9 June 1962

DCI

MEMORANDUM FOR: General Carter

In the attached, Tab A is a memo for Alexis Johnson prepared by Leonard Meeker, the Department's Legal Adviser to the US UN delegation. Tab B is a memo prepared by Larry Houston for the DCI reflecting CIA's advice in the preparation of a draft speech for John McCloy's use in England in mid-May. Tab C is the jointly-agreed outline prepared for McCloy's use.

In his memo to Johnson, Meeker looks ahead to future prospects regarding the law of outer space. He argues that the US can espouse the goal of assuring use of outer space for peaceful purposes only, and, in doing so, must "seek to bring about realization and acceptance ... that many military uses ... are peaceful," and not agressive. For example, he says, reconnaissance satellites are intrinsically similar to weather satellites. He urges that it be clearly understood that the term "peaceful uses" in any UN resolution is in the context of activities which do not threaten use of force.
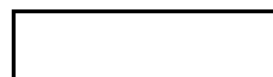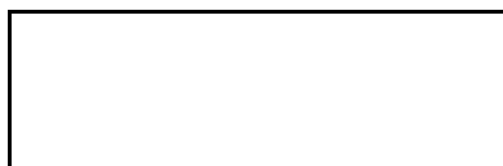
As regards "air boundaries," Meeker concludes that it does not appear feasible now to negotiate for such limits. He thinks it preferable for the US to imply that we seek low space boundaries (say 20 miles or less), but that we continue to conduct our space activities in the absence of agreement on boundaries.

"Contamination" of space via microbes, communications needles, and the like, is something that cannot be prevented, Meeker holds. Meeker offers, as a "tentative prognosis," that the US will want to develop the principle of non-interference with satellites to lessen the prospect of the Soviets shooting down ours. Meeker raises legal questions about national installations built on celestial bodies, and suggests the ultimate answer to these may lie in something like the Antarctic Treaty.

Tabs B and C, concerning preparations for McCloy's speech to the Anglo-American Assembly deal primarily with an effort to justify non-agressive use of outer space satellites and to develop a flexible public position on matters pertaining to the law of outer space.

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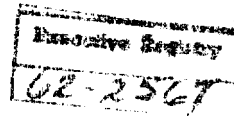me and DCI
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62-2567

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Law of Outer Space

1.   This memorandum is for information only.

2.   A representative of this office attended a meeting on
19 April 1962 at the Department of State with Mr. John J. McCloy
in preparation for his speech in England on 13 May 1962.   State
and NASA were represented but not the Department of Defense.

3.   There was general agreement on the concept of freedom
of outer space for all nations, including use of satellites for non-
aggressive purposes.   Mr. McCloy plans to stress that the free
world has no fear of surveillance and it is only the closed states
of the Soviet Bloc which have to fear weather or other photography.
We are stressing the fact that registration of satellites with the
United Nations is in no way a limitation on the freedom of space
any more than certain rules and conventions on registration of
shipping would be to freedom of the seas.   We are looking to see
if we can find any useful material on this that Mr. McCloy can
use.   NASA and State, particularly the former, were critical of
Defense's policy of secrecy of satellite launching and particularly
of the failure to release the photographic product.   This is a
political approach and we believe Mr. McCloy understands that
classification of techniques and product is not inconsistent with
freedom of space any more than protection of the techniques and
product of the maritime SIGINT operations is inconsistent with
freedom of the seas.   We have recommended that Mr. McCloy
concern himself only with broad concepts and not get into such
contentious details as where outer space begins or the other more
legalistic quibbles.

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LAWRENCE R. HOUSTON
General Counsel

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