

REPORT
TO THE
ATTORNEY GENERAL OF THE UNITED STATES
ON THE WORK OF THE
INTERAGENCY TASK FORCE
CONCERNING
PROTECTIONS AGAINST UNAUTHORIZED DISCLOSURES
OF
CLASSIFIED INFORMATION

(PURSUANT TO SECTION 310 OF PUB.L. 107-108 (DEC. 28, 2001))

SUBMITTED
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Interagency Task Force on Protections
Against
Unauthorized Disclosures of Classified Information

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APPENDIX

Interagency Task Force on Protections
Against
Unauthorized Disclosures of Classified Information

Members

Patrick B. Murray, *Chairman*
Associate Deputy Attorney General
U.S. Department of Justice

James H. Thessin
Principal Deputy Legal Adviser
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Richard L. Shiffrin
Deputy General Counsel for Intelligence
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Director, Office of Security
U.S. Department of Energy

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Acting General Counsel
Central Intelligence Agency

John B. Bellinger, III
Deputy White House Counsel and Legal Adviser
National Security Council

STATUTORY MANDATE

Section 310 of the "Intelligence Authorization Act for Fiscal Year 2002" directed the Attorney General, in consultation with the Secretaries of Defense, State, and Energy; the DCI, and the heads of such other departments, agencies, and entities of the United States Government he considered appropriate, to carry out a comprehensive review of current protections against the unauthorized disclosure of classified information. The review was to consider any mechanisms available under civil or criminal law, or under regulation, to detect the unauthorized disclosure of such information; and any sanctions available under civil or criminal law, or under regulation, to deter and punish the unauthorized disclosure of such information. The statute required that the report include a response to two specific questions:

1. whether the administrative regulations and practices of the intelligence community are adequate, in light of the particular requirements of the intelligence community, to protect against the unauthorized disclosure of classified information; and
2. whether recent developments in technology, and anticipated developments in technology, necessitate particular modifications of current protections against the unauthorized disclosure of classified information in order to further protect against the unauthorized disclosure of such information.¹

The report is to include:

1. A comprehensive description of the review, including the findings of the Attorney General as a result of the review.
2. An assessment of the efficacy and adequacy of current laws and regulations against the unauthorized disclosure of classified information, including whether or not modifications of such laws or regulations, or additional laws or regulations, are advisable in order to further protect against the unauthorized disclosure of such information.²

The scope of this review was limited to the study of unauthorized disclosures of classified information to the media. The task force was not directed to focus upon other types of inappropriate and unauthorized disclosures such as espionage or unauthorized disclosures of sensitive law enforcement information, including grand jury information; nor was its focus on the negligent handling of classified information.

¹ See Pub. L. 107-108 (Dec. 28, 2001).

² *Id.*

THE REVIEW

In anticipation of the passage and enactment of the "Intelligence Authorization Act for Fiscal Year 2002," on December 11, 2001, the Secretaries of State, Defense, and Energy; the Director of Central Intelligence; and the Assistant to the President for National Security Affairs were advised of the establishment of an interagency task force to fulfill the requirements of section 310 of the "Intelligence Authorization Act for Fiscal Year 2002." The scope of the task force's review was outlined. Additionally, the Chairman of the task force was designated and each of these government officials was asked to provide their personal support for, and commitment to, the work of the task force.³

Organization of the Task Force

The members of the task force were:

Patrick B. Murray, Associate Deputy Attorney General, DOJ (Chair);
James H. Thessin, Principal Deputy Legal Adviser, Dept. of State;
Richard L. Shiffrin, Deputy General Counsel for Intelligence, DOD;
Joseph S. Mahaley, Director, Office of Security, DOE;
John A. Rizzo, Acting General Counsel, CIA; and
John B. Bellinger, III, Deputy White House Counsel and Legal Adviser, NSC.

It was determined that the establishment of working groups would greatly assist its consideration of the myriad and complex issues presented, as well as to develop potential recommendations. Therefore, five working groups were established to study, investigate, analyze, and report back to the task force on a wide range of matters related to the subject of unauthorized disclosures of classified information to the media. Task force members quickly identified individuals from their respective organizations to serve on the working groups. The working groups and their general areas of focus were:

1. Litigation Group -- Issues relating to administrative, civil, and criminal processes;
2. Legislative Group -- Issues relating to legal policies and the development of potential legislative and administrative proposals;
3. Security Group -- issues relating to current available mechanisms and potentially promising administrative methods to protect against unauthorized disclosures;
4. Science and Technology Group -- issues relating to innovations in technology that could provide administrative measures to better track the dissemination of classified

³ See Letter from AG Ashcroft to Secretaries of State, Defense, Energy, to the DCI, and to the Asst. to the Pres. for National Security Affairs, dated December 11, 2001.

information, narrow the universe of potential leakers, deter potential leakers, and to assist in any adjudicative procedures to sanction identified leakers; and

5. Legal Review Group -- issues relating to the legal implications of suggested recommendations, legislative proposals, as well as those relating to general application of constitutional and other legal principles.

