STAT

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THE PROBLEM OF LEAKS

Background Information on Journalism and Espionage

Introduction

Investigative reporters and intelligence officers operate in basically similar ways. This is a logical result of having a similar objective of obtaining information that is not normally available to the public.

The primary difference affecting their collection methods is the lack of any stigma attached to journalistic inquiry, compared to the moral and legal inhibitions against spying. Reporters have legitimate, sometimes even praiseworthy, reasons for wide-ranging questioning. This gives them a mantle of respectability that spies lack.

This paper discusses the working methods of American reporters and foreign intelligence officers. It also compares their work with that of intelligence analysts.

In conclusion, it discusses the greater opportunities available to investigative reporters than to intelligence officers and some of the

difficulties involved in trying to restrict them. The paper also suggests approaches to trying to protect information.

Similarities and Differences

Investigative reporters and intelligence officers both cultivate persons who can provide information which they cannot obtain from generally open and readily available sources. They hope to find persons so well-informed and helpful that one alone can supply enough material for a complete news story or can fulfill an intelligence requirement. They are, however, prepared to accumulate bits of information from various sources until a complete picture emerges. They often benefit from the fact that each source does not realize how his information might fit into that picture, and therefore does not appreciate the significance of providing it.

Reporters and intelligence officers are also similar to intelligence analysts. All three must sift through large amounts of information in order to get what is pertinent to their needs: a media story, a response to an intelligence requirement, or an analysis of a complicated problem.

An intelligence officer perhaps has to show little personal initiative in deciding what is pertinent to an intelligence requirement that has been shaped by the needs of an analyst who formulated questions, while one of the basic qualifications for being an investigative reporter is a great deal of initiative to develop a story. Although both spy and reporter are constantly on the alert for unexpected information of value, the former

probably has clearer orders on what he is supposed to collect than a reporter at the beginning of a complex investigative story. But the type of evaluation that is required can be the same.

There are also differences between reporters, intelligence officers and analysts. Journalists rely almost entirely upon oral communication for their information. They ask questions of those who they believe will know the answers. There is no stigma attached to their asking, even if those who are asked refuse to answer. Foreign intelligence officers have to be more circumspect. They seldom can directly approach those in the best position to provide information. Nor can they often use one source as a springboard for identifying and trying to get information out of another one, as journalists can play one source against another. Intelligence officers have to seek indirect methods. One such method is to put greater reliance on searching through written material than reporters usually do. Analysts rely primarily on written material.

Reporters usually dig up all their material themselves. They rarely have anyone whom they can task to seek out information that they want. Analysts sit at the center of a network for collecting information, and they are able to request answers to questions that seem pertinent to them.

STAT Spies--or intelligence officers [redacted] who receive these requests in the form of intelligence requirements fall somewhere between the two. They try to develop their own collection networks of people who will pass them the kind of information needed to fulfill requirements, but they face many obstacles.

Source Motivations

Before going into detail about the way each group works, it is necessary to examine the motivations of those who provide information to investigative reporters and intelligence officers. Understanding motives helps to understand how both groups are able to prosper.

Ranked in order of their pertinence to reporters, to both reporters and intelligence officers, and to intelligence officers--not in order of their importance in leading to leaks--the main motives seem to be:

-- Trying to influence policy-making in the executive branch. This applies less to intelligence leaks about past activities than to administration debates over future policy. Intelligence material is often used as part of the information made public in an effort to support or scuttle a policy initiative--for example, on capabilities to verify arms control agreements.

-- Trying to influence Congress or the public. As a subset of trying to influence policy, some leaks are aimed at garnering support on Capitol Hill or from public opinion--or to block support for someone else. Some officials take it upon themselves individually or as an institutional action to downgrade classified material for use in public debate. An Air Force general who retired in the early 1980s had as one of his primary duties the cultivation of the technical press with controlled leaks that would support Air Force budget requests to Congress in two ways: convincing

congressional members and staffs of the need for and workability of new weapons systems, and building a broader public constituency for those systems. That general's successor probably has the same job.

