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BEFORE

COMMUNICATIONS LAW CONFERENCE

OF THE

PRACTISING LAW INSTITUTE

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ALTHOUGH I HAVEN'T BEEN HERE FOR 15 YEARS, I'VE SPENT LOTS OF TIME AT A PLI PODIUM AND I'M GLAD TO BE BACK. I WAS PLEASED TO RECEIVE FROM MY OLD FRIEND AND COLLEAGUE DICK WINFIELD THE INVITATION TO SPEAK TO YOU TODAY ABOUT THE EXTREMELY DELICATE AND CRITICAL RELATIONSHIP BETWEEN THE MEDIA AND OUR NATIONAL SECURITY. THE RESPONSIBILITY TO PROTECT INTELLIGENCE SOURCES AND METHODS WHICH THE NATIONAL SECURITY ACT EXPLICITLY PLACES ON THE DIRECTOR OF CENTRAL INTELLIGENCE MAKES THIS A MATTER OF GREAT AND CONTINUING INTEREST TO ME. I WANT TO BE VERY CAREFUL AND PRECISE IN ADDRESSING IT BECAUSE TOO FREQUENTLY, WHEN I SPEAK OF THE DAMAGE FROM PUBLISHING CLASSIFIED INFORMATION, I FIND MYSELF ACCUSED OF WANTING TO DEMOLISH THE FIRST AMENDMENT TRYING TO MUZZLE OUR FREE PRESS.

TO HEAD OFF THAT REACTION, LET ME SAY THAT I CHERISH THE FIRST AMENDMENT AND ADMIRE THE DILIGENCE AND INGENUITY OF THE WORKING PRESS. I APPLAUD EXPOSURE OF WASTE, INEFFICIENCY, AND CORRUPTION BY THE MEDIA AND IN THE COURTS. I SALUTE AND SUPPORT FERRETING OUT AND PUBLISHING THE INFORMATION THE PEOPLE NEED TO BE WELL INFORMED ABOUT EVENTS AROUND THE WORLD AS WELL AS THE ACTIVITIES OF THEIR DEMOCRATIC GOVERNMENT. IN THIS, I SPEAK FROM 40 YEARS OF EXPERIENCE AS A FRIEND AND SUPPORTER OF THE MEDIA AND AN ACTIVE PRINCIPAL IN PUBLISHING AND BROADCASTING.

UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION HAVE BECOME A CANCER WHICH UNDERMINES PRESIDENTIAL AUTHORITY TO CONDUCT FOREIGN POLICY, OUR NATIONAL SECURITY PROCESS, AND OUR INTELLIGENCE CAPABILITIES. IT IS SAPPING THE MORALE AND ETHIC OF THOSE IN GOVERNMENT WHO DO RESPECT AND COMPLY WITH OUR SECURITY REGULATIONS.

IN RECENT MONTHS, PUBLICATION OF CLASSIFIED INFORMATION BY THE MEDIA HAS DESTROYED OR SERIOUSLY DAMAGED INTELLIGENCE SOURCES OF THE HIGHEST VALUE. EVERY METHOD WE HAVE OF ACQUIRING INTELLIGENCE -- OUR AGENTS, THE ASSISTANCE WE GET FROM OTHER SECURITY SERVICES, OUR PHOTOGRAPHIC AND ELECTRONIC CAPABILITIES, THE INFORMATION WE GET FROM COMMUNICATIONS -- HAS BEEN DAMAGED BY THE PUBLICATION OF UNAUTHORIZED DISCLOSURES.

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 AGAIN, HAS ENABLED OUR ADVERSARIES 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.

