

**EXECUTIVE SECRETARIAT
ROUTING SLIP**

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		X 3		
2	DDCI		X 4		
3	EXDIR		X 5		
4	D/ICS				
5	DDI				
6	DDA				
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC		X 6		
11	IG				
12	Compt				
13	D/OLL				
14	D/PAO	X 1			
15	D/PERS				
16	VC/NIC				
17	D/CCISCS		X 7		
18	C/UDAC		X 8		
19	NIO/FDIA		X (2 Cys) 9		
20	ES		X 10		
21	D/Exec Staff		X 11		
22	ER		X 2		
		SUSPENSE	Date _____		

Remarks

[Signature Box]

Executive Secretary
2 Jul 86

Date

STAT

ER 86-2991

2 July 1986

MEMORANDUM FOR: Deputy Director of Central Intelligence
 Director of Public Affairs
 Chief, Community CI and Security Countermeasures Staff
 General Counsel
 Chief, Unauthorized Disclosure Center
 NIO for Foreign Denial Intelligence Activities
 Assistant NIO for FDIA [redacted]

STAT

FROM: Director of Central Intelligence

SUBJECT: Leaks Statement

1. I need a comprehensive, persuasive and somewhat dramatic statement of our problem with unauthorized disclosures. I have drafted a lot of paragraphs and made speeches on the subject. So has George Lauder. But I just have not been able to find the time or the inspiration to assemble all the facts to develop the kind of coherent statement needed to make our case. I will give you here a list of the subjects and points I want to cover.

2. I nominate George Lauder as the principal drafter, Bob Gates as the principal critic, and [redacted] as providers of facts and ideas. [redacted] writes well and knows the subject thoroughly.

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3. I want this statement to be comprehensive--all concerns, ideas, arguments, illustrations, etc. I'd like a dramatic start [redacted]

STAT

[redacted] the missiles and other weapons that threaten us. Lots of examples can be used publicly. Don't be too careful in the first draft; we want to get the reader's attention. We'll decide what can't be used later.

- Then, what the Soviets and others spend to get this information.
- What we spend to get it--what we've lost.
- Intolerable, unacceptable for American interests and lives to be threatened and held that cheaply.
- Some investigative reporters--how they work--elicit, put together details, send out around the world, doing the work of the KGB on the cheap.
- Describe investigative team of WASHINGTON POST--how they work, damage they've done, [redacted]

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S-111-17

- Les Gelb and TIMES team--competition, at our expense, how we handle, don't sponsor, don't encourage, answer questions, help avoid damage, mitigate.
- All this developed in my Newspaper Editors and American Jewish Committee speeches--can develop more fully for this purpose.
- Three levels of protection:
 - Tighten up government.
 - Cooperation of government and media.
 - Adhere to law--identities, photography, COMINT, Justice White's concurring opinion in Pentagon Papers - his recognition of responsibility of publishers, assertion that they are on notice.
- 4. Then lay out what needs to be done to make leaking no longer risk free.
 - Kinds of leakers - their reasons - how to limit.
 - Authorized spokesman only.
 - Investigate.
 - Cooperation with media - my copy speeches - Kay Graham
 - Law - identities
 - Challenge Bradlee piece - he determines - no way - someone will leak.
 - Rationale for classification.
 - Penalty for violating trust - history of legislation (photo, espionage, COMINT, identities) - Congressional legislative proposals - grand jury.
 - Legislation to put reporters in position of recipient of stolen goods.
 - Protection of security, not protection of waste, inefficiency, etc., etc.
 - No charges of misfeasance.
 - Press encourages leakers - why not go after misfeasance - trusted government employees - more damaging than grafters - \$600 toilet seats. George Lauder has good copy on this in letter to Gannett national daily, USA TODAY.

- Legislative options.
- Grand jury and other investigative aids - our polygraph record.
- Write using deals colorfully.

5. I have attached some draft material I did together with material Bob Gates and Bill Odom prepared for our interview with the Associated Press.



William J. Casey

Attachments

W *Memo - 300 B*
Permitt - others

DCI
23 JUNE 86, 1630

DRAFT ON UNAUTHORIZED DISCLOSURES

Needs more color + late!

IN ADDRESSING THE DAMAGE WHICH COMES TO OUR NATIONAL SECURITY FROM UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION THE PLACE TO START IS IDENTIFYING THE AREAS OF AGREEMENT ON THIS PROBLEM. THE AREAS OF AGREEMENT ARE MUCH BROADER THAN THE SOMETIMES HEATED DIALOGUE ON THIS PROBLEM WOULD SUGGEST.

THERE IS LITTLE DISAGREEMENT THAT IT IS A DANGEROUS AND COMPLEX WORLD IN WHICH WE LIVE. WE ARE KEENLY AWARE OF THE MISSILES, THE RAMPAGING TERRORISTS, AND THE VAST ARRAY OF DISRUPTIVE POLITICAL AND PROPAGANDA PRESSURES TARGETED AT OUR INTERESTS AND THOSE OF OUR FRIENDS, INCLUDING OUR FUNDAMENTAL AND COMMON SECURITY.

THERE IS BROAD AGREEMENT THAT OUR FIRST LINE OF DEFENSE AGAINST THESE THREATS IS SOLID INTELLIGENCE TO ASSESS THESE THREATS, MEASURE THEIR CAPABILITIES AND DEVELOP COUNTERMEASURES AGAINST THEM, WARN AND TAKE EFFECTIVE STEPS TO DEFEND AGAINST THEM, DEVELOP UNDERSTANDINGS AND AGREEMENTS TO LIMIT OR OTHERWISE MITIGATE THEM, AND MONITOR SUCH AGREEMENTS AS CAN BE NEGOTIATED.

THERE ARE FEW, IF ANY, WHO DO NOT RECOGNIZE AND APPLAUD THE ESSENTIAL ROLE OF THE MEDIA IN PROVIDING THE PUBLIC THE INFORMATION IT NEEDS FOR SELF-GOVERNMENT AND ON THE NEED TO ENCOURAGE THE DILIGENCE AND INGENUITY OF THE WORKING PRESS IN GATHERING NEWS AND EXPOSING WASTE, INEFFICIENCY, CORRUPTION, AND OTHER MISCONDUCT.

THERE IS A GROWING RECOGNITION THAT WHAT WE ARE TALKING ABOUT IN UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION IS NOT MALFEASANCE, WRONGDOING, WASTE, FRAUD, ABUSE OR MISMANAGEMENT. WE ARE TALKING ABOUT UNIQUE FRAGILE SOURCES OF INFORMATION THAT ENABLE THE UNITED STATES TO PROTECT ITSELF IN A VERY UNFRIENDLY WORLD. THERE HAVE BEEN NO ALLEGATIONS THAT THESE COLLECTION ACTIVITIES HAVE BEEN MISMANAGED OR THAT ANY WRONGDOING HAS BEEN INVOLVED. A GREAT MANY JOURNALISTS AND OTHERS IN THE MEDIA RECOGNIZE THAT THE NATION HAS A PROBLEM WHICH MUST BE DEALT WITH RESPONSIBLY. IT IS ESSENTIAL TO DIFFERENTIATE BETWEEN THE VERY SERIOUS DAMAGE DONE TO THE NATION'S SECURITY THROUGH THE PUBLICATION OF LEAKED SENSITIVE INTELLIGENCE AND THE NEED FOR THE AMERICAN PUBLIC TO POSSESS AS MUCH INFORMATION AS POSSIBLE TO MAKE INFORMED JUDGMENTS ABOUT THE CONDUCT OF THE GOVERNMENT'S BUSINESS.

