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THE WHITE HOUSE

WASHINGTON

November 9, 1987

Dear Bill:

I recently read your remarks to the Association of Former Intelligence Officers about improving our ability to protect vital intelligence information.

Your thoughts are right on the mark. Keep up the good work.

Sincerely,

Ronald Reagan

Lieutenant General William E. Odom
Director
National Security Agency
Fort George G. Meade, Maryland 20755-6000

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government as a whole to face this problem, and it is misunderstood seriously within parts of the Congress. No one yet knows precisely how to solve the problem technically. It is as if we had safe cabinets, were buying hundreds of new ones for data storage, but did not have locks on the safes because no one knows how to make a lock. The predicament today is that more effort is being expended to slow down the search for how to build locks than to invent them. The often expressed fear that secure computers would dampen the free flow of information is a red herring. No one in the government whom I know intends for those who develop computer security also to determine what information is classified or unclassified. Efforts to mix the two issues have the result of preventing progress toward giving a choice both to private individuals and to government offices to enjoy confidence that private information and properly classified data is truly secure. Your organization could help if it worked to prevent the public confusion and the resulting misdirection of computer security research.

I believe the Intelligence Community is healthy and robust. Even so, serious problems do exist. One of the most troubling and damaging problems the intelligence community faces today is leaks and the publication of information that hurts our intelligence operations. I have been quite vocal on this point over the last couple of years because I see the damage firsthand. I saw it grow during the 1970s, but the trend in the 1980s has been even more adverse. The costs are not only lost

intelligence but also large sums of money, public monies that the leakers and the disclosers spend recklessly with no accountability to the taxpayer.

Clearly this trend reflects the lack of a policy consensus such as the one that I mentioned earlier which supported our intelligence operations during WWII and for the two decades following. Leakers spoil intelligence sources presumably to try to change policies and to try to support policies. I suppose one is to conclude that this is the price of our democratic system. That is too simple a reaction in my view. I have not seen many policy improvements or successes result from unauthorized intelligence disclosures. On the contrary, two more adverse consequences ensue more frequently. First, paralysis in policy is common when leaking becomes the major weapon in policy making. Second, intelligence tends to be discounted, treated as biased. This leads to less informed policy results. It also leads to major policy misjudgments. The growth and structure of Soviet strategic forces development in the 1960s and 1970s is a case in point. Degradation of arms control verification means is another. Our ability to follow and deal with terrorist activities is yet another.

The root of the problem, of course, is inside the government, but the press is not wholly an innocent bystander. Many in the media try unrelentingly to pry loose highly classified information. Then they blame the leakers, refusing to accept any responsibility. They are right about the leakers,

but they are deceiving themselves and the public about their role and its effect on genuine national interests that enjoy overwhelming public, Congressional, and Executive support. When their disclosures are challenged, the media invokes the First Amendment. There are two problems with such a simplistic response. First, their invocation of the First Amendment inevitably includes incantations regarding the public's "right to know." Quite simply, there is no comprehensive "right to know" included, either explicitly or implicitly, within the First Amendment. The constitutional system of government under which we live does not envision a "town meeting" approach to the conduct of national military and foreign policy such that every issue regardless of sensitivity is to be submitted to the public as a whole for resolution. I point again to the example of the Constitutional Convention itself as reflecting the understanding that some issues, even perhaps the most fundamental issues of the day, are to be decided by the public's representatives and are of such sensitivity that they cannot and will not be subjected to open public debate. Secrecy and security are inextricably interwoven in the field of intelligence. The notion that the media stands as an unelected ombudsman with a constitutionally conferred mandate to extract all information on government activities and disseminate it to the uninformed citizenry has neither historical nor legal foundation. In asserting such a mandate, the media distorts the true meaning and purpose of the First Amendment while encouraging a fiction

that, through repetition, gains increasing acceptance. No court has ever accepted the principle of an unfettered public "right to know," and the media's facile assertion of this illusory "right" skews informed discussion of the genuine national interest in preserving the secrecy of national intelligence activities.