-- Letting the public know. While the constitutional argument is a weak one for reporters to use, it should not be ignored.

-- Helping a friend. Sources are far more inclined to talk with someone they know, and whose discretion they trust, than they are with an unknown journalist. Once the talking starts, the line between classified and unclassified information can easily become blurred in the source's mind, resulting in a reporter's getting more than he would through official channels.

-- Being patriotic. Although misplaced or incorrect, a feeling that the country's best interests are being served can be a motive for disclosing classified material. This amounts to the source's feeling that his own judgment about what is good for the country is better than the judgment of those who apply classifications to the material being disclosed. While patriotism should lead to an American reporter as the beneficiary of the leak, it can be construed as a reason for passing information to a foreign power in order to deter the United States from doing something that the source thinks is wrong.

-- Feeling important. A desire for recognition, even though limited by the necessity of hiding their actions, apparently motivates

many people to leak information. The egotism involved in becoming a valuable source could overlap other motives but often is sufficient in itself. In most cases, this primarily benefits reporters, but it can also be useful to intelligence officers--who are probably better trained in trying to exploit this motive.

-- Finding excitement. Some sources apparently enjoy the thrill of dealing in secrets. Providing leaks is a way of livening up what might otherwise be a humdrum bureaucratic existence. But, while leaking information to a journalist can provide thrills, the thrills might be tempered by expectation of some constitutional protection. However, the thrill could be intensified by dealing with a foreign government in what is clearly an illegal activity.

-- Getting revenge. Persons who are aggrieved over policy decisions or personal treatment are ripe for exploitation by either reporters or intelligence officers--with the degree of ripeness directly related to the level of anger.

-- Earning money. With possibly rare exceptions, journalists do not pay for classified information. This motive benefits intelligence agents, as in the Pelton and Walker cases. The disaffected government employe who phones The New York Times knows he will not get paid; the one who phones the Soviet Embassy usually hopes to have his financial problems solved.

Some of these motives that seem to benefit reporters the most might be turned to intelligence officers' advantage by the use of "false flag" approaches. However, most sources of sensitive information are probably more likely to talk with an American reporter than with a foreigner, even a West European journalist. And a Soviet correspondent does not have the advantages of other reporters because he is correctly seen as a surrogate for a KGB man if not actually an intelligence officer himself.

There is one further consideration that is related to motivation. That is a tendency for people who have left sensitive government jobs to talk more freely about classified material than those still at work. Investigative reporters work former government people as major sources.

The tendency to talk more freely is not limited to the obviously aggrieved persons who have been fired or retired against their wishes, and who might be seeking revenge. It is also true of some who have been appointed to policy positions for a few years. It is perhaps most pronounced among those who have retired naturally from government careers and feel relatively free to reminisce.

A number of past leaks have originated with retired persons. In some cases, they might be trying to perpetuate their importance. In others, they might see past events as now being history and therefore no longer so much in need of classification protection. Besides, those who served in organizations that use polygraph tests no longer have to be apprehensive of them when they talk to reporters.

The importance of retired people goes beyond their specific information on classified matters to their sometime willingness to identify their successors who are currently holding sensitive jobs. This is of considerable significance because learning whom to target can be one of the toughest problems in journalistic investigation of some particularly closely held subjects.

Investigative Reporting

An investigative reporter sometimes pursues a story on the basis of his or his editor's idea of what would be interesting or important, sometimes because of information serendipitously acquired that needs further elaboration, sometimes as a result of a tip volunteered by a source--for one of the source motivations discussed above. Stories are rarely dumped fully developed on a reporter, as were the Pentagon papers, for instance, or some of the officially authorized leaks that an administration has given to major newspapers for policy reasons. Those that are dumped full-blown are probably not the ones that have caused the most security damage. The stories that reveal sensitive security material usually are the result of a lot of digging, of talking to many sources, of playing one source's information off against another's. This is especially true because most such stories are protected by security classifications.