FEW QUESTION THAT WE NEED THE HELP AND ASSISTANCE OF SUPPORTIVE INDIVIDUALS AND FRIENDLY COUNTRIES, AS WELL AS THE MOST ADVANCED TECHNOLOGIES TO UNDERSTAND AND COUNTER THESE THREATS. THIS, IN TURN, REQUIRES DENYING OUR ADVERSARIES INFORMATION WHICH WOULD ENABLE THEM TO FRUSTRATE THESE CAPABILITIES. IT ALSO REQUIRES THE ABILITY TO ASSURE OUR FRIENDS OF CONFIDENTIALITY AND OUR OWN RELIABILITY IN THE WORK WE DO TOGETHER TO COUNTER THESE THREATS.

THE NEED FOR SECRECY HAS BEEN RECOGNIZED SINCE THE BEGINNING OF OUR REPUBLIC. "THE NECESSITY OF PROCURING GOOD INTELLIGENCE IS APPARENT AND NEED NOT BE FURTHER URGED," GENERAL GEORGE WASHINGTON WROTE TO ONE OF HIS COLONELS IN 1777, "ALL THAT REMAINS FOR ME TO ADD IS, THAT YOU KEEP THE WHOLE MATTER AS SECRET AS POSSIBLE. FOR UPON SECRECY, SUCCESS DEPENDS IN MOST ENTERPRISES OF THE KIND, AND FOR WANT OF IT, THEY ARE GENERALLY DEFEATED, HOWEVER WELL PLANNED, AND PROMISING...."

TODAY, OUR COUNTRY HAS INVESTED TIME, EFFORT, AND TALENT OVER MANY YEARS AND SPENT MANY BILLIONS OF DOLLARS TO DEVELOP METHODS OF COLLECTING THE INFORMATION NEEDED TO ASSESS MISSILES AND OTHER WEAPONS AIMED AT US, TO DETERMINE THE INTENTIONS AND VULNERABILITIES OF OUR ADVERSARIES SO THAT WE CAN DEVELOP EFFECTIVE DEFENSES AND COUNTERMEASURES, TO PROTECT OUR CITIZENS AND INSTALLATIONS AROUND THE WORLD FROM TERRORIST ATTACKS, AND TO ASSIST OUR DIPLOMATS IN PRESERVING PEACE AND PROSPERITY. GOOD INTELLIGENCE SOURCES ARE CRITICAL TO OUR NATIONAL SECURITY, INCLUDING OUR HOPES OF EFFECTIVE ARMS CONTROL AND THE SAFETY OF AND LIBERTY OF OUR CITIZENS. SECRECY AND CONFIDENTIALITY AS TO HOW AND THROUGH WHOM WE COLLECT INFORMATION IS ESSENTIAL TO OUR EFFECTIVENESS.

THE VALUE OF INTELLIGENCE AND THE NEED FOR SECRECY TO MAKE IT POSSIBLE AND PROTECT IT REQUIRES THAT WE CLASSIFY AND RESTRICT THE CIRCULATION OF INFORMATION ABOUT HOW AND

WHERE WE COLLECT INTELLIGENCE AND OF THE REPORTS AND ASSESSMENTS BASED ON THAT INTELLIGENCE IF THEY MIGHT REVEAL OR COMPROMISE OUR SOURCES OR METHODS. THE KGB AND OTHER HOSTILE INTELLIGENCE SERVICES SPEND BILLIONS OF DOLLARS EACH YEAR IN AN EFFORT TO ACQUIRE THIS INFORMATION. AND THE UNAUTHORIZED PUBLICATION OF THIS RESTRICTED INFORMATION HANDS TO OUR ADVERSARIES ON A SILVER PLATTER INFORMATION THAT THEIR SPIES, THEIR RESEARCHERS, AND THEIR SATELLITES ARE WORKING 24 HOURS A DAY TO UNCOVER AND USE AGAINST US.

THE GOVERNMENT CARRIES THE PRIMARY RESPONSIBILITY FOR PROTECTING INFORMATION WHICH HAS TO BE CLASSIFIED. TOO MANY DOCUMENTS ARE CLASSIFIED AND TOO MANY ARE OVERCLASSIFIED. THIS CALLS FOR MORE STRINGENT CONTROLS AND CLASSIFICATION PRACTICES. WE SURELY NEED GREATER DISCIPLINE IN THE HANDLING AND PROTECTION OF SENSITIVE INFORMATION. FAILURE AND LAXITY IN RESTRICTING THE AVAILABILITY OF SENSITIVE INFORMATION IS DESTRUCTIVE TO THE MORALE OF THOSE KEEPING SECRETS AS WELL AS DAMAGING SECURITY. EFFORTS TO UNCOVER THOSE WHO VIOLATE MUST BE STRONG AND CONTINUING.

WE HAVE, UNFORTUNATELY, PERMITTED LEAKING TO BECOME A WAY OF LIFE IN BOTH THE EXECUTIVE AND CONGRESSIONAL BRANCHES OF OUR GOVERNMENT. THERE ARE MANY REASONS AND RATIONALES FOR THIS HEMORRHAGE. THEY INCLUDE:

- INADVERTENCE AND NEGLIGENCE (E.G., NOT OBSERVING THE NEED TO KNOW PRINCIPLE, POOR SECURITY PRACTICE, "TALKING TOO MUCH," IGNORANCE OF JOURNALISTS ELICITATION TECHNIQUES, INFORMING COLLEAGUES OR OTHERS WHO IN TURN LEAK THE INFORMATION).

- MANY IN GOVERNMENT USE CLASSIFIED INFORMATION AS A TOOL TO INFLUENCE POLICY BY LEAKING CLASSIFIED INFORMATION TO ADVANCE OR OPPOSE A PARTICULAR POLICY.

- THERE ARE THOSE WHO LEAK FOR "EGO GRATIFICATION" TO DEMONSTRATE THAT THEY ARE WELL INFORMED, ETC.

- THERE ARE ATTEMPTS "TO SET THE RECORD STRAIGHT" ON AN ERRONEOUS, INCOMPLETE, OR DAMAGING UNAUTHORIZED DISCLOSURE. THESE OFTEN OCCUR WHEN INDIVIDUALS BELIEVE THAT THE "DAMAGE HAS ALREADY OCCURRED" AND, THEREFORE, BELIEVE WHAT THEY ADD WILL DO NO HARM OR WHEN INDIVIDUALS ATTEMPT TO "LIMIT THE DAMAGE" CAUSED BY THE ORIGINAL LEAK, BUT WIND UP ADDING TO IT.

- THERE ARE "BACKGROUND LEAKS" BY OFFICIALS WHO INCORRECTLY BELIEVE THAT THEY ARE AUTHORIZED BY THEIR POSITION TO DECLASSIFY INFORMATION AND PROVIDE IT ON "BACKGROUND" TO THE MEDIA. OTHERS REALLY AUTHORIZED TO DO BACKGROUND BRIEFINGS DON'T KNOW OR FAIL TO DISTINGUISH WHETHER THEY ARE USING CLASSIFIED INFORMATION OR NOT.

JOURNALISTS ARE SKILLED AT PULLING CLASSIFIED INFORMATION OUT OF GOVERNMENT EMPLOYEES. THEY EMPLOY A VARIETY OF PLOYS INCLUDING:

- FALSE ACCUSATION -- IN THIS CASE, THE "TARGET" IS FALSELY ACCUSED OR CHARACTERIZED AND DEFENDS HIMSELF WITH THE TRUTH AND THEREBY PROVIDES THE JOURNALIST WITH THE INFORMATION HE SEEKS. A VARIATION IS TO FLOAT AN INTENTIONALLY FALSE STORY AND TO GET TARGETS TO CORRECT IT.

- FALSE CONFIRMATION -- THE JOURNALIST SUGGESTS HE ALREADY HAS THE INFORMATION AND IS SIMPLY LOOKING FOR CONFIRMATION. IN FACT, HE DOES NOT HAVE A CONFIRMED STORY. BY RESPONDING, THE "TARGET" PROVIDES THE STORY WHICH IS LATER CONFIRMED BY YET ANOTHER TARGET USING THE SAME RUSE.