OUR COUNTRY HAS INVESTED MANY YEARS OF EFFORT, THE TALENT OF HUNDREDS OF THOUSANDS OF OUR CITIZENS, AND BILLIONS OF DOLLARS ON INTELLIGENCE. AND THE NATION HAS GOTTEN AN EXCELLENT RETURN ON ITS INVESTMENT. WE HAVE AND CONTINUE TO DEVELOP METHODS OF COLLECTING THE INFORMATION NEEDED TO ASSESS MISSILES AND OTHER WEAPONS AIMED AT US, DETERMINE THE INTENTIONS AND VULNERABILITIES OF OUR ADVERSARIES SO THAT WE CAN RESPOND WITH EFFECTIVE DEFENSES AND COUNTERMEASURES, PROTECT OUR CITIZENS AND INSTALLATIONS AROUND THE WORLD FROM TERRORISM, AND ASSIST OUR DIPLOMATS AND POLICYMAKERS BY TELLING THEM THE COLD HARD TRUTH ABOUT EVENTS AROUND THE WORLD THAT AFFECT U.S. INTERESTS. GOOD INTELLIGENCE IS CRITICAL TO OUR NATIONAL SECURITY, CRITICAL TO OUR HOPES OF EFFECTIVE ARMS CONTROL, AND CRITICAL TO THE SAFETY AND LIBERTY OF OUR CITIZENS.

AMERICAN INTELLIGENCE COLLECTS INFORMATION THROUGH SENSITIVE DEALINGS WITH PEOPLE AROUND THE WORLD WHO WANT TO HELP US, SOMETIMES AT GREAT RISK, ALSO THROUGH A VARIETY OF ADVANCED TECHNOLOGICAL SYSTEMS, AND ALSO THROUGH THE COOPERATIVE EFFORTS OF OUR ALLIES. IF THE DETAILS OF HOW WE COLLECT INTELLIGENCE ARE PUBLICIZED OR CAN BE DEDUCED THROUGH THE INFORMATION THESE SOURCES PROVIDE, THE AGENTS WILL BE ARRESTED AND PERHAPS EXECUTED, OUR ADVERSARIES WILL TAKE STEPS TO NEUTRALIZE OUR TECHNICAL COLLECTION CAPABILITIES, AND OUR ALLIES AS THEY LOSE CONFIDENCE IN OUR ABILITY TO PROTECT THEIR INFORMATION WILL REFUSE TO SHARE IT WITH US. SECRECY AND CONFIDENTIALITY ABOUT HOW AND THROUGH WHOM WE COLLECT INFORMATION IS ESSENTIAL TO OUR EFFECTIVENESS.

TO PROTECT OUR NATIONAL SECURITY AND OUR INTELLIGENCE SOURCES, WE MUST CLASSIFY AND RESTRICT THE CIRCULATION NOT ONLY OF INFORMATION ABOUT HOW AND WHERE WE COLLECT INTELLIGENCE BUT OF THE REPORTS AND ASSESSMENTS BASED ON THAT INTELLIGENCE IF THEY MIGHT REVEAL OR COMPROMISE OUR SOURCES AND METHODS. THE KGB AND OTHER HOSTILE INTELLIGENCE SERVICES EACH YEAR SPEND BILLIONS OF DOLLARS TRYING TO ACQUIRE THIS INFORMATION. BUT THE UNAUTHORIZED PUBLICATION OF 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.

DAMAGE TO NATIONAL SECURITY FROM BROADCASTING SECRETS IN NEWS FAR EXCEEDS THAT RESULTING FROM ESPIONAGE. MAKE NO MISTAKE ABOUT IT. THE PUBLICATION OF THESE SECRETS HELPS THOSE WHO WORK AGAINST OUR NATION'S INTERESTS--BE THEY SOVIETS, TERRORISTS, OR DRUG DEALERS. IT IS VITAL THAT THE PUBLIC UNDERSTAND WHAT IS GOING ON, WHY IT IS HAPPENING, AND WHAT NEEDS TO BE DONE ABOUT IT.

WE HAVE CLEARLY REACHED THE POINT WHERE WE MUST ADDRESS THIS RISK TO OUR FUNDAMENTAL SECURITY. WE CAN NO LONGER TOLERATE UNAUTHORIZED DISCLOSURES WHICH INCREASINGLY DEBILITATE SOURCES OF INTELLIGENCE WHICH CONGRESS APPROPRIATES BILLIONS OF DOLLARS TO DEVELOP AND MAINTAIN, WHICH DEPRIVE US OF THE

ABILITY TO IDENTIFY AND DEFEND AGAINST THE TENS OF THOUSANDS OF DEVASTATING WARHEADS WHICH ARE TARGETED AT US AND OUR ALLIES, WHICH PROTECT THE ORGANIZED AND DETERMINED TERRORIST GANGS AND NARCOTICS RINGS WHICH THREATEN INNOCENT CITIZENS ALL OVER THE WORLD.

