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DECLASSIFICATION OF THE NRO (S)

I. Introduction

In August 1980 the National Reconnaissance Office (NRO) will complete its second decade of successful operation, and can likely be accorded credit as the largest, longest, and most effective covert program in U.S. history. The systems designed, procured and operated by the NRO have played a major role in American national security, as well as in making possible strategic arms control. This record of technical achievements and management effectiveness is both distinguished, and one which reflects well on those associated with the NRO.

Since the "declassification" of the National Security Agency in 1957 by publication of a three sentence description, the NRO presently remains the only major "classified" element of the U.S. Intelligence Community, and in many ways a bureaucratic anomaly. In terms of its mission, there is nothing inherently more covert about the NRO than CIA's clandestine activities or the operations of NSA, both acknowledged by the U.S. Government. Indeed, none of the "abuses" associated with other elements of the Intelligence Community in the post-Watergate Congressional investigations can be associated with the NRO.

As a practical matter, much about the NRO is an "open secret."¹ The NRO name, mission, and several NRO programs have been the subject of increasing media discussion over the past several years, and the existence of the NRO is "officially" confirmed by OSD(Public Affairs).² Certainly hostile

¹For a recent analysis of how much is in fact "open" see *Open Source Revelations on U.S. National Technical Means (U)* AAC-TR-14800/80 (Marina del Rey: Analytical Assessments Corp., January 1980)(Secret).

²At present OSD(PA) will confirm the fact that NRO exists but will provide no other data.

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intelligence services can be credited as knowing as much about the NRO as can be gleaned from open sources. Given the interests of the KGB and GRU in this area, as well as the assets available to them, their knowledge of the NRO, its programs and operations is likely far more extensive.³

At the present time essentially all information about the NRO remains subject to special access or SCI control, within ~~██████████~~ TALENT-KEYHOLE channels. In view of the "open secret" nature of some information concerning the NRO; the fundamental Constitutional and statutory guarantees about freedom of information; and established procedures with respect to federal procurement, a set of serious issues about NRO "declassification" arise.

Declassification in this sense is no simple binary choice. Clearly there is a spectrum of issues involved. At the one end, suggested previously, the existence issue already appears settled. At the other end are specific projects, programs and operational details which must remain protected by rigorous special access controls and an absolute "need-to-know." In this latter area there is little, if any, disagreement that such programs require the umbrella of covert protection for their development, and that the cost of compromise could be immense.

The most useful area of discussion is the former, where current public disclosures make the argument for continued compartmental secrecy somewhat less than compelling; where legal attacks on the NRO under the Freedom of Information Act could be most successful; where some useful national purpose could be served by declassification and disclosure; and where analogous situations suggest that the effect of some limited disclosures about the NRO on its ongoing operations will be, at worst, nominal.

The purpose of this paper is to outline some of the assumptions underlying compartmented classification of the NRO; possible generic decisions which could be taken with respect to "declassification" of the NRO; and some related issues from the perspective of a relatively unbiased observer. It is urged, at the outset, that each of these issues should be the subject of critical and thorough scrutiny, a level of analysis not attempted in this preliminary discussion.

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FIGURE 1

POSSIBLE ANALOGIES TO NRO DECLASSIFICATION (S)

	<u>CIA (DDO Covert Ops)</u>	<u>NSA</u>	<u>NRO</u>
NAME:	CIA/DDO [Unclassified]	NSA/CSS [Unclassified]	NRO [Unclassified] ^{a/}
DIRECTOR:	ADM S. Turner [Unclassified] ^{b/}	VADM B. Inman [Unclassified]	Dr. H. Mark [Classified but "open secret"] ^{c/}
DEPUTY DIR. AND OTHERS	DDO [Classified but "open secret"]	DDIRNSA [Unclas- sified] ^{d/}	[Classified but "open secret"] ^{e/}
HEADQUARTERS LOCATION:	CIA HQ, Langley, VA [Unclassified]	Ft. George Meade [Unclassified] ^{f/}	Pentagon, 4C1000 [Classified but "open secret"]
GENERAL MISSION:	Defined in Public Law [Unclassified]	Defined in P.L. [Unclassified]	No Charter or P.L. [Classified]
GENERAL ORGANIZATION INFORMATION:	Org. Chart to DDO Level [Unclassified]; Org of DDO [Classified but "open secret"]	Org. Chart Below DIRNSA [Classified]	Org. Chart [Clas- sified]
SPECIFIC PROJECTS, PROGRAMS & OPERATIONS	[Classified at highly compartmented levels]	[Classified at SCI levels]	[Classified at SCI levels]

a/ Existence of NRO acknowledged by OSD(Public Affairs).

b/ In role as CIA Director with overall responsibility for CIA covert operations.

c/ Frequent media identification of Office of Under Secretary of Air Force as cover for NRO. See, *Open Source Revelations, op. cit.*

d/ Unclear where titles and roles of NSA officials below DIRNSA level become classified, but no organizational information published.

e/ Can determine Program "A" "B" and "C" Directors from open sources. See *Open Source Revelations, op. cit.*

f/ Locations of other major facilities classified.