- REQUEST FOR CONFIRMATION OF A SINGLE FACT -- OFTEN JOURNALISTS ONLY ASK EACH INDIVIDUAL FOR A SINGLE, AND SEEMINGLY UNIMPORTANT, ITEM OF INFORMATION. TAKEN TOGETHER THE INDIVIDUAL FACTS MAKE THE HIGHLY CLASSIFIED AND DAMAGING STORY.

- REQUEST FOR HELP ON "POLICY QUESTIONS" -- IN THIS TECHNIQUE THE JOURNALIST DISCLAIMS ANY DESIRE FOR CLASSIFIED INFORMATION, BUT IS MERELY SEEKING THE GENERAL CONCLUSION OR POLICIES. AS THE TARGET PROVIDES THESE, HE ALSO PROVIDES THE CLASSIFIED INFORMATION.

HIGHLY EXPERIENCED AND SKILLED JOURNALISTS USE MORE SUBTLE METHODS TO EXTRACT INFORMATION. EXAMPLES INCLUDE:

- EXCHANGING INFORMATION -- MANY POLICY-LEVEL GOVERNMENT OFFICIALS ARE TOO BUSY TO STAY INFORMED ON EVERYTHING OF INTEREST

OR EVEN OF IMPORTANCE TO THEM. JOURNALISTS CAN CULTIVATE THEM BY PROVIDING TIDBITS OF INFORMATION THAT THE MEDIA HAS ACQUIRED AS LEAKS OR AS UNPUBLISHABLE BACKGROUND SUPPLIED PURPOSEFULLY BY OTHER OFFICIALS. ONCE A CONFIDENTIAL RELATIONSHIP IS ESTABLISHED, THE FLOW OF INFORMATION CAN BE TWO WAYS, LEADING TO THE REPORTER'S GETTING A KIND OF OVERVIEW OF SUBJECTS AS WELL AS SPECIFIC FACTS THAT MIGHT NOT BE OTHERWISE AVAILABLE. WHILE MAJOR, DAMAGING LEAKS PROBABLY RARELY OCCUR THIS WAY, BECAUSE A REGULAR RELATIONSHIP BETWEEN AN OFFICIAL AND A REPORTER MIGHT BE TOO WELL KNOWN FOR THE OFFICIAL TO RISK PASSING CLASSIFIED MATERIAL, A LOT OF SENSITIVE INFORMATION REACHES THE PUBLIC BY SUCH A ROUTE.

- APPEALING FOR HELP IN UNDERSTANDING A COMPLEX SUBJECT AFTER INDICATING WHAT THEY ALREADY KNOW, POSSIBLY FROM PUBLIC MATERIAL OR FROM FRAGMENTARY LEAKS FROM OTHER SOURCES. MANY MEMBERS OF THE INTELLIGENCE COMMUNITY HAVE ONLY A VAGUE IDEA OF HOW MUCH MATERIAL ON THEIR SUBJECT IS ALREADY IN THE PUBLIC DOMAIN, SO THEY CAN BE READILY SURPRISED BY EVEN A CAREFUL COMPILATION OF OPEN LITERATURE. SURPRISE CAN LEAD TO TALKING.

- PROFESSING A DESIRE TO BE RESPONSIBLE -- REPORTERS MIGHT CONTENT THAT OTHERS ARE WORKING ON A STORY BUT ARE LIKELY TO DISTORT IT, AND THEREFORE IT WOULD BE BETTER FOR A SOURCE TO HELP GET IT PRESENTED IN AN ACCURATE, RESPONSIBLE FORM.

- AS A VARIATION ON THE RESPONSIBILITY APPROACH, WARNING THAT THE STORY IS GOING TO BE PUBLISHED REGARDLESS OF WHETHER A SOURCE HELPS, AND IT WOULD BE IN THE NATIONAL INTEREST TO STEER THE REPORTER ALONG CORRECT LINES BY GIVING MORE INFORMATION OR CONFIRMING WHAT THE REPORTER ALREADY HAS. THIS AMOUNTS TO A MILD FORM OF BLACKMAIL, WRAPPED IN APPARENTLY HIGH MOTIVES.

- CLAIMING, TRUTHFULLY OR OTHERWISE, THAT THEY ALREADY HAVE INFORMATION FROM OTHER SOURCES ABOUT WHICH THEY HAVE DOUBTS, AND ASKING FOR SOMEONE TO TALK BECAUSE HE IS KNOWN TO BE MORE ACCURATE AND TRUSTWORTHY.

ANOTHER METHOD IS TO LEAD GULLIBLE GOVERNMENT EMPLOYEES TO BELIEVE THAT THE SECRETARY OR SOME OTHER AUTHORITATIVE PERSON HAS CLUED HIM IN AND IS HELPING THE REPORTER WRITE A STORY TO CREATE PUBLIC UNDERSTANDING OF THE ISSUE OR THE ORGANIZATION.

TWO WORDS ARE KEY TO CURBING LEAKS OUT OF THE GOVERNMENT. THEY ARE RISK AND DISCIPLINE. PLAYING FAST AND LOOSE WITH CLASSIFIED INFORMATION HAS BECOME CLOSE TO A RISK-FREE ENTERPRISE IN OUR GOVERNMENT. MANY BELIEVE THAT EVERYBODY DOES IT SO WHY DO I HAVE TO BE SO CAREFUL. IT MUST BE PERCEIVED THAT THERE IS INDEED A RISK AND PENALTY FOR THOSE WHO BETRAY THEIR TRUST WITH RESPECT TO CLASSIFIED INFORMATION.

THERE IS NO ADEQUATE CONTROL ON WHO IS AUTHORIZED TO SEE WHAT, OR WITH RESPECT TO WHAT INFORMATION MAY BE MADE PUBLIC. AGAIN, TWO WORDS DESCRIBE WHAT IS NEEDED TO PROTECT OUR INTELLIGENCE AND NATIONAL SECURITY. ONE IS AUTHORIZATION. THE OTHER IS INVESTIGATION. THERE HAS BEEN A LAXITY AND A LETHARGY IN INVESTIGATING UNAUTHORIZED DISCLOSURES AND NEAR CHAOS WITH RESPECT TO WHO IS AUTHORIZED TO SPEAK TO PRESS REPRESENTATIVES AND WHAT INFORMATION THEY ARE AUTHORIZED TO USE. RECORDS SHOULD BE KEPT OF CONTACTS WITH MEDIA REPRESENTATIVES. PRINCIPAL OFFICERS IN THE EXECUTIVE BRANCH AND LEADERS IN CONGRESS SUPPORT A CLEARER DESIGNATION OF AUTHORIZED SPOKESMEN AND EITHER REQUIRING AUTHORIZATION AND PLACING LIMITATIONS ON PUBLIC STATEMENTS BY OTHERS. THEY ALSO SUPPORT MORE SHARP AND MORE PROMPT INQUIRY INTO UNAUTHORIZED DISCLOSURES AND MORE VIGOROUS INVESTIGATION OF SUSPECTED LEAKERS. THIS SHOULD INCLUDE CONGRESSIONAL SUPPORT OF FULL ACCESS BY INVESTIGATORS TO MEMBERS OF CONGRESS AND STAFFERS IN THE CONDUCT OF INQUIRIES INTO LEAKS. SPECIFIC RULES ON THESE POINTS MAY BE ADAPTED TO DIFFERENT AGENCIES DEPENDING ON THEIR NEED TO EXPOUND POLICY TO THE MEDIA ON THE SIZE, AND AMOUNT OF INFORMATION THEY NEED TO PUT OUT, AND SO ON. IN THE INTELLIGENCE AGENCIES, ONLY A VERY FEW PEOPLE ARE AUTHORIZED TO SPEAK TO THE MEDIA WITHOUT APPROVAL. ACCESS TO NEWS MEDIA PERSONNEL CAN BE LIMITED TO SPECIFIC LOCATIONS AND ESCORTS CAN BE REQUIRED FOR THOSE MOVING IN AND OUT OF THIS SPECIFIC AREA.