IT IS DIFFICULT TO DISCUSS THE SPECIFIC DAMAGE TO THIS NATION'S ABILITY TO PROTECT ITSELF WITHOUT CONFIRMING THE ACCURACY OF INFORMATION WHICH HAS BEEN DELIVERED THROUGH THE MEDIA AND REMOVING ANY DOUBTS THAT MIGHT REMAIN IN THE MINDS OF THE KGB OR THE TERRORISTS. I CAN SAY THAT SOME OF OUR SOURCES HAVE NOT BEEN HEARD FROM AFTER THEIR INFORMATION HAS BEEN PUBLISHED IN THE U.S. PRESS. OTHERS HAVE DECIDED THAT COOPERATING WITH THE UNITED STATES IS TOO RISKY. LEADERS AND INTELLIGENCE SERVICES OF OUR CLOSEST ALLIES HAVE TOLD US THAT IF WE CAN'T TIGHTEN UP, THEY WILL HAVE TO PULL BACK ON COOPERATION WITH US BECAUSE THEY HAVE HAD ENOUGH OF READING THE INFORMATION THEY PROVIDE IN THE U.S. MEDIA.

FOUR STEPS ARE NECESSARY TO REGAIN CONTROL OVER OUR NATIONAL SECRETS. WE MUST TIGHTEN DISCIPLINE AMONG U.S. GOVERNMENT EMPLOYEES WHO USE CLASSIFIED INFORMATION. WE MUST DEVELOP BETTER COOPERATION BETWEEN THE MEDIA AND THE GOVERNMENT ON STORIES WHICH PUT INTELLIGENCE SOURCES AND METHODS AT RISK. WE MUST ESTABLISH THAT RESTRICTIONS ON THE MISUSE OF SENSITIVE AND PROPERLY CLASSIFIED INFORMATION CANNOT BE VIOLATED WITH IMPUNITY. WE MUST ENFORCE AND PERHAPS TIGHTEN LAWS CONGRESS HAS ENACTED TO PROTECT CLASSIFIED INFORMATION.

THE FIRST STEP IS TO INCREASE DISCIPLINE WITHIN THE GOVERNMENT. THE INABILITY TO CONTROL SENSITIVE INFORMATION IS DESTRUCTIVE OF THE MORALE OF PEOPLE WHO DO KEEP SECRETS, AS WELL AS DAMAGING TO OUR SECURITY. FEDERAL WORKERS HAVE A SPECIAL OBLIGATION TO PROTECT THE CLASSIFIED INFORMATION WITH WHICH THEY ARE ENTRUSTED. EFFORTS TO UNCOVER AND DISCIPLINE THOSE WHO VIOLATE THIS TRUST NEED TO BE STRENGTHENED.

THE GOVERNMENT OFFICIAL, MILITARY OFFICER OR CONTRACTOR EMPLOYEE WHO HAS BEEN CLEARED FOR ACCESS TO CLASSIFIED MATERIAL IS RESPONSIBLE FOR KEEPING THE SECRETS HE IS GIVEN. THERE IS NO ROOM FOR DOUBT ABOUT THIS. EACH PERSON WHO IS CLEARED MUST SIGN A NONDISCLOSURE AGREEMENT WHICH SPELLS OUT HIS OR HER RESPONSIBILITIES IN SIGNIFICANT DETAIL. WHEN THESE INDIVIDUALS DISCUSS CLASSIFIED INFORMATION WITH UNAUTHORIZED PERSONS, THERE IS LITTLE LIKELIHOOD THAT THEY DO NOT UNDERSTAND WHAT THEY ARE DOING. STILL, WE HAVE ALLOWED AN ATMOSPHERE TO DEVELOP WHERE MANY BELIEVE THERE IS LITTLE RISK AND NO PENALTY FOR VIOLATING THE TRUST PLACED IN THEM BY THEIR NATION.

