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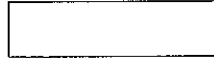
State Dept. review completed

NASA Review Completed.

NRO review(s) completed.

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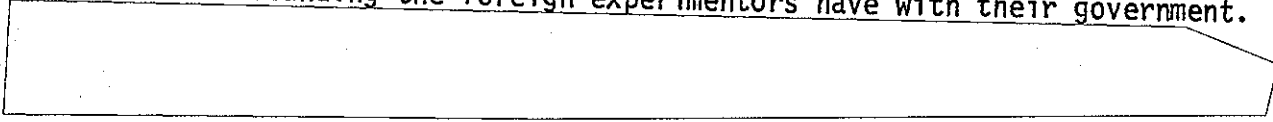
MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Review of SKYLAB Photographic Flight Plans for Utilization of the Earth Terrain Camera

NASA has requested 40 Committee approval to employ on the Skylab mission this summer an Earth Terrain Camera having a ground resolution of between 10 and 20 meters. The 40 Committee referred the issue to the NSAM 156 Committee to make an assessment of possible international reaction. The attached draft is proposed by the State Department as the report of the NSAM 156 Committee and has been forwarded to you for your concurrence or comments.

Skylab launch date is set for May 14th. There will be three manned visits to the Skylab and it is planned that a limited amount of photography will be taken during each of these visits. As shown on the maps in the attachment, photographs during the first visit will be confined to North America and Mexico. It will not be until the second visit in August that pictures will be taken of countries in South America, Africa, Europe and Asia. All photography planned has been established by arrangements between NASA and the participating scientific investigators both foreign and domestic. Where foreign investigators have proposed photography of their own countries, this has been done with the knowledge and, according to NASA, the approval of their governments. At the same time, it is important to note that the characteristics of the Earth Terrain Camera are such that some territories will be photographed which will lie outside the areas defined by the experiments. In addition, it is not clear to us what official standing the foreign experimentors have with their government.

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According to guidelines previously layed down by the 40 Committee, each one of the three Skylab visits would be preceded by:

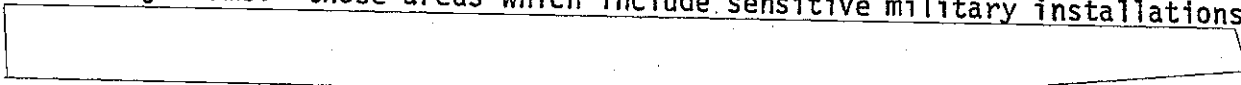
- (a) Prior-launch screening of flight plans to preclude photography of "sensitive areas"*;

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*Up to this time, "sensitive areas" have been defined in military/national security terms: those areas which include sensitive military installations,

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(b) Final review by the 40 Committee of photographic flight planning in light of international factors existing immediately prior to launch;

(c) Post-launch screening of potentially "sensitive" photography acquired by the Earth Terrain Camera to prevent the release of any imagery that would be damaging to the US or embarrass the US in any way. (This screening is to be done under the auspices of COMIREX.)

Three things make this proposal for Skylab different than those photographic operations which have been approved by the 40 Committee for previous Apollo missions: first, the pictures will be considerably better than any released before; second, they will include photographs of foreign states, in some cases without the consent of that state; and third, recent meetings of the UN Working Group on Remote Sensing have surfaced considerable expressions of concern by some countries about their privacy and the legality of remote sensing of sovereign states without their consent.

The present action was referred to the 156 Committee because of questions that were raised by CIA, DOD and ACDA when contingency plans for Apollo 17 were approved last fall. The essence of these questions are as follows:

(a) What is the risk that the pictures from the Earth Terrain Camera -- which will be much better than any pictures released heretofore -- may stimulate foreign nations to press the legality or national privacy issue in a way that might jeopardize the political viability of US and Soviet reconnaissance operations? Does the value of the Skylab foreign photo experiments justify taking this risk? Could the photography acquired by Skylab be handled in a way that would tend to reduce this risk?

(b) Looking forward to higher resolution follow-ons to ERTS and Skylab, what should the US policy be concerning the photography of foreign countries and dissemination of that data? Should individual states have the right of consent before they are photographed or should we plan as though there were no rights in this regard?

(c) Should our planning for Skylab reflect that policy whatever it turns out to be?

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The attached State Department draft does not address these questions. Mr. Porter states in his cover letter that consideration of policy problems has already begun in an inter-agency working group set up in the context of NSSM 72 (International Space Cooperation, September 1969). However, this group has not been recently active, and most of its work has been done unilaterally by the State Department. It was not until last week that a paper was produced by State and distributed to members of the NSSM 72 working group. Although it identifies options for data dissemination and lists advantages and disadvantages, it does not discuss them substantively and does not treat the interactions with the reconnaissance programs at all. (It is significant that the classification of the paper is "Limited Official Use.")