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II. Assumptions

As a point of departure, it is suggested that the following assumptions be considered as essential to any analysis of NRO declassification. Although this is not intended as an exhaustive list, it presents some of the major considerations:

(1) *Necessity to Maintain Secrecy for Ongoing Projects:* There is both a legitimate and legal basis for maintaining special access programs for ongoing NRO projects and developmental efforts.³ Care must, however, be exercised to see that this special status is not accorded to that which does not require this protection. The operative question in each case is "if compromise occurs is there major, costly damage. . ."

(2) *Need for Efficient Program Management:* Clearly the NRO has been effective and successful because of its unique management style, and the protection which [REDACTED] has provided. Such management protection is not a "natural right" and efficient management is expected of all federal programs, and an admirable record in terms of program efficiency does not provide an exemption from otherwise operative federal/defense management and oversight functions. Everybody thinks their program is "special." Why is NRO different?

(3) *Freedom of Information:* Under the U.S. Constitution and relevant federal statutes (e.g. Freedom of Information Act) information which is not properly protected as "National Security Information" or otherwise exempted must be released upon request. The operative questions of the Executive Order, along with a reasonable assessment of what are "open secrets" must provide the context for each stage in the declassification process.

(4) *Need for a Rational Approach to Secrecy:* Good policy decisions about what requires the continued protection of classification, special

³Not considered at this stage is the separation of projects under which some older, less sensitive projects might be transferred outside the NRO, for example to the AFSC for ongoing operation.

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access and control must be based on an on-going, honest assessment of what is known and what is unknown. Continued compartmentation of what has long been in the public domain or well-known to hostile intelligence services can in fact be counterproductive. Maintaining this veil over material that appears regularly in the media tends to confuse many working in NRO programs, and frequently appears "silly." Such individuals may lose sight of what is to be seriously protected.

(5) *Federal Management Imperatives:* In their infinite wisdom, the Congress, the Executive and the Judiciary have all taken their turn at imposing various management strictures on federal programs. To say that NRO programs are better managed than other federal programs because they have been largely exempt from incursions by a myriad of regulatory offices, audit agencies, and other authorities, flies in the face of a well-entrenched system. It is likely the case that all programs feel they should be exempt. Although intelligence programs have long been the best at evading these incursions, largely on security grounds, the walls are crumbling. Lacking a rational approach to security (see item (4) above) it will be increasingly difficult to maintain this posture.

(6) *Not the Only Covert Programs:* The CIA, NSA and others have covert programs and appear to function reasonably well as "declassified" agencies. It would be hard to make the case that satellites are more sensitive than say CIA/DDO operations [REDACTED], yet we acknowledge the CIA, the general covert operations mission etc. These analogies are illustrated in Figure 1 above. It will be increasingly difficult to maintain the posture that the NRO *per se* must remain classified/compartmented when others are not.

(7) *The NRO Needs a Charter:* Much of the uncertainty about the risks to the NRO on an acknowledged, or "declassified" basis are related to the fact that the NRO lacks a charter, and hence the protections such a charter might afford (e.g. in dealing with FOI requests and federal management programs). Unfortunately; this issue too frequently gets confused with the issue of legitimate and rational secrecy. It is important to understand that the two (i.e. a charter and secrecy) are not interchangeable under our federal system.

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(8) *Existence of a Fundamental Tension:* Where covert programs are concerned, such as in the case of the NRO, there will always been a fundamental tension between the need to maintain efficient operations (or operations that work at all) and full compliance with the laws, regulations, directives, and a myriad of other management burdens that apply to federal programs. No policy decision, good or bad, will ever relieve this tension--it is built in. The objective is to make decisions which maintain a working equilibrium. Like in physics, it is useful to bear in mind that pulling too hard in one direction will disturb this equilibrium. People on both ends of the spectrum should realize this.