WITHIN THE GOVERNMENT, THE EFFORT TO STOP AND PENALIZE THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INTELLIGENCE HAS BEEN WEAK AND FRAGMENTED. IT NEEDS TO BE TIGHTENED UP AND SPEEDED UP. UNAUTHORIZED DISCLOSURES NEED TO BE IDENTIFIED AS SOON AS THEY ARE PUBLISHED. INVESTIGATIONS MUST BE SWIFT AND THOROUGH. DISCIPLINARY ACTION APPROPRIATE TO THE VIOLATION NEEDS TO BE

APPLIED TO DETER OTHERS FROM SIMILAR VIOLATIONS. THE FBI HAS ESTABLISHED A UNIT OF SPECIALIZED PEOPLE TO IMPROVE THIS PROCESS AND IN RECENT MONTHS MORE LEAKERS IN FEDERAL SERVICE HAVE BEEN IDENTIFIED AND REMOVED THAN ANY LIKE PERIOD I CAN RECALL.

TOO MUCH INFORMATION IS CLASSIFIED. WE WILL WORK TO REDUCE THE BODY OF CLASSIFIED INFORMATION, BUT THAT CAN'T BE DONE OVERNIGHT. IT WILL TAKE TIME. IN ACTING AGAINST UNAUTHORIZED DISCLOSURES WE SHOULD FOCUS ON REALLY DAMAGING AND CRITICAL DISCLOSURES.

EVEN AS WE IMPROVE DISCIPLINE WITHIN THE GOVERNMENT, THE MEDIA WILL CONTINUE TO COME INTO POSSESSION OF INFORMATION WHICH, IF PUBLISHED, CAN JEOPARDIZE LIVES, DAMAGE NATIONAL SECURITY AND THE INTERNATIONAL RELATIONSHIPS AND THE REPUTATION FOR RELIABILITY OF OUR NATION. MANY MEDIA PROFESSIONALS RECOGNIZE A RESPONSIBILITY TO WEIGH THESE DANGERS BEFORE RUSHING INTO PRINT OR ONTO THE AIR WAVES.

MEDIA LEADERS RECOGNIZE THIS AS KATHARINE GRAHAM DID WHEN SHE SAID RECENTLY: "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."

BEN BRADLEE, IN AN OP-ED PIECE IN THE WASHINGTON POST OF 8 JUNE 1986 SAID: "WE DO CONSULT WITH THE GOVERNMENT REGULARLY ABOUT SENSITIVE STORIES AND WE DO WITHHOLD STORIES FOR NATIONAL SECURITY REASONS, FAR MORE THAN THE PUBLIC MIGHT THINK. THE POST HAS WITHHELD INFORMATION FROM MORE THAN A DOZEN STORIES SO FAR THIS YEAR FOR THESE REASONS." WE GIVE BEN BRADLEE HIGH MARKS FOR THAT, BUT WE CAN'T FULLY AGREE WHEN HE GOES ON TO SAY: "WE DON'T ALLOW THE GOVERNMENT--OR ANYONE ELSE--TO DECIDE WHAT WE SHOULD PRINT. THAT IS OUR JOB."

NO ONE CAN TELL A PUBLISHER WHAT HE MUST PRINT. ON THE OTHER HAND, CONGRESS HAS ENACTED LEGISLATION WHICH MAKES IT UNLAWFUL TO DISCLOSE OR PUBLISH CERTAIN CATEGORIES OF INFORMATION AND THE MEDIA, LIKE EVERYBODY ELSE, MUST ADHERE TO THE LAW.

