

CENTRAL INTELLIGENCE AGENCY

D/OLL Chron



OLL

Director, Office of Legislative Liaison 21 December 1984

NOTE TO: DDCI
DDS&T

- o John Elliff, SSCI Staff (Huddleston's designee) sent the attached to me, having been tweaked by The Washington Post article on the shuttle launch.
- o He called first, saying that "he had been encouraged by several people" to disagree with Ben Bradlee's contention that the article did not harm national security and, essentially, had been drawn from already available literature.
- o John was not seeking approval of the attached but implied that he would be interested in comments.

[Redacted Signature Box]

Charles A. Briggs

STAT

cc: EX DIR
D/PAO

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 94TH CONGRESS)

WASHINGTON, D.C. 20510

12/20/84

Mr. Briggs:

Attached is the draft I talked to you about. It's status is uncertain, but one or more Members may want to say something like this.

John Elliff *JE*

DRAFT 12/20/84

Why is it a serious mistake for the news media to report information about U.S. technical intelligence capabilities, unless the disclosure has been properly authorized by the Executive branch or the Congress?

In most circumstances it is not a crime to publish this information, and many of us in Congress strongly believe in the importance of the First Amendment right to report the news without fear of government censorship or criminal penalties.

The question is one of wise exercise of self-restraint by the news media. The damage to the public interest from unauthorized disclosures about technical intelligence capabilities outweighs their value for debate on national policy issues.

Unquestionably, technical intelligence information is relevant to public discussion of a broad range of problems, from military spending and arms control agreements to the nature and extent of U.S. knowledge of events in critical areas of the world. A photograph of a Soviet missile can document a strategic threat requiring stronger U.S. defenses. Informed speculation about U.S. intelligence systems can either increase or diminish the public's sense of confidence in our ability to verify compliance with arms control agreements.

On balance, however, this kind of reporting does more harm than is generally recognized by the news media. The damage is frequently indirect and cumulative. Soviet intelligence is not omnipresent or omniscient, and our adversaries are not as adept as we may think.

News reports on technical intelligence matters do at least three different kinds of damage. The first is "sensitizing." Soviet intelligence and security agencies produce a steady flow of warnings to their military and political leaders about U.S. intelligence capabilities. Those leaders must decide how much to spend on countermeasures that can frustrate U.S. collection efforts. Western news accounts sensitize Soviet policymakers to the U.S. intelligence threat and make it easier for the security bureaucrats to win support for their programs.

In other words, U.S. press attention to technical intelligence systems is likely to have the practical effect of enhancing Soviet concealment practices and other countermeasures. This need not happen because the stories provide new information, but because they reach a higher-level audience in the real world of the Soviet power structure.

A second type of damage is "confirming." Soviet intelligence may have recruited an agent with access to some information about a technical collection system. An American with such access may even sell particular documents to the KGB. By listening to U.S. communications and reading technical journals, the Soviets may deduce even more about our technical capabilities. In such cases an authoritative news report can provide crucial confirmation for Soviet estimates. It can focus on and tie together loose pieces of information the significance of which had not been recognized.

Intelligence gathering is filled with uncertainties, doubts, and degrees of probability. The Soviet analyst who tries to make sense of the data for his superiors cannot be sure his sources are bona fide, because of the successful use of double agents by the FBI and other U.S. counterintelligence agencies. Nor can he be confident that his deductions from communications intercepts or technical literature are correct. That is where a U.S. news story can make a significant difference.

The "sensitizing" and "confirming" effects of news reports on technical intelligence systems make information the Soviets already have far more useful to them. The likely impact is higher priority for the development of security, concealment, and even deception practices geared to the characteristics of U.S. collection programs.

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The third risk is "compromising" U.S. capabilities directly. In some of the most serious espionage cases over the past twenty years, it has turned out that the Soviets already knew from press reports what the espionage agent later gave them illegally. In other circumstances, we have learned that the Soviets missed things that U.S. security experts thought they were bound to discover and have concluded that unauthorized disclosure in the media would have been as damaging as the gravest act of espionage.

Unlike disclosure of weapons systems, the compromise of technical intelligence capabilities directly affects the ability of the United States to cope with world events in times of peace as well as war. The intelligence they provide to U.S. policymakers is critical to our capacity to resolve international differences by negotiation and diplomacy rather than by the use of force. It is absolutely critical to the ability to verify arms control agreements.

At the same time, technical collection systems are highly vulnerable to the security countermeasures of our adversaries, and we must rely on these systems for a large percentage of our information about closed societies. It is not an exaggeration to say that the money we spend on technical intelligence for peacetime purposes is worth ten times the amount for military hardware. The importance of limiting disclosures about technical intelligence is correspondingly greater than for weapons that are frequently discussed in public.

These are the reasons why reporting on technical intelligence systems is contrary to the national interest, unless the disclosure is properly authorized. Too often the news media forget that the Congress, through its committees, is informed on a bipartisan basis about the full details of these intelligence systems. Congress can make an independent judgment on the merits of Executive branch secrecy claims, and each house has procedures for authorizing disclosure over the President's objections, if necessary.

The weakest link in the protection of technical intelligence secrets is neither the news media nor the Congress, but the growing number of Executive branch officials who use selective leaks to promote their particular interests. The media should not allow themselves to be exploited this way. Instead, responsible news organizations ought to maintain a firm policy against reporting such matters in the national interest.

Finally, and most important, the Administration should forego any attempt to use governmental powers to coerce or intimidate those who report the news. The First Amendment guarantees the right to report facts and allegations about the government's conduct, except in the most extreme situations. Even if the courts might permit it, threatening to investigate journalists or to compel their testimony is counterproductive because it stiffens the backbone of any good reporter.

~~Government officials must, instead, make the case for secrecy on the merits by explaining insofar as possible why the public interest is better served by not reporting certain kinds of information. In a free society, persuasion and not compulsion is the role of government in promoting responsible exercise of freedom of the press.~~