III. Possible Decisions on Declassification

As previously indicated, the declassification issue is not a simple one, involving various types of information and levels of detail. For purposes of discussion however, some rough categories can be defined (as illustrated in Figure 2) and several alternative types of decisions examined. With all due apologies to those from whom several of these concepts have been taken, the following are offered by way of illustration:

(a) *The Status Quo*

- Existence of NRO [Unclassified]; confirmed by OSD(PA);
- All other data about NRO controlled in [REDACTED] T-K channels;
- General data (location, director, mission etc.) largely in public domain as "open secret"

(b) *Declassify "Fact Of" (Dr. Mark)*

- Existence of NRO and limited general data to be Unclassified;
- Project and all other operational data to remain as compartmented information/spcial access.

(c) *Decompartamentation of NRO (Dr. Hermann)*

- Existence of NRO is still Unclassified;
- General data about NRO and operations released into DoD collateral control system (decompartmented);

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DATA CATEGORY ACCESS & CLASSIFICATION	NRO EXISTENCE (NOW CONFIRMED BY OSD/PA)	NRO "FACT OF" NON-SENSITIVE -DIRECTOR -LOCATION -MISSION	"OLD" NRO HISTORY MANAGEMENT EARLY PGMS.	PRODUCT IMAGERY SIGINT ELINT	MANAGEMENT DATA CONTRACTS ACCOUNTING ETC.	"NEW" NRO PROJECTS OPERATIONS	SPECIAL CATEGORIES STUDIES NEW PROJECTS MISC.
██████ Studies	↓						
██████ Projects							
T-K							
COMPARTMENTATION							
TOP SECRET (COLLATERAL)							
SECRET (COLLATERAL)							
CONFIDENTIAL (COLLATERAL)							
CLASSIFICATION							
UNCLASSIFIED							

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- Project and all other operational data to remain as compartmented information/special access.
- (d) "Old NRO" vs. "New NRO" (Dr. Wagner)⁴
 - Existence of NRO; limited general data; and organizational history declassified concurrent with charter for "New NRO";
 - Older programs transferred to AFSC and released into collateral channels [REDACTED]
 - Charter for "New NRO" established; maintains very sensitive programs; new programs; studies etc.
 - Information on New NRO maintained outside APEX, or under APEX special provisions. Public disclosure limited to:
 - acknowledgement of name and existence;
 - name of director and headquarters location (e.g., Pentagon);
 - general mission statement as defined in Public Law or E.O.
 - all other information compartmented;
 - mandatory SBI, polygraph etc. for access under DCID 1/14.

⁴This proposal is presented largely for the sake of argument, and is by no means a fully formulated proposal. Its elements are intended to provide an analytical contrast to other proposals.

IV. Secret From Whom?

The U.S. Intelligence Community watched with baited breath President Carter's 1979 "fact of" announcement with respect to satellite imagery. As it happened, this announcement got the media attention of a lead balloon, and would likely have gone unreported had it not been for the prodding of White House press officers. President Johnson "privately" discussed satellite imagery with the press some years prior, and such capabilities have long been the subject of media discussions. President Carter's statement ranks among the great "so whats" of our times.

Given this "fact of statement" even the village idiot could deduce that some organizational entity within the federal government must be responsible for such operations. You just can't get such systems at Radio Shack. While the less diligent among the media have variously identified the CIA, the Air Force, and DoD as the responsible parties, an increasing number of astute authors (including former DCI William Colby!) have identified the NRO as the organizational locus of such programs.⁵

It is reasonable to assume that the declassification of the most general data about the NRO would add little, if anything to what is in the public domain. It is further unlikely to add to the knowledge of hostile intelligence services. Unless deliberate efforts were made to draw attention to the fact that additional information was now "declassified" on the NRO, as was the case with the Carter announcement in 1979, there is reason to believe that such an action would be largely unnoticed by the media.

There is simply very little news appeal in a "fact of" announcement. The real appeal of satellites is their "spy-in-the-sky" attraction, akin to the cloak and dagger interest in clandestine activities. The media has already worked this aspect heavily, and declassifying the NRO adds little

⁵ See *Open Source Revelations*, *op. cit.* for a fairly recent and exhaustive compilation of such sources.

that is not known in this area. Above all, the NRO is a bureaucracy, albeit an efficient one. To the extent the media is interested in bureaucracy, it is looking for waste, mismanagement and corruption. On these grounds, the NRO couldn't get five seconds on "60 Minutes."

The fundamental issues remain the protection of ongoing NRO programs from compromise, possibly under the FOIA, and the preservation of the management techniques and relationships which have enabled the NRO to accomplish its mission over the past two decades. It is toward these objectives that any analysis be focused, rather than on the protection of non-secrets.