THE FIRST AMENDMENT TO THE CONSTITUTION IS CITED TO MAKE THE POINT THAT THE MEDIA SHOULD BE THE SOLE JUDGE OF WHAT MAY OR MAY NOT BE PRINTED ON NATIONAL SECURITY MATTERS. THE PUBLIC'S RIGHT TO KNOW IS NOT ABSOLUTE. WHERE NATIONAL SECURITY AND FOREIGN POLICY ARE AT ISSUE, THE FIRST AMENDMENT PERMITS

DETERMINATIONS BY APPROPRIATE GOVERNMENTAL AUTHORITIES THAT CERTAIN INFORMATION SHOULD NOT BE RELEASED INTO THE PUBLIC DOMAIN. THIS IS WHAT THE CLASSIFICATION SYSTEM IS ALL ABOUT. WHEN THE SANCTITY OF CLASSIFIED INFORMATION IS PROTECTED BY A DULY ENACTED CRIMINAL STATUTE, THOSE WHO WOULD PUBLISH OR OTHERWISE DISCLOSE PROCEED AT THEIR OWN RISK.

IN THE PENTAGON PAPERS CASE, THE SUPREME COURT RULED THAT THE FIRST AMENDMENT OUTLAWED PRIOR RESTRAINT, BUT JUSTICE DOUGLAS AND JUSTICE WHITE, IN CONCURRING OPINIONS, SUPPORTED THE LAW IMPOSING CRIMINAL PENALTIES ON THE PUBLICATION OF INFORMATION ON COMMUNICATIONS INTELLIGENCE.

THAT STATUTE WAS PASSED SHORTLY AFTER WORLD WAR II TO PROTECT CLASSIFIED INFORMATION ABOUT COMMUNICATIONS INTELLIGENCE FROM BEING "KNOWINGLY AND WILLFULLY" PUBLISHED OR IN ANY OTHER WAY MADE AVAILABLE TO AN UNAUTHORIZED PERSON. CONGRESS CAREFULLY LIMITED THE APPLICATION OF THIS PROHIBITION TO COMMUNICATIONS INTELLIGENCE, WHICH IT CALLED "A SMALL DEGREE OF CLASSIFIED MATTER, A CATEGORY WHICH IS BOTH VITAL AND VULNERABLE TO ALMOST A UNIQUE DEGREE." OUR READING OF JAPANESE AND GERMAN COMMUNICATIONS HAD BROUGHT VICTORY IN WORLD WAR II MUCH EARLIER AND SAVED MANY THOUSANDS OF LIVES AND CONGRESS CLEARLY REGARDED COMMUNICATIONS INTELLIGENCE AS ONE OF OUR BEST CHANCES TO LEARN ABOUT OTHER NATIONS' MILITARY PLANS AND OF WARNINGS OF MILITARY ATTACKS AGAINST US.

TODAY, AS MEDIA DISCLOSURE DEPRIVES US OF OUR BEST SOURCE OF WARNING OF TERRORIST AND OTHER THREATS, WE CANNOT JUSTIFY FAILURE TO USE A STATUTE ENACTED BY CONGRESS TO PROTECT THIS SENSITIVE AND IRREPLACEABLE COMMUNICATION INFORMATION. JUSTICE BYRON WHITE WROTE IN HIS CONCURRING OPINION ON THE PENTAGON PAPERS CASE THAT THE LANGUAGE IN THE COMMUNICATIONS STATUTE IS "PRECISE." HE WARNED THAT "NEWSPAPERS ARE PRESUMABLY NOW ON FULL NOTICE OF THE POSITION OF THE UNITED STATES AND MUST FACE THE CONSEQUENCES IF THEY PUBLISH."

I BELIEVE IT WILL BE NECESSARY FOR THE CONGRESS IN THEIR NEXT LEGISLATIVE SESSION TO CONSIDER MORE EXPLICIT RESTRICTIONS ON UNAUTHORIZED DISCLOSURE OF OTHER TYPES OF PROPERLY CLASSIFIED INFORMATION.

LEGISLATION OF THIS TYPE WOULD NOT BE UNUSUAL OR PRECEDENT-SETTING. IN RECENT YEARS CONGRESS HAS RECOGNIZED THE NEED FOR STATUTORY PROTECTION OF NATIONAL SECURITY INFORMATION, AND HAS ACTED ACCORDINGLY. IN 1980, CONGRESS PASSED THE CLASSIFIED INFORMATION PROCEDURES ACT TO PROTECT AGAINST DISCLOSURES OF CLASSIFIED INFORMATION BY DEFENDANTS IN CRIMINAL TRIALS, THROUGH "GRAYMAIL" OR OTHERWISE.