For the kinds of stories that are of significance to the Intelligence Community, there are six main categories of sources that investigative reporters are likely to pursue:

-- The executive branch of government. While this is the most obvious category, it is easy to overestimate its importance. Classified information might originate in the government, but it does not necessarily reach a reporter directly. It could filter through the other categories listed below.

-- Congress. Staffers, more than members, acquire considerable security information. They sometimes try to pass it along to journalists in a cautious form that is intended to influence executive decisions or congressional voting.

-- Think tanks. People who work for them sometimes are more expert on specialized subjects than rapidly rotating government people, and therefore can be more helpful to reporters. Even those who work with classified material are usually willing to answer some questions, apparently in confidence that they can avoid overstepping secrecy limits.

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-- The academic world. Some professors squirrel away bits of material that get into the public domain and then years later assemble it in ways that are more revealing than the bits had been intended to be--just like investigative reporters.

This makes such professors useful sources of expertise and guidance for reporters looking for material. Those academics who have rotated in and out of government, or been given access to classified material while serving as consultants, are also more

willing to talk while not doing government work, and generally take a more relaxed attitude toward security, than career government employes.

-- Industry. Journalists who follow technical subjects like SDI are invited to conferences attended by industry specialists. In meeting such people, they find sources who are often prepared later to explain complex problems to them--and in the process might reveal enough classified information to enable a reporter to ask pointed questions of the next source.

-- Foreign embassies. They are occasionally willing to pass along to American reporters information that they have been given in confidence by the U.S. Government, or that they have assembled from their own sources, when they think it serves their policy purposes or at least does not hurt them.

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Some of the points just mentioned deserve further elaboration. One is the importance of human nature.

People like to talk. They like to be asked questions because it shows their importance. Very few government officials or others with access to classified information flatly refuse to talk to a reporter, although that would be the best defense. Once started talking, most people can readily

be led into saying more than they originally intended to say. They might try to talk around a sensitive point--but in the process give enough clues for a perceptive reporter to get a lead that will enable him to put more precise questions to another person.

An investigative reporter uses one source to locate others. He is constantly asking for more names of people to contact on a subject. Even those who refuse to tell him anything will sometimes suggest others to whom he might talk. And those who tell him just a little, but who enable him to contact others with the same kind of knowledge, might unwittingly be helping him get another little bit that--when fitted into what has already been collected--reveals a larger picture than the original source felt should be disclosed. One man's innocent bit of information on the fringes of classification can be a reporter's valuable piece of a jigsaw puzzle, even the key to fitting together many other pieces.

Reporters have various approaches that can work on those who would not be inclined to reveal secrets. Simply claiming a public right to know is a bit too blunt, if not naive. Few if any sources of classified information are likely to respond to that. Instead, reporters might try such techniques as:

-- 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 reporters' 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 contend 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. This amounts to flattery, which sometimes can be productive.

-- Using old-fashioned browbeating, including hollering at people on the telephone (rarely in person). This is most likely to be productive, rather than just counter-productive, with junior officials who have some responsibility to keep the press informed but are not authorized to give out the particular information that the reporter is seeking.

The better known a reporter is, the more successful he might be with these techniques. The celebrity status of a Seymour Hersh or a Bob Woodward probably sometimes wins them access that would be denied to an unknown reporter. Lower and middle-level workers in classified fields can be flattered by their attentions without stopping to reflect on how dangerous their fame proves them to be. Senior people might feel a need to set them straight but in the process confirm suspicions or even give clues to further information.

On the other hand, an unknown reporter might have more success with those who are wary of the dangers of already successful investigative reporters.