The second serious problem with the media's First Amendment position is the absence of any acceptance of responsibility or accountability in view of the media's protection in our constitutional scheme. While the First Amendment confers no universal "right to know," it does provide specific protections for the press that are unique; yet the media as a whole has failed to accept any sense of responsibility to be exercised in the performance of its unique function. Often, reporters know that a leaker has committed a criminal offense in providing information, but they feel no responsibility for exacerbating the effects of that crime by serving as a conduit for broad and damaging dissemination of that information. The intelligence disclosure sometimes may cause a loss of life, if not at once, then later, due to a causal linkage that is often hard to demonstrate in time to make a difference. It frequently involves large fiscal loss to the government through new funds for recovering the source or failing to get an intelligence return on public funds already invested. A few hundreds or thousands of dollars in malfeasance or misappropriation in a non-intelligence area begets a huge outcry from the same press

that causes the loss of many more dollars from media disclosure of sensitive collection means. For reasons you well understand, we cannot hold them to account for their actions, not even by making the public aware of what they have done. The argument that the public has a "right to know," as I have indicated, does not compel, although the media often offers this as a complete explanation for their action, as though the real offenders are the readers who buy the newspapers or watch the television news reports. Perhaps if the public were informed of the damage done, the media would be compelled to provide a better accounting for their actions, but they do not inform the public of the damage they have done even when intelligence officials give them strong reason to know they have.

This is the way the problem looks from within. It is extremely difficult to get it understood from without. I have chided the media on this point only because I see a trend that, if not checked, may eventually destroy the enormous advantage for peace that the tremendous capabilities of our reconnaissance regime offer to prevent surprise attacks and policy confusion. If we go on this way, we may lose the reconnaissance war, and eventually with it, the peace.

I believe we can check the trend. I like my First Amendment rights as much as anyone. I am sworn to uphold that Amendment along with the rest of the Constitution. I do not believe we have to endanger that right to save our intelligence capabilities. But if we do not save our intelligence

capabilities, if we fritter away through leaks and publicity, we may eventually pay a very large price in blood to save not only the First Amendment but also the Constitution. What I am saying is that there is something called "national interest" which can and should limit from time to time the unbridled exercise of individual rights. I am not saying that it is always easy to define, but it is clear from our experience of the last decade that we have gone far over the line in intelligence disclosures. I have heard several Congressmen, distinguished men, adamant defenders of our laws and right, express sentiments about our intelligence losses very close to the ones I am sharing here. The President, Cabinet officers, and senior military commanders, express the same reaction even more vehemently.

What are we to do? There is no perfect solution. We should begin by improving our understanding of where the fault lies. In the first instance it lies with the Executive Branch. We must set an example by treating leaking as a serious matter and by taking prompt and effective action when it occurs. In the second instance, it lies with the Congress. Leaks occur there, but I must add that more serious measures have been taken in some quarters of the Congress to stop leaks than is generally realized.

Let me end by mentioning a positive trend I have noticed. Within the press community, there are many responsible journalists and editors who indeed do try to hold a prudent line

on what they publish. They do so at some peril to themselves because another paper or network may scoop them on information they believe should be withheld. If they refuse to publish what a leaker tells them, the leaker sometimes threatens to go elsewhere with his classified information. Over the past couple of years I have seen more cases of concern in media circles. Unfortunately, they are not strong enough to reverse the damaging trend, but I want to recognize them and encourage them. They need our help as surely as we need theirs. I believe we can best do that by maintaining our integrity as intelligence professionals, recognizing the true limits of law and precedent, responding properly to intelligence oversight, and striving to avoid the politicization of intelligence in all respects.