IN 1982 CONGRESS, IN THE INTELLIGENCE IDENTITIES PROTECTION ACT, ESTABLISHED CRIMINAL PENALTIES FOR DISCLOSURE OF THE IDENTITIES OF COVERT EMPLOYEES AND AGENTS. THIS OCCURRED

AFTER THE EFFORTS OF A SMALL GROUP OF AMERICANS TO DESTROY THE ABILITY OF OUR INTELLIGENCE AGENCIES TO OPERATE CLANDESTINELY BY DISCLOSING THE NAMES OF COVERT INTELLIGENCE AGENTS LED TO THE MURDER OF A CIA STATION CHIEF IN GREECE.

BECAUSE EXISTING STATUTES WERE ENACTED AT DIFFERENT TIMES TO ADDRESS DIFFERENT SPECIFIC PURPOSES, WE HAVE A PATCHWORK OF STATUTES APPLICABLE TO CERTAIN KINDS OF DISCLOSURES IN CERTAIN CIRCUMSTANCES--DIPLOMATIC CODES, ATOMIC ENERGY RESTRICTED DATA, AGENT IDENTITIES AND INFORMATION CONCERNING COMMUNICATIONS INTELLIGENCE.

LAST YEAR THE DISTRICT COURT IN THE MORISON CASE HELD THAT THE ESPIONAGE STATUTES ARE NOT LIMITED TO CLASSIC ESPIONAGE IN THE SENSE OF DISCLOSURES TO FOREIGN AGENTS BUT ARE APPLICABLE TO UNAUTHORIZED DISCLOSURES TO THE PRESS.

THERE HAS BEEN A GREAT HUE AND CRY THAT MORISON IS NOT A SPY. THAT'S BUNK. NOBODY SAID HE WAS A SPY. HE WAS CONVICTED OF VIOLATING A SECTION OF THE LAW WHICH PROHIBITS THE DISCLOSURE OF CLASSIFIED U.S. GOVERNMENT INFORMATION TO UNAUTHORIZED PERSONS. THAT'S EXACTLY WHAT HE DID. WE WILL SEE WHAT HAPPENS ON APPEAL.

WHILE I BELIEVE THE MORISON DECISION TO BE A CORRECT AND APPROPRIATE INTERPRETATION OF THE LAW, I RECOGNIZE THAT IT HAS STIRRED UP AN ENORMOUS AMOUNT OF DEBATE AND CONTROVERSY ABOUT

THE PROPER REACH OF THE ESPIONAGE STATUTES. I BELIEVE THE NATIONAL INTEREST WOULD BEST BE SERVED BY A NEW STATUTE WHICH UNEQUIVOCALLY EXPRESSED CONGRESS' INTENT TO PUNISH UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

WHAT IS NEEDED IS A BILL MAKING IT A CRIMINAL OFFENSE WILLFULLY TO DISCLOSE CLASSIFIED INFORMATION TO PERSONS NOT AUTHORIZED TO RECEIVE SUCH INFORMATION. THE BILL SHOULD NOT BE A STRICT LIABILITY STATUTE, BUT SHOULD APPLY TO PERSONS WHO INTENTIONALLY DISCLOSE CLASSIFIED INFORMATION, KNOWING OR HAVING REASON TO KNOW THAT THE INFORMATION IS CLASSIFIED. CERTAINLY IT SHOULD APPLY TO GOVERNMENT EMPLOYEES AND OTHERS WITH AUTHORIZED ACCESS TO CLASSIFIED INFORMATION; THAT IS, INDIVIDUALS WHO VOLUNTARILY UNDERTAKE A "TRUST" RELATIONSHIP WITH THE GOVERNMENT. IF CLASSIFICATION TO PROTECT NATIONAL SECURITY IS TO HAVE ANY MEANING, IT SHOULD APPLY TO INFORMATION WHICH CAN BE SHOWN TO HAVE BEEN WILLFULLY AND KNOWINGLY TAKEN AND PUBLISHED FROM PAPERS PROPERLY CLASSIFIED.

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