IT IS CLEAR THAT EVEN WITH THE MOST EFFECTIVE INTERNAL DISCIPLINE THERE WILL STILL BE THOSE WHO VIOLATE THEIR TRUST AND THERE WILL BE SITUATIONS WHERE INATTENTION OR CARELESSNESS RESULT IN THE DISCLOSURE OF CLASSIFIED INFORMATION WHICH CAN BE VERY DAMAGING TO OUR SECURITY. THERE IS GROWING RECOGNITION THAT COOPERATION BETWEEN THE MEDIA AND THE GOVERNMENT IS NEEDED TO AVOID SERIOUS DAMAGE.

THIS CALLS FOR IMPROVED COOPERATION BETWEEN THE MEDIA AND THE GOVERNMENT IN AVOIDING DAMAGE FROM DISCLOSURE OF CLASSIFIED INFORMATION. HAPPILY MORE IN THE MEDIA RECOGNIZE THIS. KATHARINE GRAHAM RECENTLY CALLED FOR "...FULL COOPERATION WHEREVER POSSIBLE BETWEEN THE MEDIA AND THE AUTHORITIES. WHEN THE MEDIA OBTAINS ESPECIALLY SENSITIVE INFORMATION, WE ARE WILLING TO TELL THE AUTHORITIES WHAT WE HAVE LEARNED AND WHAT WE PLAN TO REPORT. AND WHILE RESERVING THE RIGHT TO MAKE THE FINAL DECISION OURSELVES, WE ARE ANXIOUS TO LISTEN TO ARGUMENTS ABOUT WHY INFORMATION SHOULD NOT BE AIRED. [THE MEDIA] WANT TO DO NOTHING THAT WOULD ENDANGER HUMAN LIFE OR NATIONAL SECURITY. WE ARE WILLING TO COOPERATE WITH THE AUTHORITIES IN WITHHOLDING INFORMATION THAT COULD HAVE THOSE CONSEQUENCES." THE INTELLIGENCE COMMUNITY HAS BEEN GRATIFIED BY THE READINESS OF REPORTERS AND EDITORS TO CAREFULLY CONSIDER SOMETIMES WITHHOLDING PUBLICATION OF INFORMATION WHICH COULD JEOPARDIZE NATIONAL INTERESTS OR TO TREAT OR PRESENT A STORY IN A MANNER WHICH MEETS THE PUBLIC NEED, YET MINIMIZES POTENTIAL DAMAGE AND TO CONSULT ON HOW IT MIGHT BE MINIMIZED. WE ARE ALWAYS READY AND AVAILABLE ON SHORT NOTICE TO HELP ON THAT.

THE CONGRESS HAS TAKEN STEPS TO DETER THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION BY ESTABLISHING AND ENFORCING APPROPRIATE PENALTIES. CONGRESS, SHORTLY AFTER IT ESTABLISHED THE NATIONAL SECURITY AGENCY TO GATHER SIGNALS INTELLIGENCE, IN 1950 ENACTED A LAW WHICH PROHIBITS THE PUBLICATION OF INFORMATION ABOUT COMMUNICATIONS INTELLIGENCE. THERE HAS BEEN WIDESPREAD VIOLATION OF THAT LAW OVER RECENT WEEKS AND MONTHS. MUCH DAMAGE HAS BEEN DONE. DURING WORLD WAR II, ALLIED ABILITY TO READ GERMAN AND JAPANESE COMMUNICATIONS SHORTENED THE WAR AND SAVED AN INCALCULABLE NUMBER OF LIVES. A SINGLE MEDIA STORY COULD HAVE TAKEN THAT ADVANTAGE AWAY FROM US OVERNIGHT.

IN 1950, CONGRESS RECOGNIZED THIS BY ENACTING RESTRICTIONS AGAINST PUBLISHING INFORMATION ABOUT COMMUNICATIONS INTELLIGENCE. THE HOUSE JUDICIARY COMMITTEE CAREFULLY LIMITED THE APPLICATION OF THIS PROHIBITION TO INFORMATION ABOUT COMMUNICATIONS INTELLIGENCE WHICH IT TERMS: "A SMALL DEGREE OF CLASSIFIED MATTER, A CATEGORY WHICH IS BOTH VITAL AND VULNERABLE TO ALMOST A UNIQUE DEGREE "

THE GROWING WILL AND ABILITY OF OUR FRIENDS AND ALLIES TO COUNTER TERRORISM AND OUR OWN ABILITY TO PROTECT OUR CITIZENS DEPENDS VERY HEAVILY ON THIS PARTICULAR INTELLIGENCE CAPABILITY. IT WOULD BE VERY DIFFICULT INDEED TO JUSTIFY FAILURE TO USE A LAW ENACTED BY THE CONGRESS FOR THAT SPECIFIC PURPOSE TO DETER FURTHER DAMAGE TO A CAPABILITY SO CRITICAL AT THIS POINT IN HISTORY.

COMMUNICATIONS INTELLIGENCE IS PARTICULARLY SENSITIVE AND PARTICULARLY VULNERABLE. A GREAT MANY LIVES AND YEARS OF FIGHTING HAVE BEEN SAVED BY OUR SUCCESS IN READING MESSAGES BETWEEN THE JAPANESE AND THE GERMAN GOVERNMENTS AND THEIR MILITARY COMMANDERS DURING WORLD WAR II. ONE WHISPER OF PUBLIC INFORMATION COULD HAVE DEPRIVED US OF THAT INTELLIGENCE AND MANY LIVES WOULD HAVE BEEN LOST AND FURTHER YEARS OF FIGHTING REQUIRED.

WE ARE CONFRONTED BY PRECISELY THE SAME PROBLEM TODAY. OVER RECENT WEEKS, PUBLICATION OF INFORMATION ABOUT OUR INTELLIGENCE CAPABILITIES HAS DEPRIVED US OF WARNING AND INFORMATION ABOUT TERRORIST ATTACKS AND INNOCENT CIVILIANS AND AMERICAN EMBASSIES AND OTHER INSTALLATIONS. ALSO, INFORMATION PROVIDED TO THE MEDIA HAS PUT IN JEOPARDY ONE OF OUR BEST INTELLIGENCE CAPABILITIES, PROBABLY OUR BEST HOPE OF LEARNING ABOUT MILITARY PLANS AND GETTING ADVANCED WARNING OF MILITARY ATTACK AGAINST US.

AS SUPREME COURT JUSTICE BYRON WHITE AUTHORITATIVELY EXPLAINED IN HIS 1971 CONCURRING OPINION IN THE PENTAGON PAPERS CASE, 798 "IN PRECISE LANGUAGE, PRUSCRIBES KNOWING AND WILLFUL PUBLICATION OF ANY CLASSIFIED INFORMATION CONCERNING THE CRYPTOGRAPHIC SYSTEMS OR COMMUNICATION INTELLIGENCE ACTIVITIES OF THE UNITED STATES AS WELL AS ANY INFORMATION OBTAINED FROM COMMUNICATION INTELLIGENCE OPERATIONS...NEWSPAPERS ARE PRESUMABLY NOW ON FULL NOTICE OF THE POSITION OF THE UNITED STATES AND MUST FACE THE CONSEQUENCES IF THEY PUBLISH."

THE QUESTION LEGITIMATELY HAS BEEN ASKED WHY WE HAVE RAISED THIS 1950 STATUTE AFTER SO LONG A PERIOD OF DISUSE. THE HONEST ANSWER IS THAT THE AVALANCHE OF COMPROMISES IN RECENT MONTHS, INCLUDING SOME OF THE MOST SENSITIVE COLLECTION TECHNIQUES AVAILABLE TO THE AMERICAN GOVERNMENT, HAS FINALLY PROMPTED US TO TURN TO ALL POSSIBLE LEGAL REMEDIES TO TRY TO STAUNCH THE DAMAGE BY DISMISSAL AND PROSECUTION OF LEAKERS AND USE OF ALL AVAILABLE STATUTORY AUTHORITIES.

