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June 8, 1955

## NOTE BY THE EXECUTIVE SECRETARY

to the

NATIONAL SECURITY COUNCIL

on

COMMENTS ON THE REPORT TO THE PRESIDENT BY THE  
TECHNOLOGICAL CAPABILITIES PANEL OF THE SCIENCE  
ADVISORY COMMITTEE

Reference: NSC Action No. 1355

Enclosed for the information of the National Security Council are comments prepared pursuant to NSC Action No. 1355-b by the Executive departments and agencies of the Government on the recommendations contained in the above-mentioned report. A summary of the enclosed comments, arranged in the order of the recommendations in the report, is being prepared by the NSC Staff and will be circulated subsequently for Council information. The NSC Staff will also attempt to consolidate the agency estimates of costs for subsequent circulation to the Council.

The NSC Planning Board will review the enclosed comments and submit recommendations with respect thereto for Council consideration. The Planning Board's recommendations will also cover General Recommendations 1, 4 and 12 for which it was assigned responsibility by the reference Council action.

It is requested that special security precautions be observed in the handling of the enclosures and that access to them be strictly limited on an absolute "need to know" basis.

JAMES S. LAY, JR.  
Executive Secretary

cc: The Secretary of the Treasury  
The Attorney General  
The Director, Bureau of the Budget  
The Chairman, Atomic Energy Commission  
The Federal Civil Defense Administrator  
The Chairman, Joint Chiefs of Staff  
The Director of Central Intelligence  
The Chairman, Interdepartmental  
Intelligence Conference  
The Chairman, Interdepartmental  
Committee on Internal Security

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Recommendation 9-b: "Freedom of Space. The present possibility of launching a small artificial satellite into an orbit about the earth presents an early opportunity to establish a precedent for distinguishing between 'national air' and 'international space', a distinction which could be to our advantage at some future date when we might employ larger satellites for intelligence purposes." (See also Recommendation C-8.)

State, Treasury, Defense and Justice Comment (A1-A-5, A10-A11): Any unilateral statement by the U.S. concerning the freedom of outer space is unnecessary. It is clear that the jurisdiction of a state over the air space above its territory is limited and that the operation of an artificial satellite in outer space would not be in violation of international law. State and Justice point out that by the convention on international civil aviation of 1944 (to which the U.S. is a party, but the USSR is not) and by customary law every State has exclusive sovereignty "over the air space above its territory". However, air space ends with the atmosphere. There has been no recognition that sovereignty extends into the airless space beyond the atmosphere.

Recommendation 10: "An agency be established, or designated, having responsibility for investigating the reliability of the overseas communications networks, and for planning and promoting technical and other improvements needed to achieve a considerable reduction in the vulnerability of our overseas communications.

"We recommend, further, that a communications office be established or designated, having responsibility for the continuous collection and evaluation of information on the current performance of all vital links of the overseas communications networks; and that this, or a related office, have responsibility for coordinating the rapid interchange and rerouting of traffic in the event of widespread interference with our communications."

ODM Comment (A61-A61b, A61d): The recommendation should be implemented by NSC designation of ODM as the agency to coordinate the functions in the first paragraph above, and designation of Defense as the department responsible for introducing measures to carry out the functions in the second paragraph. A standing group, consisting of State, Defense, CIA and the FCC, should be directed to assist ODM in discharging its responsibility.

Defense, State, CIA and FCC Comment (A40, A61-A61b): Concur in ODM comment.

Recommendation 11: "A study group be appointed to undertake an exhaustive examination of the techniques and the weapons technology for peripheral wars. Such a technical study might be but a part of a more comprehensive examination of the peripheral war problem."