The techniques discussed above are oral ones. As mentioned, reporters depend almost entirely upon personal contact with those who have the information they want. Although a few people like [redacted] have made notable journalistic careers by assembling information buried in written records, and such investigative reporting projects as exposing municipal fraud often have to depend upon detailed scrutiny of records, significant disclosures of classified material depend upon finding someone to talk. Published material is useful to investigative reporters mainly for gaining background and knowing what questions to ask. STAT

There is an important exception to this rule, however, which applies more to the specialized trade press than to mass media. Newsletters edited for experts in particular industries systematically go through obscure Pentagon technical orders and similar sources to extract new information about things like weapons' specifications. Writers for such newsletters, as well as for magazines with wider audiences such as Aviation Week and Space Technology, develop close relations with the industries and government departments that they cover. As suggested above, such familiarity easily leads to informed, insider discussions that overstep the classified line. The result is that, even if no one specific classified fact is disclosed directly, a perspective or interpretive framework is obtained by the writers. It enables them to draw from sensitive but unclassified material conclusions that can shed light on classified programs and be of value to foreign intelligence officers. It also helps them frame questions and target those who might be able to answer them.

To summarize, the keys to an investigative reporter's success are his basic legitimacy under the U.S. Constitution, the multitude and variety of places where he can get information other than the obvious ones, the willingness of people to talk even when uncertain about where the boundaries lie between open source and classified information, the various psychological games that can be played to weedle material out of sources, and the many motivations that sources have for deliberately disclosing secrets.

Espionage

A foreign intelligence officer in Washington lacks some of these advantages. That lack is only partially compensated by special advantages of his own.

Intelligence officers also work the six types of sources listed earlier. To them, they add a seventh, the media itself. While other embassies in Washington regularly cultivate the more important and better-informed journalists in an effort to sell their national lines, the Soviet Embassy pursues some reporters with a different motive. It wants to find out what they have learned as official background information not for publication or have picked up from leaks.

An intelligence officer faces obstacles little known to a reporter. Rather than having some constitutional legitimacy, he is confronted by espionage laws. He is not free to approach anyone he wants and ask questions, although some KGB officers have tried such methods on Capitol

Hill in the apparent belief that the atmosphere there is more conducive to passing out information to strangers than in executive branches. He is unlikely to be able to get someone working with classified information to have lunch with him so that an acquaintance can be cultivated in hope that it will now or later produce information.

This limitation on openly asking questions inclines intelligence officers to put more reliance on searching written materials. The Soviets read some in Washington and order many for dispatch to Moscow. They not only get official publications for the general public and specialized industries, but also subscribe to technical newsletters and other commercial publications that in effect help them search for what is important.

An intelligence officer can be expected to have a clear idea of what he is looking for at all times. This is probably untrue of a reporter. He might only periodically do investigative projects and is most unlikely to have a good system for saving and being able to recover miscellaneous bits of information that do not apply to a current project but might eventually add up to something. Both can use scraps. An experienced reporter can construct an interesting, comprehensive story out of just one new fact and a lot of background. But the intelligence officer is more likely to be working toward a long-term goal of fitting odd bits of information into a valuable picture. He, or his headquarters, is therefore more inclined to collect even seemingly insignificant scraps of classified or unclassified information on subjects of current or potential interest.

Intelligence officers have certain appeals that investigative reporters lack. They range from the ideological to the mercenary. While Communism has lost the kind of attraction it had for some in past decades, and the desire to help the Soviet Union build a brave new world is now weak to nonexistent in the United States, some people are still moved by the peace front idea of helping prevent nuclear war. This can be played upon.

It is, however, probably of little importance compared with the mercenary appeal. The willingness of the Soviets, Chinese or others to pay for classified information is well advertised by trials of those who have accepted the lure, yet the obvious fact of people being caught and put on trial fails to deter some who are desperate enough for money.

Ethnic connections can also be important for intelligence officers but not for reporters working in Washington. This has been shown recently by the Chin case but probably has much broader applicability than just the especially strong Chinese sense of ethnic and cultural solidarity.

Analysis

Investigative reporting is in a lot of ways similar to intelligence analysis, which drives many aspects of intelligence officers' work.

In both fields, a broad overview of a subject is needed. This makes it possible for the importance of particular facts to be recognized so they can be fitted into a framework that utilizes them in all pertinent and significant ways. Such a framework also makes it possible to determine what further information is needed to give a comprehensive picture. A

reporter will then contact his regular sources or try to establish new ones to fill in the holes; an analyst will ask intelligence officers or such other sources as technical collection systems to produce further material.