AGAIN IN 198_, THE CONGRESS ENACTED LEGISLATION PROHIBITING PUBLICATION OF INFORMATION ABOUT THE IDENTITY OF OUR INTELLIGENCE OFFICERS OPERATING UNDER PSEUDONYM. IT TOOK THE KILLING OF ONE OF OUR OFFICERS TO BRING ABOUT THIS ADDITIONAL PROTECTION. DICK WELCH, THE CIA STATION CHIEF IN ATHENS, WAS MURDERED OUTSIDE OF HIS HOME (? CHECK THIS) AS A RESULT OF A DELIBERATE DISCLOSURE OF THE IDENTITY OF A NUMBER OF SUCH CIA OFFICERS.

(ROUND THIS OUT AND DEVELOP THIS STORY A LITTLE.)
THUS, WE HAVE LEGISLATION TO PROTECT AGAINST THE PUBLICATION OF SPECIFIC TYPES OF INFORMATION, I.E., COMMUNICATIONS INTELLIGENCE, THE IDENTITY OF AGENTS, [ARE THERE OTHERS?].

THE FACT IS THAT THE PUBLICATION OF ANY KIND OF CLASSIFIED INFORMATION CAN CAUSE SEVERE DAMAGE. IN RECENT YEARS, PUBLICATION OF INFORMATION REPORTED BY MEN AND WOMEN WHO RISK THEIR LIVES TO GET THIS INFORMATION HAS RESULTED IN SWEEPING INVESTIGATIONS IN OTHER COUNTRIES, IT HAS PUT THE LIVES OF

THOSE AGENTS AT RISK, IT HAS CAUSED SOME OF THEM TO STOP HELPING US, IT HAS EMBARRASSED OUR DIPLOMATIC AND OTHER WORKING RELATIONSHIPS WITH OTHER COUNTRIES, IT HAS CAUSED THEM TO DISCONTINUE SUPPORTING US IN VITAL UNDERTAKINGS, IT HAS LED PEOPLE TO ATTRIBUTE TO OUR GOVERNMENT THE KILLING OF OTHER PEOPLE AND THIS, IN TURN, HAS BEEN USED TO JUSTIFY THE MURDER OF AMERICANS BY TERRORISTS.

THE TEMPTATION TO GO BEYOND THE FACTS AND PIECE TOGETHER AND STRETCH FRAGMENTS OF INFORMATION IN ORDER TO MAKE A PUBLISHABLE STORY AND SOMETIMES IN ORDER TO SENSATIONALIZE IS A DANGEROUS THING. IT CAN AND HAS COST LIVES. IT CAN WRONGLY IMPAIR REPUTATIONS AND DISRUPT RELATIONSHIPS CRITICAL TO OUR NATIONAL INTEREST. LET ME ILLUSTRATE WITH A TRUE STORY. DURING 1985, A NEWSPAPER HEADLINE AND STORY CREATED THE IMPRESSION THAT OUR GOVERNMENT WAS INVOLVED WITH THE SECURITY SERVICE OF A FRIENDLY NATION IN A CAR BOMBING OF THE HEADQUARTERS OF A TERRORIST ORGANIZATION WHICH HAD RESULTED IN DEATH OR INJURY TO A LARGE NUMBER OF RESIDENTS AND PASSERS-BY IN THE NEIGHBORHOOD. OUR INFORMATION OFFICER, WHEN QUERIED, SAID THAT THE INFORMATION WAS INCORRECT AND THAT THE CIA HAD NO KNOWLEDGE OF AND NO INVOLVEMENT, DIRECT OR INDIRECT, IN THE ATTACK AND THAT IF US INVOLVEMENT WAS REPORTED, THE LIVES OF AMERICANS COULD BE JEOPARDIZED. THE STORY WAS RUN AND IT CREATED AROUND THE WORLD A FALSE IMPRESSION OF US INVOLVEMENT IN THE BOMBING. A MONTH LATER WHEN THE HIJACKERS SHOT AND KILLED AN AMERICAN SERVICEMAN, THEY CLAIMED IT TO BE IN RETALIATION FOR THE BOMBING IN BEIRUT.

THE HOUSE SELECT COMMITTEE ON INTELLIGENCE INVESTIGATED THE MATTER AND CONCLUDED THAT "NO COMPLICITY OF DIRECT OR INDIRECT INVOLVEMENT CAN BE ESTABLISHED WITH RESPECT TO THE MARCH 8 BOMBING IN BEIRUT."

I BELIEVE THAT WE'RE ALL WORKING TOWARD THE SAME GOAL -- MAINTAINING THE BEST AND MOST FREE COUNTRY IN THE WORLD. WE IN GOVERNMENT FULLY SUPPORT AND ADMIRE THE COMMITMENT OF THE PRESS TO INFORM THE PUBLIC AND THE DEDICATION AND INGENUITY WITH WHICH THIS COMMITMENT IS CARRIED OUT. BUT I ALSO BELIEVE WE ALL HAVE RESPONSIBILITIES WE MUST BALANCE. ADMITTEDLY, IT IS A VERY DELICATE AND DIFFICULT BALANCE TO STRIKE, BUT WE NEED HELP FROM THE PRESS IN PROTECTING THE NATION'S LEGITIMATE INTELLIGENCE SECRETS. PAST EXPERIENCE HAS SHOWN THAT WE CAN WORK TOGETHER WITHOUT VIOLATING THE RIGHTS OF A FREE PRESS. IT IS TIME TO MOVE BEYOND SHRILL ACCUSATIONS AND THE ATTRIBUTION OF BASE MOTIVES AND TO BEGIN A GENUINE EXCHANGE BETWEEN THE MEDIA AND THE GOVERNMENT ON THIS SUBJECT. WE ARE EAGER TO DEVELOP BETTER UNDERSTANDING AND CLOSER COOPERATION IN AN EFFORT TO ENSURE THAT EVEN WHILE PROTECTING A FREE PRESS, THE NATION'S INTELLIGENCE SERVICES CAN CARRY OUT THEIR RESPONSIBILITY TO PROTECT THE COUNTRY.

DCI
20 JUNE 86, 1600

SPEECH ON UNAUTHORIZED DISCLOSURES

I THINK IT CAN NOW BE SAFELY SAID THAT THERE IS WIDESPREAD CONCERN IN THE GOVERNMENT, IN THE MEDIA, AND AMONG THE PEOPLE THAT UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION ARE RAPIDLY DIMINISHING OUR ABILITY TO COPE WITH THE FULL RANGE OF THREATS FROM NUCLEAR WEAPONS NOW AIMED AT US ALL THE WAY TO THE NEW THREAT OF STATE-SPONSORED INTERNATIONAL TERRORISM.

OUR INTELLIGENCE CAPABILITIES ARE THE FIRST LINE OF DEFENSE AGAINST THESE THREATS. OUR ABILITY TO DETER THE HOSTILE USE OF NUCLEAR WEAPONS AND TO MONITOR ARMS CONTROL AGREEMENTS AND ALSO OUR ABILITY TO ABORT OR WARN OF TERRORIST PLANS AIMED AT INNOCENT CITIZENS AND INSTALLATIONS AROUND THE WORLD DEPENDS ON OUR INTELLIGENCE.

WE HAVE ALREADY LOST CAPABILITIES CRITICAL TO PROTECTING INNOCENT CIVILIANS AND OUR INSTALLATIONS OVERSEAS FROM TERRORIST ATTACKS. OVER RECENT YEARS WE HAVE SPENT BILLIONS OF DOLLARS AND TRAINED THOUSANDS OF SPLENDID PEOPLE TO RESTORE THE FINEST INTELLIGENCE SERVICE IN THE WORLD. YET EVERY METHOD WE HAVE OF ACQUIRING INTELLIGENCE -- OUR AGENTS, OUR RELATIONSHIPS WITH OTHER INTELLIGENCE SERVICES, OUR PHOTOGRAPHIC, ELECTRONIC AND COMMUNICATIONS TRACKING CAPABILITIES -- HAS BEEN DAMAGED AS DISCLOSURES OF SENSITIVE INFORMATION ENABLES OUR ADVERSARIES TO DEFEAT OUR GROWING CAPABILITIES.

