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# Media fear coming rules on satellites

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The Commerce Department is set to issue rules soon giving the government broad power to restrict on national security grounds the operation of commercial satellites that collect detailed pictures of the earth.

The regulations, which are almost completed, would allow the government to deny licenses for the operation of so-called "imaging" satellites, or to order picture-taking by such a satellite stopped if the Defense or State departments decide national security or foreign policy objectives

are jeopardized.

The regulations have sparked concern from representatives of the news media. Use of detailed satellite images on newscasts and in newspapers is increasing.

Other observers fear the regulations will drive the business of remote-sensing satellites — as they are formally called — overseas when the privately operated U.S. LANDSAT satellite system faces financial difficulties.

The Pentagon argued in comments on the Commerce proposal that the Defense Secretary should have "maximum discretion" in determining when a national security threat exists. A senior Defense Department official said that denial of a license would not constitute prior restraint of the press, but rather a legal "limitation of access" to regulated facilities.

"I have problems with limitation of access," said Peter Zimmerman, senior associate at the Carnegie Endowment for International Peace. "I have problems with prior restraint. And I have great problems with a technical letter that will drive business offshore."

Assuming no further changes, the rules represent a defeat for the media representatives, who have fought a long-running battle to modify the proposed regulations on First Amendment grounds.

The rules, they contend, should include specific standards to judge when the nation's security is threatened, such as the standard set down in the Pentagon Papers case. In that case, an attempt to block the

publication of highly classified government documents, the Supreme Court ruled that prior restraint is justified only when disclosure of information "will surely result in direct, immediate and irreparable damage to our nation or its people."

The Commerce Department procedures for implementing the 1984 Landsat Act, which still must be approved by top officials there and at the Office of Management and Budget, contain no such standards.

"We haven't given up hope on this process," said Robert J. Aamoth attorney for the Radio-Television News Directors Association. "But we have to admit at this point, it doesn't look good."

Both RTNDA and NBC, Inc., have argued for the clearer guidelines.

Mr. Aamoth said the proposed regulations could lead to satellite owners being barred from collecting or distributing images during newsworthy events, such as last year's disaster at the Chernobyl nuclear power plant in the Soviet Union.

"The prospect of something like that happening could have a definite chilling effect on any media involvement with remote-sensing," he said.

In addition to Chernobyl, news accounts have shown satellite images of the Soviet naval base at Murmansk, Libyan airfields after last year's U.S. airstrike and New York Harbor during the Statue of Liberty centennial celebrations. The usefulness

of such images has raised interest in building a costly "MEDIA-SAT" spacecraft to collect images specifically for the news.

Although military and intelligence officials have rarely addressed the topic, the increasingly detailed pictures from commercial spacecraft have caused them consternation.

Gen. Robert T. Herres, newly appointed vice chairman of the Joint Chiefs of Staff, said at a recent space symposium that media use of satellite imagery is inevitable. But Gen. Herres, then chief of the U.S. Space Command, said the more sophisticated imaging capabilities desired by some sections of the media are "not inevitable."

The draft regulations, according to one source who has seen them, allow the Commerce Department, through its National Oceanic and Atmospheric Administration, to order "immediate termination" of a satellite operation that the Pentagon determines "clearly poses a threat to

the national security or which the secretary of state determines clearly poses a threat to the international obligations of the United States."

A satellite owner's request for a hearing on the issue "will not delay immediate termination," they state.

In a Jan. 22 letter to NOAA officials, however, Defense Deputy Undersecretary for Policy Craig Alderman said the Pentagon should state why it objects to a satellite license application. He also suggested that its recommendations be made public and show where classified material, if any, had been deleted.

"The dialogue with the government on this has been productive," said Mark E. Brender, an ABC News assignment editor and leading proponent of media use of satellite imagery. "However, it appears the final rules will not address the standards by which the government will judge what is national security or not."

Mr. Alderman has asked a senior White House intelligence committee to "review the security aspects of the civil remote sensing program." One aspect of the review may be a secret 1978 presidential directive limiting non-military satellites to 10-meter resolution.

Resolution — the size of objects which can be distinguished in an image — is 30 meters for LANDSAT and 10 meters, in black and white, for the French SPOT 1 satellite. The resolution of CIA intelligence-gathering spacecraft is reputed to be about two inches.

Pentagon officials could not be reached for comment yesterday and Richard J. Smith, a State Department official who also argued for strong government authority over the satellites, declined further comment through a spokesman.

A related concern over the proposed regulations is their potential to curb the embryonic U.S. commercial remote-sensing industry.

Congress and the White House have declined to release funds for building more sophisticated LANDSAT spacecraft. Meanwhile, Japan last month launched its own remote-sensing spacecraft, MOS-1.

"Commercializing remote-sensing is not a unilateral [U.S.] government policy anymore," said David S. Julyan, vice president of sales and marketing for SPOT Image Corp., which distributes data from the French spacecraft. "The equilibrium has been adjusted."