In some ways the analyst has a harder job. He has to dig through written materials for his background. There is seldom much institutional memory that will help him, and in any event he has to locate original sources for most of his work. The journalist in a sense stands on the analyst's shoulders. By asking questions of those who benefit from the analyst's finished product, he gets the fruits of their labor without needing to do the same research or locate the documentation. An investigative reporter depends on others' expertise, while an analyst has to be his own expert.

Both the investigative reporter and the analyst have to develop a concept of the problem they are trying to solve. They have to be flexible enough to reformulate the problem as they go along. Some media leaks have been a result of a reporter, who was working on one subject, stumbling across tangential information that led into a different subject. But the analyst is usually dealing with a set problem and is not so free to switch topics.

A reporter is likely to be pointed from one question to the next by his sources. An analyst must do his own pointing, possibly with the help of his management.

Conclusions

Despite the similarities in their work, investigative reporters have far more opportunities than do intelligence officers. They are an accepted--even heroic in some eyes--part of the society, rather than being almost universally seen as part of a foreign threat. They can go anywhere, talk to anyone, ask any kind of question without being considered off limits in the way that intelligence officers would be. While it might be harmful to a government career to be seen talking to reporters, especially if sensitive information is then published, it is rarely seen as being illegal or even morally reprehensible.

The media's reluctance to pay for information, except in the show business area that seldom delves into classified subjects, limits it in obtaining some information that intelligence officers are eager to buy. But this is more than offset by the advantages of sources' wanting to get information into the press for a variety of motives.

There is also the major advantage that leaking information to the media is a relatively safe activity. In comparison to the publicity given to cases of providing classified material to foreign intelligence officers, there has been little said or done about leaks to the media. This has the apparent effect of making such leaks seem to involve low risks. Up to now, the penalties for talking to investigative reporters have been mild compared to those for talking to the KGB.

Being more numerous and wide-ranging than Communist intelligence officers, reporters are harder to track for any attempt to detect leaks at

their end of the connection. Aside from the legal problems that would be involved, there is the physical problem of sheer numbers of media offices to watch. [redacted] STAT

[redacted] The problem is compounded by the fact that any journalist, or even a free-lancer, can come up with classified information. Although those journalists who specialize in investigating security subjects would be obvious targets if surveillance were legally and physically possible, the better to intimidate the rest, they alone are not the whole problem.

These considerations make it more logical to look toward the motives and mechanisms involved in providing leaks when seeking ways to reduce them.

Suggestions

Some new approaches are already being followed. These include efforts to tighten the handling of classified material and the wider use of polygraphs in investigating leaks.

Other possibilities are:

-- Warn those working with classified material--including policy-level political appointees, contractors and think tank personnel in addition to regular government employes--of the dangers of trying to talk around classified information. The best defense for a holder of classified information would be to refuse

flatly to discuss a classified subject in any form, because the boundary between what is secret and what is in the public domain is so vague and easily misjudged.

-- Discourage those contacted by the media from providing the names of others who have some knowledge of the subject under investigation. The importance to a reporter of being able to go from one source to the next, collecting bits and pieces that each feels is relatively innocuous but that might add up to something significant, should be strongly emphasized. If the chain can be broken, a reporter will have a hard time ferreting out complete stories.

-- Keep in touch with retired people to remind them of the necessity of not talking about classified subjects, no matter how old their information.

-- Create an alert system for targets of investigative reporters. Anyone who works with classified information, including policy-level political appointees, or has worked with it in the past, should be instructed to report to a central office any queries on classified subjects--other than those obviously involving current spot news developments. Such a report then would be the basis for alerting others working on the same subject or who have worked on it in the last few years, even if now retired. The alert would have the effect of reminding the others of their obligation not to talk about the subject. While this

could prove administratively difficult and expensive, and might not reach everyone that an investigative reporter would try to interview, even a limited effort to provide partial coverage of potential press targets would be worthwhile.

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