STORIES IN BOTH THE PRINT AND ELECTRONIC MEDIA HAVE SHOWN, SOMETIMES IN GREAT DETAIL, HOW TO COUNTER INTELLIGENCE IN WHICH WE HAVE INVESTED BILLIONS OF DOLLARS AND MANY YEARS OF CREATIVE TALENT AND EFFORT. THIS, TIME AND TIME AGAIN, HAS ENABLED THOSE HOSTILE TO US TO ABORT HUGE INVESTMENTS, TO CONCEAL AND OTHERWISE DENY US INFORMATION CRITICAL TO OUR DEFENSE, AND TO DEPRIVE US OF THE ABILITY TO PROTECT OUR CITIZENS FROM TERRORIST ATTACK. LEAKERS ARE COSTING THE TAXPAYERS MILLIONS AND EVEN BILLIONS OF DOLLARS -- AND, MORE IMPORTANT, PUTTING AMERICANS ABROAD AS WELL AS OUR COUNTRY ITSELF AT RISK.

TODAY, THE PROTECTION OF CLASSIFIED INFORMATION AND MITIGATING THE DAMAGE OF ITS UNCLASSIFIED DISCLOSURE IS A CRITICAL AND URGENT TASK WHICH CONFRONTS US WITH A VERY DELICATE AND DIFFICULT BALANCE TO STRIKE. WE NEED TO ADDRESS THEM WITHOUT INFRINGING ON THE ESSENTIAL ROLE OF THE MEDIA IN PROVIDING THE PUBLIC THE INFORMATION IT NEEDS FOR THE SELF GOVERNMENT OF OUR NATION. WE NEED TO ENCOURAGE THE DILIGENCE AND INGENUITY OF THE WORKING PRESS IN GATHERING AND PUBLISHING NEWS. WE NEED TO SUPPORT ITS EXPOSURE OF WASTE, INEFFICIENCY, CORRUPTION AND OTHER MISCONDUCT.

WHAT WE ARE TALKING ABOUT IN UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION IS NOT MALFEASANCE, WRONGDOING, WASTE, FRAUD, ABUSE OR MISMANAGEMENT. WE ARE TALKING ABOUT UNIQUE

FRAGILE SOURCES OF INFORMATION THAT ENABLE THE UNITED STATES TO PROTECT ITSELF IN A VERY UNFRIENDLY WORLD. THERE HAVE BEEN NO ALLEGATIONS THAT THESE COLLECTION ACTIVITIES HAVE BEEN MISMANAGED OR THAT ANY WRONGDOING HAS BEEN INVOLVED. A GREAT MANY JOURNALISTS AND OTHERS IN THE MEDIA RECOGNIZE THAT THE NATION HAS A PROBLEM WHICH MUST BE DEALT WITH RESPONSIBLY. IT IS ESSENTIAL TO DIFFERENTIATE BETWEEN THE VERY SERIOUS DAMAGE DONE TO THE NATION'S SECURITY THROUGH THE PUBLICATION OF LEAKED SENSITIVE INTELLIGENCE AND THE NEED FOR THE AMERICAN PUBLIC TO POSSESS AS MUCH INFORMATION AS POSSIBLE TO MAKE INFORMED JUDGMENTS ABOUT THE CONDUCT OF THE GOVERNMENT'S BUSINESS.

OUR COUNTRY HAS INVESTED TIME, EFFORT, AND TALENT OVER MANY YEARS AND SPENT MANY BILLIONS OF DOLLARS TO DEVELOP METHODS OF COLLECTING THE INFORMATION NEEDED TO ASSESS MISSILES AND OTHER WEAPONS AIMED AT US, TO DETERMINE THE INTENTIONS AND VULNERABILITIES OF OUR ADVERSARIES SO THAT WE CAN DEVELOP EFFECTIVE DEFENSES AND COUNTERMEASURES, TO PROTECT OUR CITIZENS AND INSTALLATIONS AROUND THE WORLD FROM TERRORIST ATTACKS, AND TO ASSIST OUR DIPLOMATS. GOOD INTELLIGENCE SOURCES ARE CRITICAL TO OUR NATIONAL SECURITY, INCLUDING OUR HOPES OF EFFECTIVE ARMS CONTROL AND THE SAFETY OF AND LIBERTY OF OUR CITIZENS. SECRECY AND CONFIDENTIALITY AS TO HOW AND THROUGH WHOM WE COLLECT INFORMATION IS ESSENTIAL TO OUR EFFECTIVENESS. FROM THE INCEPTION OF OUR REPUBLIC, WE HAVE RECOGNIZED THE

VALUE OF INTELLIGENCE AND THE NEED FOR SECRECY TO MAKE IT POSSIBLE AND PROTECT IT. TO DO THIS WE MUST CLASSIFY AND RESTRICT THE CIRCULATION OF INFORMATION ABOUT HOW AND WHERE WE COLLECT INTELLIGENCE AND OF THE REPORTS AND ASSESSMENTS BASED ON THAT INTELLIGENCE IF THEY MIGHT REVEAL OR COMPROMISE OUR SOURCES OR METHODS. THE KGB AND OTHER HOSTILE INTELLIGENCE SERVICES SPEND BILLIONS OF DOLLARS EACH YEAR IN AN EFFORT TO ACQUIRE THIS INFORMATION. AND THE UNAUTHORIZED PUBLICATION OF THIS RESTRICTED INFORMATION HANDS TO OUR ADVERSARIES ON A SILVER PLATTER INFORMATION THAT THEIR SPIES, THEIR RESEARCHERS, AND THEIR SATELLITES ARE WORKING 24 HOURS A DAY TO UNCOVER AND USE AGAINST US.

"THE NECESSITY OF PROCURING GOOD INTELLIGENCE IS APPARENT AND NEED NOT BE FURTHER URGED," GENERAL GEORGE WASHINGTON WROTE TO ONE OF HIS COLONELS IN 1777, "ALL THAT REMAINS FOR ME TO ADD IS, THAT YOU KEEP THE WHOLE MATTER AS SECRET AS POSSIBLE. FOR UPON SECRECY, SUCCESS DEPENDS IN MOST ENTERPRISES OF THE KIND, AND FOR WANT OF IT, THEY ARE GENERALLY DEFEATED, HOWEVER WELL PLANNED, AND PROMISING...."

Speech file

RGATES TALKING POINTS -- 29 May 1986

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- While General Odom has been discussing the background of the statute concerning communications intelligence and much of the focus in recent days in the newspapers has been on that particular source of intelligence, we are deeply concerned about revelations of a number of other sources of intelligence as well. These include both imagery and human agents. As a result of revelations, we have lost human sources, fear for the lives of others and have seen the Soviets increasingly resorting to camouflage and other denial techniques as they learn more about our capabilities. *Liaison sources disrupted - reducing coop. because of leaks.*
- 2
- Because the Congress protected only one type of intelligence source by specific statute, we have to rely on other measures to help protect other sources. Our efforts along these lines have taken two forms. First, we are attempting to tighten discipline within the Executive Branch. Second, we are attempting to initiate a dialogue with various elements of the media in an attempt to help them understand the fragility and importance of the sources that are being revealed. Moreover, we are hoping to persuade them that they too have a responsibility to their country and should do what they can to help us protect these intelligence sources.

- If we lose both our technical and human sources, our ability to protect the country and the first amendment are endangered.

- Some of the media have in fact demonstrated a considerable sense of responsibility and recognition of this separate but mutual obligation. We applaud this and also would point out that this voluntary restraint has not endangered the freedom of the press.