Despite the foregoing, we agree with the recommendation in the 156 Committee draft that the NASA photographic flight plans covering the utilization of the Earth Terrain Camera be approved. We believe the reviews that will be conducted prior to and after each one of the manned missions provide sufficient safeguards to allow us to change plans for subsequent missions if adverse international reaction becomes evident.

We are not satisfied, however, that sufficient thought has been given to how the pictures will be disseminated or what specific criteria will be used to define "sensitive areas" in the post-flight screening of the data. The current thinking in NASA and State Department would continue to define "sensitive areas" primarily in military terms and, except for such areas, make available to the public all the photography taken by the Earth Terrain Camera even though some of it may be outside the areas defined by the experiments and by the non-US investigators with whom NASA has been working. To our knowledge, neither NASA or the State Department has conducted a thorough examination of alternatives to this open dissemination policy which might reduce the potential risk of adverse public reaction. (For example, rather than making available to the public all the photography obtained from Skylab, we might consider disseminating only those pictures which fall within the areas defined by experiments and covered by bi-lateral agreements with foreign investigators and countries. It is also possible to consider deleting all picture taking over foreign territories from the flight plans.) We think it would be useful to conduct such a study as NASA prepares for the Skylab experiments and we see no reason the study should interfere with NASA planning for the Skylab operations.

Looking farther into the future toward follow-ons to Skylab and ERTS-1, it appears that current State Department policy assumes the ultimate desirability of establishing international precedent for photographing any area of the world without approval of the sensed country. However, while this "open skies" policy may indeed turn out to be the policy the US should continue to follow, no high level review of national policy in this regard

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has been conducted recently enough to reflect (a) new awareness of the value of photography for resource assessments and (b) new concern about US economic strategy abroad. We think it is time for such a review to be initiated by a group expressly established by the NSC for this purpose. The current NSSM 72 inter-agency working group is operating under too old a charter and does not have proper representation to do this job.

To relate the above comments to the attached State Department draft, we draw your attention to two paragraphs on pages 6 and 7 of the draft.

On the bottom of page 6, the draft states:

"While the photography that will be acquired by the Earth Terrain Camera on board Skylab is appreciably better than the imagery being produced by ERTS-1, the improvement in the quality of the photography is not likely to be so dramatic as to arouse international acclaim or furor."

We think there is more risk that the Skylab photography will arouse international reaction than the State Department draft implies. [redacted] has prepared the attached collection of photography that shows the quality of the pictures that will be available from Skylab as compared to the best quality pictures currently available from ERTS. We think the difference is dramatic and recommend you consider the psychological impact on the international community as you weigh the risk of international reaction. Again, we do not think this risk is sufficiently great to disrupt NASA's plans for photographic operations and experiments, particularly in light of the review safeguards that will be imposed. However, the risk is sufficient to warrant a thorough examination of criteria for screening the photography acquired and alternative ways by which the photography might be disseminated.

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In the middle of page 6 the draft says:

"Recognizing the Research and Development nature of this first remote sensing effort, the international community has shown a willingness to overlook for the time being some of the political, legal, and economic problem areas which have been of intense concern to a number of states. We believe the experimental character of Skylab has also been recognized and will secure a similar moratorium on the difficult problems. But the heightened sensitivity to the inherent issues of sovereignty, proprietary rights, control, etc., that arise in the dissemination of earth resources sensing data which appeared during the recent

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sessions of the UN Working Group on Remote Sensing in New York suggests that the international community may not be willing to extend its acceptance of experimental activities into the operational phases of remote sensing. While this international concern about remote sensing and the particular issues which it raises will have to be dealt with and resolved before long, they do not have to be faced in relation to Skylab."

We do not agree with the way the conclusion is stated in the last sentence. If it is accepted that the international concern about remote sensing will have to be dealt with and resolved before long, then it seems reasonable to begin studies to resolve this question as soon as possible so that the planning for Skylab data dissemination can reflect the results of these studies. It seems to us that it is timely for the 40 Committee to set in motion a special NSC review of the long range national policy on this question. As part of this review, alternative ways of handling Skylab photographs should be analysed and aired.

Recommendation. We recommend the 40 Committee approve the NASA plan for Skylab acquisition of photography from the Earth Terrain Camera but that the committee reserve judgment on how the data from that photography will be made available to the public, and initiate an NSC review of this question and the general question of US policy concerning the legality of remote sensing of foreign states. Attached is a response you might send to Mr. Porter which proposes changes to the State Department draft reflecting this recommendation.

[Redacted Signature]

Donald H. Steininger
Assistant Deputy Director
for
Science and Technology

Attachments:
As Stated

CONCURRENCE:

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[Redacted Signature]

Deputy Director for Science and Technology

3 Mar '73
Date

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[Redacted Signature]

Deputy Director for Intelligence

5 MAR 1973
Date

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