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UDAC 87-127
3 August 1987

MEMORANDUM FOR: Deputy Director of Central Intelligence
THROUGH: Director, Intelligence Community Staff
Deputy Director, Intelligence Community Staff
Director, Community Counterintelligence and
Security Countermeasures Office
FROM: [Redacted] Chief, Unauthorized Disclosure Analysis Center
SUBJECT: SSCI Staff Study on Leaks
Washington Post - 18 July 1987

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1. This memorandum is for information only. An article in the 28 July 1987 Washington Post cites an unpublished study by the Senate Select Committee on Intelligence that concludes that two-thirds of classified intelligence leaks come from the executive branch. The Unauthorized Disclosure Analysis Center (UDAC) has a copy of the study and has attempted some analysis. [Redacted]

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2. The study purports to cover intelligence leaks during the period 1 January through 31 May 1986, citing 147 leaks during the 151-day period, 13 of them (9%) from Congressional sources. According to the Post, the study was confined to "intelligence matters" and defined a "leak" as any disclosure of a government secret that was attributed to government officials and not announced in a formal statement. [Redacted]

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3. During the same period, the UDAC recorded 51 unauthorized disclosures of classified intelligence information published by the news media, none of them attributed to Congressional sources. The UDAC's criteria for "leaks" are that the compromised information is related to intelligence sources and methods, including analysis, covert action, foreign intelligence liaison, etc.; that it is currently classified; and that it has not been subjected to previous public exposure. [Redacted]

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4. The Post story appears to place more credence in the study than is justified by the facts. It is highly unlikely that the SSCI Staff was able to find three times as many intelligence leaks during the study period than the

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Intelligence Community found. It begins, therefore, with a greatly inflated base. This apparently stems from counting items that had been published previously, or which were not intelligence items but dealt with diplomatic, military, or other issues. (One item, published on 25 April 1986, appeared twice.) There is no indication that the authors of the SSCI Staff study made any effort to validate with any department, agency, or substantive expert that the information revealed in the media actually constituted unauthorized disclosures of classified intelligence information. They appear to have included as "leaks" most major stories during the period related to intelligence, diplomacy, military matters, and policy formulation that were attributed to government sources. [redacted]

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5. The study's conclusion that only nine percent of the leaks were of Congressional origin is based solely on the attribution used by the journalists who wrote the stories. The Post story would lead the unwary to believe it had been firmly and factually established that two-thirds of the leaks came from the executive branch and nine percent came from Congress. [redacted]

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6. There are at least two major flaws in these conclusions. Although the Post story said 19 of the cases listed were not specific enough to determine whether the sources were Congressional or administrative, the UDAC found that 35 of the attributions listed in the study were so completely nondescript, e.g., "well-placed source," "secret report," "informed sources," "intelligence sources," etc., that it is impossible to tell whether the information came from the executive or the legislative branch. These stories comprise almost 25 percent of the study sample and could make a tremendous difference in the origin ratio. Another major problem lies in assuming that the stories' attributions were accurate. There is no reason to believe that a reporter would not protect his source by employing totally misleading attribution, including citing an executive branch source for a story actually obtained from a Congressional informant. [redacted]

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7. It is interesting to note that among the 146 stories regarded as leaks by the SSCI Staff and the 51 recorded as unauthorized disclosures by the UDAC, only six coincided. In addition to the six duplications, the UDAC recorded three of the SSCI Staff-collected items as follow-ons to previous leaks. It is remarkable that only nine stories, from a total of 188 (discounting the duplications) were identified by both groups as "leaks." [redacted]

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8. As previously noted, some of the stories used in the SSCI Staff study appear to be about leaks, but do not themselves appear to be leaks of classified information with any impact on sources and methods. Some examples are:

30 JAN 86 - Washington Times - Senior Administration Official - Defection only conjecture

11 MAR 86 - N.Y. Times - Three anonymous American officials - Ex-Senator Tower to resign

4 MAY 86 - N.Y. Times - Officials said - Pillsbury gets walking papers

27 MAY 86 - Washington Times - Times learned - Justice awaits good test case against leaks

28 MAY 86 - Baltimore Sun - Administration sources - Proposal on leaks weighed

30 MAY 86 - Washington Post - White House officials - plan to fight official leaks put on hold

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9. As an explanation for the large number of executive branch leaks, the Post article quotes former SSCI Staff Director Bernard McMahon as saying that 150,000 executive branch personnel have high-level security clearance, while only 96 Congressional staff members have similar access to government secrets. This statement, taken in conjunction with the SSCI Staff study, however, would indicate that about .00064% of those with such clearances commit a grossly disproportionate nine percent of the leaks, while the other 99.99936% of the cleared people commit only 66% of the leaks. This is simply another example of how statistics can be used to demonstrate almost anything. Incidentally, to set the record straight, 277,837 executive branch and contractor personnel hold Sensitive Compartmented Information (SCI) access approvals, to which Mr. McMahon evidently referred, and 475 Congressional staff personnel have similar access. All members of Congress, of course, are considered to be "cleared by the electorate" and eligible to receive classified information, subject to the rules of the Senate and House.

