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Enclosure #1

Interim Statement

As announced by _____, it is possible that a space object has impacted on the territory of _____. As a result, U.S. authorities are investigating to establish whether in fact this might be of U.S. origin and, if so, which specific vehicle might be involved.

Enclosure #2

Background Data for Development of a Contingency Statement

Legality. There is, strictly speaking, no settled regime of law governing activities in outer space. However, the UNGA unanimously adopted UNGA Resolution 1721 (XVI) which "commends to States for their guidance in the exploration and use of outer space" two principles:

- a. International law, including the Charter of the United Nations, applies to outer space and celestial bodies;
- b. Outer space and celestial bodies are free for exploration and the use by all States in conformity with international law, and are not subject to national appropriation.

There is no reasonable basis for considering unarmed satellites as constituting either a threat or the use of force (proscribed by Article 2 (4) of the UN Charter), and there is nothing in the Charter which could be construed as prohibiting the essentially non-aggressive activities of a photographic satellite.

It is well established that areas subject to the jurisdiction of a State may be freely observed from points outside that jurisdiction, e.g., from a ship on the high seas. Observation from outer space, which is not subject to territorial claims, also cannot be considered to constitute a violation of international law.

Secrecy. We publicly announced long ago our intention in the Samos program to develop photographic and other types of satellites. This is a matter of public record.

The U.S. has been conducting an open space program. We have announced every satellite firing. The U.S. has registered with the UN every U.S. satellite successfully placed in orbit, or already in orbit, as of 15 February 1962, and is now registering failures as well.

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The U. S. has also, as a matter of national policy, made public the results of those of our satellite operations that would be of scientific, technical or economic value to the world. The Soviet Union can make no such claim.

Aggressive Intent. Photographic satellites are unarmed. They pose, therefore, no threat to any nation. The fact that they are launched by a military organization does not make them an aggressive military device any more than the presence of Major Titov made Vostok II an aggressive military vehicle. Photographic satellites are peaceful, just as satellites for communications, navigation or weather prediction are peaceful. They are military as well, in just the same proportion as communications, navigation or weather prediction are military.

Espionage. Espionage implies a violation of sovereignty. Where there is no sovereignty, there can be no espionage. Soviet trawlers have for years operated in international waters off USA coasts collecting information on U. S. civil and military operations. They have monitored the U. S. fleet in every ocean of the world. Major Titov has taken our picture from space. These Soviet acts are legal, since they are conducted from points over which we neither have nor wish to have jurisdiction. The U. S. must insist, however, on precisely the same rights the Soviets enjoy. International law is not divisible into Communist law and non-Communist law.

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