The Department of Justice personnel participating in the working groups included representatives from the Criminal and Civil Divisions; and the Offices of Legal Counsel, Legal Policy, Professional Responsibility, Intelligence Policy and Review, and Legislative Affairs. Additionally, the Department's Science and Technology Adviser and personnel from the Federal Bureau of Investigation participated in the various working groups. DOJ chaired the Litigation, Legislative, and Legal Review Groups.

The Department of State had personnel participating from its Office of the Legal Adviser, the Bureau of Diplomatic Security, and the Office of Congressional Relations, as well as other relevant bureaus and offices.

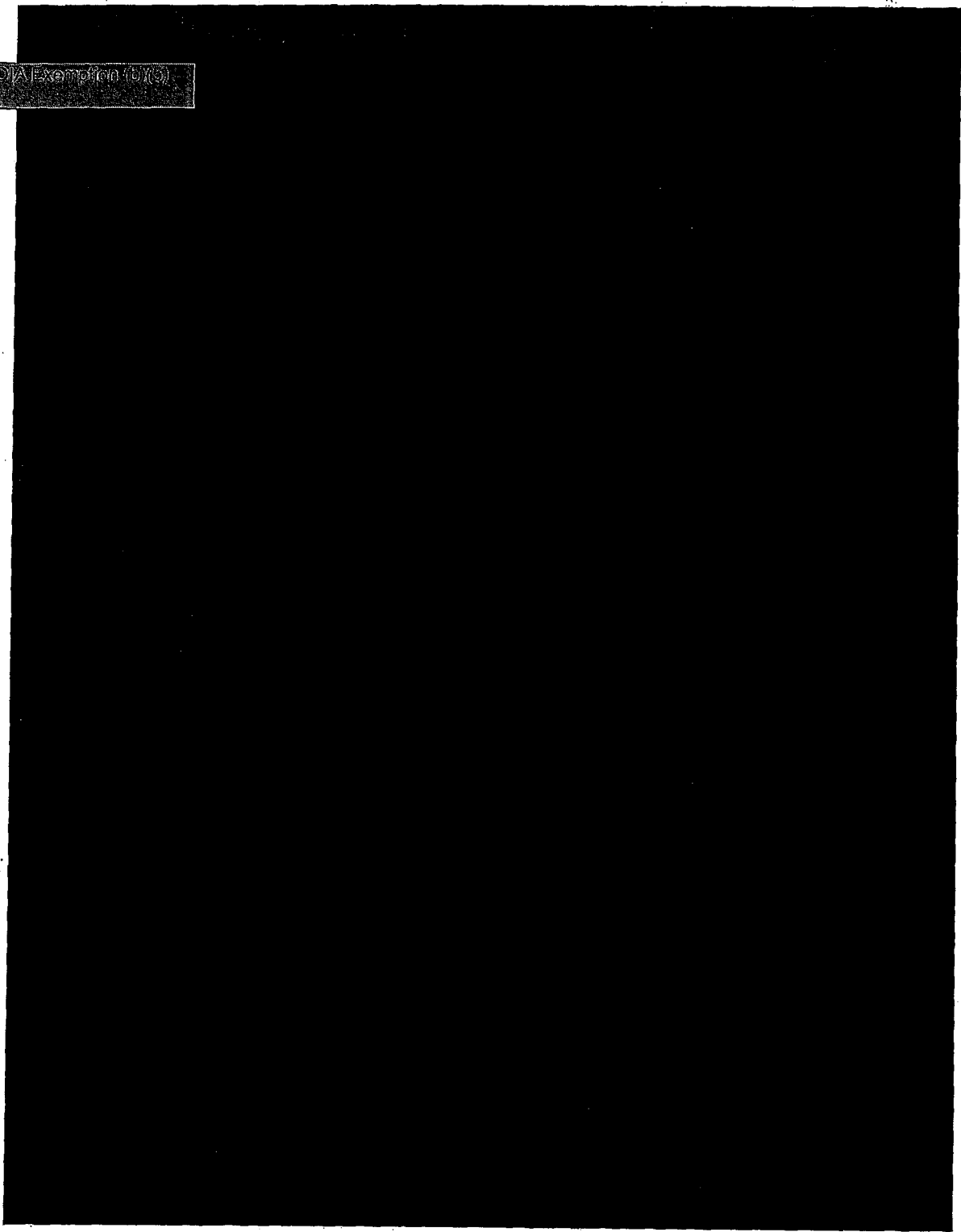
The Department of Defense had personnel from its Office of General Counsel, the National Security Agency, and the National Reconnaissance Office, as well as from the office of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence participating in relevant working groups. A DoD representative, together with a representative of the Central Intelligence Agency, co-chaired the Security Group.

The Department of Energy's Director, Security Policy Staff, and the General Counsel of the National Nuclear Security Administration participated in the working groups.

