf class and 741st Soviet SLBM; Kissinger disapproves agency proposals for low key announcement of fact of satellite recon.; accepts NSC advice that announcement could upset US-Sov modus vivendi on national means and also produce slippery slope effect re intell. capabilities