- The sources that have already been revealed in the press have significantly degraded our ability to provide advance warning of terrorist attacks and to track the activities of these groups. Additionally, information appearing in the press on some technical collection systems has gone beyond what we believe the Soviets have learned through other means and has contributed significantly to the far reaching measures they are carrying out to deny us knowledge about new weapon systems and other activities. Similarly, the revelations have contributed to our weakening ability to monitor Soviet compliance with arms control measures.

- What we are talking about here is not malfeasance, wrong doing, waste, fraud, abuse or mismanagement. The press should be encouraged to go after those and we strongly support that. We are talking about unique fragile sources of information that enable the United States to protect itself in a very unfriendly

world. There have been no allegations that these collection activities have been mismanaged or that any wrong doing has been involved. The only reason that they are being revealed in the press is because they are sensational. As a nation we are paying a heavy price for such sensationalism.

-- The decision by the President to use intelligence information to inform the American people is not on a par with unauthorized disclosures nor does it represent some sort of unfair unilateral advantage on the part of the government. Under the Constitution the President is charged with conducting foreign policy and providing for the national defense in cooperation with the Congress. He and they are elected by the people to do that, and when he makes his decisions it is his responsibility to educate and inform the American people as to the reasons behind his policies. To the degree that other classified information is needed to provide a check on the President in this regard, the Congress fulfills that function. And virtually all intelligence assessments provided to the President are provided also not only to the Intelligence Oversight Committees but also the Foreign Relations, Armed Services and Appropriation Committees. These are the Constitutionally mandated authorities for carrying out these responsibilities.

-- When the decision is made to declassify information for these purposes, a process is initiated that involves a careful review

of the information by intelligence professionals to minimize the damage to intelligence sources and methods. In the final analysis, it is the President that must weigh the potential gain against the potential loss and whether in a prosecution or to explain policy to sacrifice some information -- but virtually always in a way that does not reveal the source itself.

-- The Communications law has not been used in more than 35 years in substantial measure because revelations of communications intelligence were relatively rare and the government understood that the decision to act would be controversial. However, in the last two years the veritable avalanche of revelations of sensitive communications intelligence sources has become so devastating that those of us in the intelligence business have concluded, with support in the Administration, that the cost to our intelligence capabilities now requires that this statute be applied.

-- It is sometimes said that the Russians already know what is being published in the press and that therefore the government is seeking to keep its secrets only from Americans. But how does the press know what the Russians know? Does it have penetrations of the KGB or the GRU? How is it in a position to judge the degree to which revelations confirm, update or amplify information that the Russians may have acquired from other means including spies? Moreover, does the press presume that these

Intelligence capabilities have no other application except against the Soviet Union in terms of protecting our interests? Members of the press make bold assertions on these matters but in fact do not know.

-- Members of the press are prepared to go to jail to protect their sources. They know that such protection is fundamental to their work. Why, then, cannot the media understand the need, for the sake of the whole country, for the protection of the nation's sources of information on our adversaries?

-- We raise these issues not "to chill a free press" but because we are genuinely alarmed by the progressive neutralization of the nation's first line of defense: our intelligence capabilities. While the 1950 statute can help us protect communications intelligence, the problem is much broader and therefore we need the cooperation of the press. We can't force it and thus we would like to see the media calm down and discuss with us what is a serious problem -- and, we hope, recognize its own responsibilities and the need for voluntary restraint on intelligence sources.

TALKING POINTS FOR INTERVIEW WITH AP

1. The series of recent SIGINT leaks in last six months is more serious than ever before. They have already done great damage to our capabilities. The damage is of two kinds:

-- Sources dry up, leaving us unable to provide support for protection of Americans, particularly against terrorism.

-- Millions of dollars must be spent to recover what leaks cause us to lose as sources.

Our national interests suffer in the first case; our taxpayers suffer in the other. Both the leaker and the press are shirking responsibility to society and the economic interests of citizens.

2. Clarification of a recent case is important because the press reporting to date has wholly misled the public. The President did not disclose details of our alleged "intercepts" of Libyan communications in Berlin. Many articles alleged the details of intercepts several days before the President spoke. When he did, he did not mention SIGINT or intercepts. The press could tell the American public the truth about this matter. To date it has confused them.

3. Do we have any legal recourse to these developments? Yes, there is a statute written to cover precisely these kinds of cases. A tradition of laxity in enforcing it has grown up since 1950, usually as a result of extreme deference to the first amendment and press freedom and as a result of a calculation of the consequences of calling so much attention to a leak by prosecution of the offender.

3. Let me tell you a little about the origins of the statute, 18 USC 798.

- It was enacted in 1950 after long consideration of the value of SIGINT in WW II and with keen awareness of the impact of SIGINT disclosures that had occurred before the war.
- Both the Senate and House reports to the floor mentioned the 1931 publication of Yardley's book, The Black Chamber, detailing our success in code-breaking during the Washington Naval Conference in 1921-22. The book prompted the Japanese to take better COMSEC measures which hampered our intelligence reporting on Pearl Harbor. A second book by Yardley was successfully impounded by the U.S. Government on the eve of WWII.
- The Congress struck a balance between the First Amendment and protection of security information by rejecting a broader bill and narrowing the statute to COMINT and its full and unambiguous protection.
- The law prohibits communicating, furnishing, transmitting, or otherwise making available this information to an unauthorized person; it also prohibits publishing or using in any manner prejudicial to the safety or interest of the U.S.
- Professors Edgar and Schmidt have spoken well of the law, and Justices White and Douglas have recognized its soundness.

4. It is with great reluctance that I recommend prosecution of publishers and journalists under this law. NSA does not want to be at odds with the press. At the same time, NSA has a duty to the American people and the security of the state, which makes the First Amendment possible, to protect our SIGINT equities under the full powers granted by the Congress.

5. Recent press discussion of this statute is confusing the public about the culpability of several journalists, publishers, and TV commentators.

6. I believe the press should challenge the offenders, holding them as much to account as it does all other violators of the law of the land. The silence of all but a few voices in the press on the irresponsibility of others in the press, not to speak of their criminal violations of the law, does not speak well for the institution that professes such great regard for law and accountability.

7. To date, many press spokesmen have misled the public on this matter, and they have refused to criticize lawbreakers among them.

DCI
29 May 1986
1300 hours

We have offered to have this interview because all of us, all of the American Intelligence Community, are gravely concerned about damage being done to our intelligence capabilities by unauthorized disclosures of sensitive information. We have already lost capabilities critical to protecting innocent civilians, personnel and embassies and other installations overseas from terrorist attacks. We can tell you that there are many, many of us in the Intelligence Community who fear that if we do not establish greater discipline over the flow of sensitive information to the whole world we will no longer have an adequate intelligence agency. That's what we are to talk about.

Over recent years we have spent billions of dollars and trained thousands of splendid people to restore the finest intelligence service in the world. Yet every method we have of acquiring intelligence -- our agents, our relationships with other intelligence services, our photographic, electronic, and communications tracking capabilities -- has been damaged as disclosures of sensitive information enables our adversaries to defeat our growing capabilities.

Stories in both the print and electronic media have shown, sometimes in great detail, how to counter capabilities in which we have invested billions of dollars and many years of creative talent and effort. This, time and time again, has enabled those hostile to us to abort huge investments, to conceal and otherwise deny us information critical to our defense, and to deprive us of the ability to protect our citizens from terrorist attack. Leakers are costing the taxpayers millions and even billions of dollars -- and, more important, putting Americans abroad as well as our country itself at risk.

Certainly our nation cannot permit this to continue to occur. To do so would be to undercut our national security, personal safety and hopes for arms control and our efforts to establish and maintain peace in the world.

What we hope to get out of this interview is not headlines or an exciting story but a sober analysis of what is at stake in this issue and how it can be addressed without infringing on the essential role of the media in providing the public the information it needs for the self government of our nation. We would first like to establish that we yield to no one in our admiration for the diligence and ingenuity of the working press in gathering and publishing news. We applaud its exposure of waste, inefficiency, corruption and other misconduct. We hope to reduce the level of intensity of the charges by providing every assurance that we are not out to undercut the First Amendment or muzzle the press.