The Central Intelligence Agency had personnel from its Offices of General Counsel and Security, and from its Science and Technology Directorate participating in the working groups. CIA chaired the Science and Technology Group, and, as noted above, co-chaired the Security Group with a DoD representative.

FINDINGS

FOIA Exemption (b) (7) (C)



**Pages 5-49 of this document have been withheld
pursuant to FOIA Exemption (b)(5).**

APPENDIX

The
ENEMY
is listening

He wants to know
what you know

KEEP IT TO YOURSELF

Military Intelligence Division, War Department

Office of Naval Intelligence, Navy Department

Federal Bureau of Investigation, Department of Justice



a careless word...

A NEEDLESS LOSS



WHO WANTS TO KNOW?

CARELESS TALK

Got there First



I'M COUNTING ON YOU!



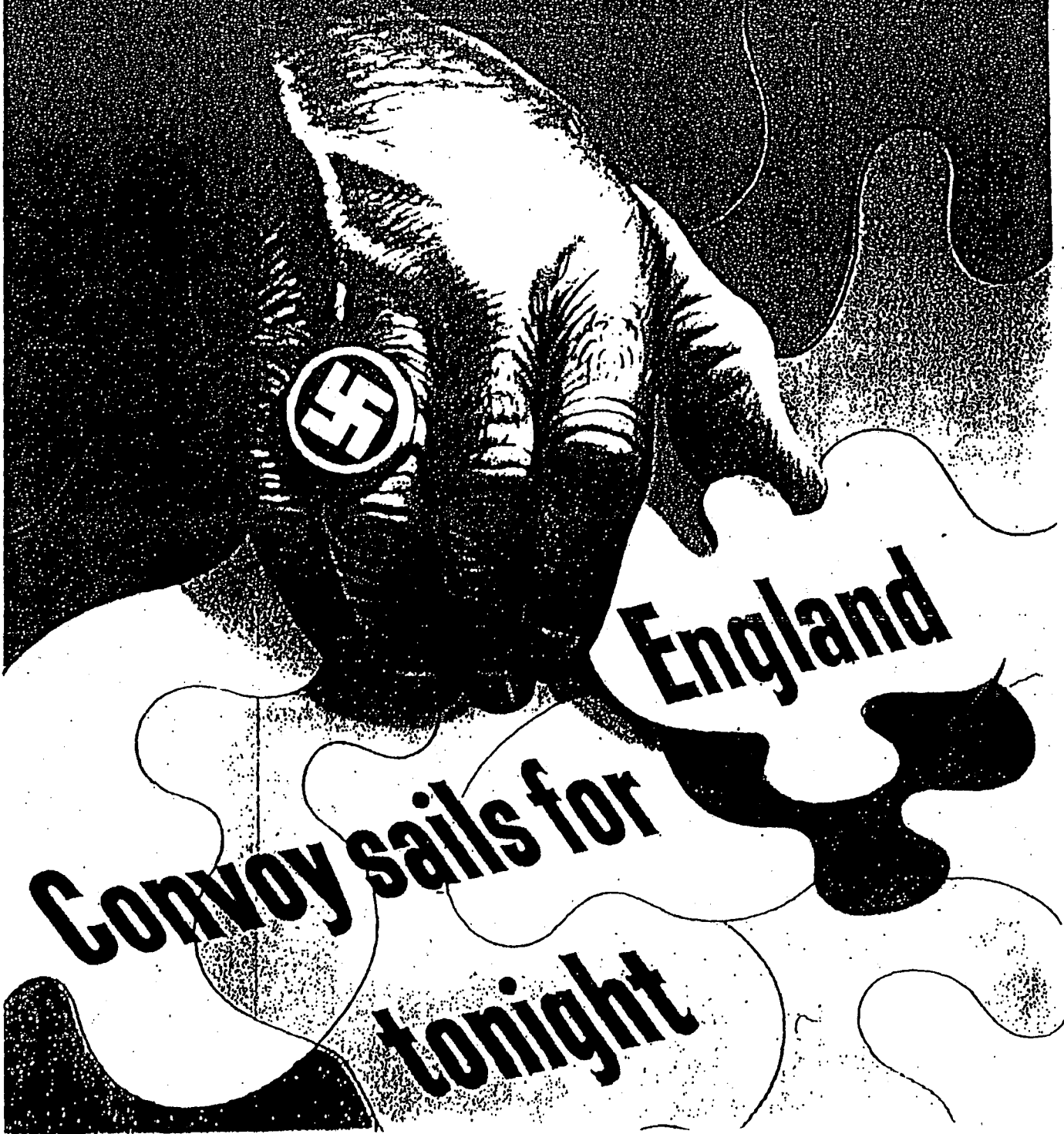
DON'T DISCUSS:

THROUGH MOVEMENTS

COMING TO A THEATRE NEAR YOU

BITS OF CARELESS TALK

ARE PIECED TOGETHER BY THE ENEMY



England

**Convoy sails for
tonight**



**If you tell where
he's going . . .
He may never
get there!**