Our challenge then is to learn to live with the tensions inherent in the legal basis for intelligence, those that stem from a large intelligence effort in peacetime and from the lack of the kind of policy consensus that generally exists in wartime. We cannot get back to WWII, and we cannot operate without oversight as George Washington did. We must develop a professional integrity that keeps us clearly in the role of protecting our Constitution as opposed to eroding its boundaries in order to conduct operations at its expense. At the same time, we need help from both the Executive and Congressional Branches of government in maintaining a prudent balance among all the tensions. And we need help and empathy from the press,

empathy that allows editors and reporters to identify within their own community a new sense of standards that will permit us to protect our national security interests yet maintain a free, open and informed society more effectively than has been the case in recent years.

The President has seen 11/9

7977 add-on

THE WHITE HOUSE

WASHINGTON

November 9, 1987

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK C. CARLUCCI

SUBJECT: The Press and Intelligence Information

Issue

Whether to sign a letter to General Odom commending him for recent remarks on the need to improve protection of classified national security information.

Facts

Lt. General Odom, Director of NSA, recently talked to the Association of Former Intelligence Officers about the damage leaks and publication of intelligence information do to our intelligence operations. His remarks are a balanced, effective presentation with some sound proposals about what is required to protect vital national secrets. General Odom's remarks are at Tab B.

Discussion

The debate over proper bounds between government measures to protect national security information and the press' First Amendment freedom is emotionally charged. Occasionally we have a thoughtful, reasoned spokesman who can put into perspective the press' frequent assertion of totally unfettered freedom to publish any and all information. Bill Odom is one of the most thoughtful.

Recommendation

OK	No	
		That you read General Odom's remarks and sign the letter to him at Tab A.

Attachments

Tab A Letter to General Odom

Tab B Excerpt from General Odom's Speech, dtd October 10, 1987

cc: Vice President
Chief of Staff (2)

7977

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

Kelly, B

October 29, 1987

INFORMATION

Natl Sec Advisor
has seen

MEMORANDUM FOR FRANK C. CARLUCCI
COLIN L. POWELL

FROM: BARRY KELLY

SUBJECT: Speech by Lt General Bill Odom, Director, NSA

Attached is a copy of a speech given by Bill Odom to the Association of Former Intelligence Officers on October 10. Excerpts of this speech have been quoted in the press. Richard Helms asked me to be sure that both you and Anne Armstrong received copies. The speech raises interesting points on the problems of dealing with Congress.

This is an excellent speech and I think you would benefit by reading it when you have the time.

(Note: You have agreed to speak to this same group sometime in January.)

Attachment
Tab A Copy of Speech

Barry,
If you think appropriate
send the media part into
the P (highlighted) w/
letter to Bill saying
I agree. Keep it
up. [illegible]

7977 ADD-ON

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

November 6, 1987

ACTION

MEMORANDUM FOR FRANK C. CARLUCCI

FROM: BARRY KELLY

SUBJECT: The Press and Intelligence Information

After reading Bill Odom's recent speech to the Association of Former Intelligence Officers, you suggested that we send a memo to the President proposing that he read excerpts of the speech and send a letter to Bill Odom.

Prepared by: Jim Collins

Dan Howard concurs.

RECOMMENDATION

That you sign the Memorandum to the President at Tab I.

Approve _____ Disapprove _____

Attachments
Tab I Memo to the President
A Letter to General Odom
B Excerpt from General Odom's Speech
Tab II Previous Memo to FCC dated October 29, 1987

NATIONAL SECURITY COUNCIL ID 8707977

REFERRAL DATE: 09 NOV 87

MEMORANDUM FOR: WHITE HOUSE STRIPPING DESK

EOB RM 75

DOCUMENT DESCRIPTION: TO: CARLUCCI

SOURCE: KELLY, B

DATE: 29 OCT 87

KEYWORDS: INTELLIGENCE SPEECHES ODOM, W

CONGRESSIONAL

SUBJ: SPEECH BY ODOM TO ASSOC OF FORMER INTELLIGENCE OFFICERS 10 OCT

REQUIRED ACTION: DISPATCH

DUEDATE:

COMMENTS:

FOR GRANT S. GREEN, JR.

EXECUTIVE SECRETARY