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D R A F T
MSC:blp (14 August)

The Honorable Eugene G. Fubini
Deputy Director of Defense Research & Engineering
Department of Defense
Washington 25, D. C.

Dear Gene:

This responds to your memorandum of 8 July, Subject:
JCS, NRO Relations, which forwarded for comment a draft, proposed
agreement between D/NRO and JCS-JRC prepared by Dr. McMillan,
and you as a shortened version of an agreement previously submitted
to Mr. McCone by Mr. Gilpatric.

I have spent much time reviewing the new, shortened version
of the proposed agreement, especially in the light of Mr. McCone's
letter of 11 June to Mr. McNamara. While it is a shortened version
of the agreement, it does not address itself to the major points of
difference that Mr. McCone so clearly covered in his letter of 11 June.
I would be less than frank with you if I did not state that I am at a
complete loss to understand just what the purpose of this proposed
agreement is and just what benefits will derive from it, especially in
the furtherance of a program for the collection of intelligence
information.

I should point out that the Director of Central Intelligence,
through the Central Intelligence Agency, has established and maintained

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for almost ten years an Air Operations Center under which all covert overhead reconnaissance flights are planned and executed. This Air Operations Center is in existence and continues to operate successfully.



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I can see no valid reason for combining under a single entity the operational control of NRO denied territory overflights and DOD (JRC) peripheral mission flights. If this is desired with a view toward coordinating such activities, it appears unnecessary since there are already in existence procedures and well-defined understandings between the NRO (CIA operations element) and the JRC under which the JCS is

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kept fully aware of NRO overflight activities on a very current basis. If the problem here is one of higher-level policy, then the coordination is effected at the Special Group (5412) meetings and I would strongly support a move on the part of the Department of Defense to have a JCS representative available at such meetings when denied area overflights are discussed.

I am sure you realize that existing relationships between CIA operational elements, acting in behalf of the NRO, and the United States Air Forces are close and totally adequate. If the JRC were to be injected into this relationship, it would appear to me to complicate and encumber what are now quite workable methods for technical and operational coordination and technical and planning support for denied area overflights.

I agree that during periods of war, or at imminence of hostilities, or in theaters of active, military operations, or in periods of high tension, it would be appropriate for higher authority (and I would consider higher authority to be either a Presidential directive or mutual agreement between the Director of Central Intelligence and the Secretary of Defense) to authorize overt, military overflights of denied areas -- in such a case, this would be clearly a military

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responsibility and should be assumed by the JCS in areas so designated. In this connection, there is already an Emergency War Plans Operations Order to which CIA and SAC have agreed which facilitates such action. During the Cuban crisis such a transfer was effected smoothly and expeditiously, as you know.

The initial proposal for an NRO/JCS Agreement was generated sometime back in April and has been through a number of revisions at the working level as well as several at the policy level. We seem to be no closer to an agreement than we were at the beginning, and I think this is primarily because we do not have a meeting of the minds as to just what the purpose of the agreement is, i. e., what is it to accomplish that is not now being accomplished in a perfectly adequate and entirely satisfactory manner, what errors of omission or commission is it designed to correct, what transfer or realignment of responsibilities is it designed to effect, and basically what is being done that should not be done and what is not being done that should be done?

In the belief, then, that it may be desirable from the standpoint of the Department of Defense to have the NRO execute, supervise, guide, and control those specific, denied area overflights now being conducted by JRC -- i. e., [REDACTED] -- and in accord with my expressed agreement that the NRO should be prepared

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to effect transfer to the military of certain overflights during periods of hostilities, I have attached a draft, proposed agreement which I think will clearly put these two factors in proper perspective.

I suggest that we get together around the table at your convenience to see what additional articles of what treaties need to be negotiated -- I am certain we all have only one mission in mind in this connection -- the most expeditious collection of usable intelligence information with the least disruption of command prerogatives and the most economical utilization of all of our combined resources.

Faithfully yours,

Marshall S. Carter
Lieutenant General, USA
Deputy Director