

In the context of information sharing, a quick word should also be said about the need to protect national security information from unauthorized disclosure. Those of us with regular access to highly classified information cannot help but be appalled by the frequency with which the publication within the Intelligence Community of enormously sensitive reports is quickly followed by sensationalistic press accounts of that very same information. The President, the Secretary of Defense, and other officials have all stated emphatically the dangers posed by the endemic culture of media “leaks” in modern Washington. As Attorney General Ashcroft has noted, “there is no doubt and ample evidence that unauthorized disclosures of classified information cause enormous and irreparable harm to the nation’s diplomatic, military, and intelligence capabilities.”⁷⁹ As we have learned during the course of this Joint Inquiry, our Intelligence Community’s ability *personally* to track Usama bin Laden himself was lost in 1998 on account of a senior official’s boasting to the media about a certain type of collection capability. We simply *cannot* hope to fight the war on terrorism with sustained success if we continue to see our intelligence activities and capabilities featured in the press as part of what Senator Pat Roberts has described as “the leak of the week.”

Unfortunately, however, our current laws against disclosing classified information are far too weak, and investigations of leaks usually far too difficult, for prosecutors to have had any success in pursuing them. Indeed, in the last half-century, I am aware of only *one* non-espionage case in which someone was prosecuted for an unauthorized disclosure. The SSCI and HPSCI tried to address this issue in 2000 by placing a section in our Fiscal Year 2001 intelligence authorization bill that would have made it a felony for someone with authorized access to

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Attorney General John Ashcroft, letter to Vice President Dick Cheney (October 15, 2002).