What we are talking about here is not malfeasance, wrong doing, waste, fraud, abuse or mismanagement. We are talking about unique fragile sources of information that enable the United States to protect itself in a very unfriendly world. There have been no allegations that these collection activities have been mismanaged or that any wrong doing has been involved. The only reason that they are being revealed in the press is because they are sensational. As a nation we are paying a heavy price for such sensationalism.

We believe a great many journalists and others in the media recognize that the nation has a problem which must be dealt with responsibly. It is essential to differentiate between the very serious damage done to the nation's security through the publication of leaked sensitive intelligence and the need for the American public to possess as much information as

possible to make informed judgments about the conduct of the government's business.



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The Publisher of The Washington Post stated correctly the responsibility of the media in such matters in her recent talk. She called for "...full cooperation wherever possible between the media and the authorities. When the media obtains especially sensitive information, we are willing to tell the authorities what we have learned and what we plan to report. And while reserving the right to make the final decision ourselves, we are anxious to listen to arguments about why information should not be aired. (The media) want to do nothing that would endanger human life or national security. We are willing to cooperate with the authorities in withholding information that could have those consequences."

We have been gratified by the readiness of many reporters and editors to carefully consider sometimes withholding publication of information which could jeopardize national interests or to treat or present a story in a manner which meets the public need yet minimizes potential damage to

intelligence sources. The trick is to recognize the potential for damage to consult on how it might be minimized. We are always ready and available on short notice to help on that and we are prepared to intensify this kind of cooperation.

We recognize that the first line of defense and the most effective way of preventing these types of leaks is to increase discipline within the government itself. The inability to control sensitive information is destructive of the morale of people who do keep secrets, as well as damaging to our security. During the last several years, the President has emphasized the special obligation federal workers have to protect the classified information with which they are entrusted. We have increased and must intensify our efforts to uncover those who violate this trust. We are studying procedures and possibly new laws needed to deal with federal employees who decide on their own to disclose classified information.

We ask that the press work with the American Intelligence Community and the other national security organizations in protecting this nation's legitimate secrets. Some organizations and individual journalists already do. We strongly encourage the other members of the press to do so too.

There can be freedom of the press and a sensitivity by the press to the need to protect military, diplomatic and intelligence activities that defend this nation. The nation can have both freedom and security, but without security it will have no freedom.

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Over the past weeks and months, the ability of American intelligence to protect life and limb against terrorism and, indeed, to help protect the security of the nation itself against our adversaries has been gravely weakened by revelations of sensitive intelligence collection techniques and information. [Virtually every method we have of acquiring intelligence -- our human agents, our relationships with other intelligence services, our photographic, electronic, and communications tracking capabilities -- has been damaged as disclosures of sensitive information have enabled our enemies to defeat our capabilities.] Concern in the Executive Branch and the Congress -- and I believe among the public at large -- has become deep and widespread. We cannot permit this progressive ^{deterioration} ~~neutralization~~ of America's first line of defense to continue.

Regrettably, some treat our expressions of concern and determination to halt the damage as a threat to a free press. This is not only untrue but misses the point. It is one thing to expose waste, inefficiency, mismanagement, corruption, and other misconduct -- an effort we must

encourage and where we should applaud the diligence and ingenuity of the press. Similarly, however discomfoting it may be, coverage of differences within the Executive Branch and between the Executive Branch and the Congress are certainly legitimate subjects for the attention of the media. But, the wanton and willful disclosure of intelligence capabilities by those inside government who violate their trust as well as the publication of information about those sources must be stopped.

Granted, the government has a responsibility to use the classification system more judiciously and to enforce discipline within its own ranks more vigorously. At the same time, however, it is imperative that the media recognize it too has responsibilities concerning the security of our country as well. The continued security and freedom of the nation is essential to the existence of a strong, free press. It is essential that the media recognize the difference between the very serious damage done to our security through the publication of information revealing sensitive intelligence capabilities and the legitimate need to report critically on government and for the American public to possess as much information as possible to make informed judgments about the conduct of the government's business. The truth is that our most costly and important intelligence assets have been compromised not to expose wrong doing, fraud or mismanagement but simply because they represent sensational information. Extraordinary intelligence collection techniques have been divulged for nothing more than cheap titilation.

The government and the media have separate but equally important responsibilities. The protection of genuinely sensitive intelligence sources and methods is a challenge that we must deal with together. It is time for a rational discussion of these responsibilities. An agenda for dialogue would have at least four components:

- (1) Enforcement within the Executive Branch of more stringent controls on the classification of information. There is no question but that there is abuse: too many documents are classified and too many are over classified. As long as there are abuses in this arena it is difficult to get anyone, in or out of government, to take seriously that information which, genuinely affects our national security and must be protected.
- (2) Establishing greater discipline in the handling and protection of sensitive information within the government. The most effective way of curtailing damage is to increase discipline within the government. The inability to control sensitive information is destructive to the morale of people who do keep secrets, as well as damaging to our security. During the last several years, the President has emphasized the special obligation federal workers have to protect the classified information with which they are entrusted. We have increased our efforts to uncover those who violate this trust.

(3) Improved cooperation between the media and the government in avoiding damage from disclosure of classified information. Katharine Graham recently called for "... full cooperation wherever possible between the media and the authorities. When the media obtains especially sensitive information, we are willing to tell the authorities what we have learned and what we plan to report. And while reserving the right to make the final decision ourselves, we are anxious to listen to arguments about why information should not be aired. [The media] want to do nothing that would endanger human life or national security. We are willing to cooperate with the authorities in withholding information that could have those consequences." We have been gratified by the readiness of some reporters and editors to carefully consider sometimes withholding publication of information which could jeopardize national interests or to treat or present a story in a manner which meets the public need, yet minimizes potential damage and to consult on how it might be minimized. We are always ready and available on short notice to help on that.

(4) Deter the unauthorized disclosure of classified information by establishing and enforcing appropriate penalties. Congress, shortly after it established the National Security Agency to gather signals intelligence, in 1950 enacted a law which prohibits the publication of information about communications

intelligence. There has been widespread violation of that law over recent weeks and months. Much damage has been done. During World War II, allied ability to read German and Japanese communications shortened the war and saved an incalculable number of lives. A single media story could have taken that advantage away from us overnight.

In 1950, Congress recognized this by enacting restrictions against publishing information about communications intelligence. The House Judiciary Committee carefully limited the application of this prohibition to information about communications intelligence which it terms: "a small degree of classified matter, a category which is both vital and vulnerable to almost a unique degree."

The growing will and ability of our friends and allies to counter terrorism and our own ability to protect our citizens depends very heavily on this particular intelligence capability. It would be very difficult indeed to justify failure to use a law enacted by the Congress for that specific purpose to deter further damage to a capability so critical at this point in history.

The question legitimately has been asked why we have raised this 1950 statute after so long a period of disuse. The honest

answer is that the avalanche of compromises in recent months, including some of the most sensitive collection techniques available to the American government, has finally prompted us to turn to all possible legal remedies to try to staunch the damage by dismissal and prosecution of leakers and use of all available statutory authorities. We were aware of the potential for misunderstanding and of the sensitivity of the media to the issues these measures raise. But the legal authority is there, and for good reason, and it is imperative that the Executive Branch use it.

[I believe ~~we~~ that we're all working toward the same goal -- maintaining the best and most free country in the world. We in government fully support and admire the commitment of the press to inform the public and the dedication and ingenuity with which this commitment is carried out. But I ^{also} believe we all have responsibilities we must balance. Admittedly, it is a very delicate and difficult balance to strike, but we need help from the press in protecting the nation's legitimate intelligence secrets. Past experience has shown that we can work together without violating the rights of a free press. It is time to move beyond shrill accusations and the attribution of base motives and to begin a genuine exchange between the media and the government on this subject. We are eager to develop better understanding and closer cooperation in an effort to ensure that even while protecting a free press, the nation's intelligence services can carry out their responsibility to protect the country.]