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10. A final point regarding the authenticity of the SSCI Staff study. If it were an accurate compendium of intelligence leaks for the first five months of 1986, it certainly should be classified. A substantiated document

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of this nature would confirm the accuracy of the unauthorized disclosures it lists, thus compounding the damage done by the original leak. The fact that its authors failed to classify it indicates that they didn't give serious consideration to its potential for damage to the national security or to sources and methods. [redacted]

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11. The only conclusion that can be drawn reasonably from either the SSCI Staff study or from the UDAC data is that nobody knows (except the leakers themselves and the journalists who publish them) where leaks originate. Cases in which the identity of the leaker has been established by investigation are about as rare as snowballs in Managua. One must conclude that the SSCI Staff study is a self-serving effort that does little to advance the struggle to combat the illicit disclosure of classified intelligence. It is a "So's your old man" response to charges that the Congress leaks. We would all be better off if both Congress and the executive branch would provide the resources and the political will to investigate real leaks and penalize those who commit them. [redacted]

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Attachment: News clipping

Executive Branch Leads the Leakers

Senate Staff Study Challenges Claims That Congress Is to Blame

By Mark Lawrence
Washington Post Staff Writer

An unpublished study by the staff of the Senate Select Committee on Intelligence has concluded that about two-thirds of classified intelligence leaks come from the executive branch, challenging claims by some administration officials that Congress is to blame for news reports that spill government secrets.

The study, which was based on an analysis of eight prominent newspapers in the first six months of last year, revealed that 98 of 147 disclosures of classified information were attributed to anonymous Reagan administration sources.

The conclusions appear to contradict charges by fired White House aide Lt. Col. Oliver L. North and other current and former administration officials that Congress has been the major source of leaks of sensitive national security information.

Administration officials have challenged the study, however, saying that all parts of the government are to blame for what has become a serious problem, and that leaks cannot be quantified.

Congress was responsible for 13 leaks, or 9 percent, in the period studied, the results show. Seventeen disclosures cited sources in the military, outside the government or in a foreign government. In 19 cases, the words used in the articles to describe the sources were not specific enough to determine whether they were administration, congressional or other sources.

Pentagon spokesman Robert B. Sims said the study appeared to make "a lot of assumptions that one can't have too much confidence in."

"I don't think that any part of the government has a patent on [leaks]," Sims said. "Generally we don't find out who the source is. Our own investigators hardly ever can nail it down."

David Holliday, special assistant to the chairman of the Senate intelligence committee, said he asked staff members early last year to research the sources of leaks at a time when the leadership of the committee was feuding with CIA Director William J. Casey over a series of intelligence disclosures.

In a heated exchange, Casey attacked then-chairman David F. Durenberger (R-Minn.) for conducting



Senate staff survey tends to back Durenberger, above, and Leahy, below, an aide to Durenberger says.



intelligence oversight in an "off-the-cuff" manner that had resulted in serious intelligence disclosures. Durenberger and Sen. Patrick J. Leahy (D-Vt.), who was vice chairman at the time, charged that administration leaks were creating a national security crisis.

Durenberger's press secretary, Lois West, said that the survey suggests that Durenberger and Leahy were generally correct in last year's confrontation. "We don't take it to be necessarily the last word, just to be an indication," West

said. "This is a nebulous area where it's hard to prove anything."

Congressional and administration officials said a possible explanation for the large number of administration leaks is that the executive branch is much bigger than the legislative branch, with more people who have access to sensitive information. Bernard F. McMahon, former staff director of the Senate intelligence committee, said that 150,000 executive branch personnel have high-level security clearance, while only 96 congressional staff members have similar access to government secrets.

Intelligence committee staff who did the study examined only articles on intelligence matters. Holliday said the researchers defined a "leak" as any disclosure of a government secret that was attributed to government officials and not announced in a formal statement.

Newspapers examined in the intelligence committee study were The Washington Post, The New York Times, The Washington Times, the Miami Herald, The Wall Street Journal, The Christian Science Monitor, the Los Angeles Times and The (Baltimore) Sun.

Until this month, when administration officials renewed charges that Congress was to blame for serious unauthorized disclosures, the existence of the committee study was not widely known. Allegations in the Iran-contra hearings prompted Rep. Anthony C. Beilenson's (D-Calif.) office to distribute copies.

North told congressional investigators earlier this month that he had lied to Congress about cover operations and charged that legislators could not keep secrets.

Newsweek reported last week, however, that North had leaked information about the U.S. interception of a plane carrying the suspected hijackers of the Achille Lauro.

White House spokesman Marling Fitzwater this month criticized House Armed Services Committee Chairman Les Aspin (D-Wis.) for revealing information about reflagging in the Persian Gulf.

Former national security adviser John M. Poindexter backed off from sharp criticism of Congress, however, telling the Iran-contra committees that claims that legislators are solely responsible for leaks are "pure nonsense."

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