

ROUTING AND RECORD SHEET

SUBJECT: (Optional) Admiral Turner's Testimony on Prepublication Review

FROM: William M. Baker *MB*
Director, Public Affairs

EXTENSION
X7676

NO. PAO No. 88-0237

DATE 12 August 1988

TO: (Officer designation, room number, and building)

DATE	
RECEIVED	FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.		15 AUG 1988	<i>JL</i>
2.			
3.	DCI	16 Aug 88	<i>W</i>
4.			
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6-205-1R



12 August 1988

JUDGE

Re: Admiral Turner's Testimony
on Prepublication Review

Admiral Turner testified about his experience with prepublication review before the Legislation and National Security Subcommittee of the House Committee on Government Operations chaired by Congressman Jack Brooks on Wednesday, 10 August 1988. His testimony, a copy of which is attached at Tab A, was cleared by the Publications Review Board since it contained no classified information. His testimony, however, is largely critical of the Agency, although he does state at the outset that things have improved under your tenure.

His principal points and the PRB's response are as follows:

1) He was not permitted to publish very much about satellite photoreconnaissance in his first book. When the Government made a limited exception to this policy to allow the DDS&T to testify at the Morrison trial, it took 21 months before "the Agency" permitted him to publish the same information.

Comment: The NSC delayed revising the classification guidance for 18 months. Repeated urging by CIA finally accomplished the necessary change.

2) He was barred by the PRB from publishing information he had delivered in an unclassified speech.

Comment: When Admiral Turner pointed out the similarity in the two passages, the PRB withdrew its objection.

3) The PRB must be short of staff because it took so long to clear his book.

Comment: The lengthy review period for his first book is attributable not to a shortage of staff (or any other internal cause) but to Admiral Turner's decision to submit the manuscript chapter by chapter, interspersed with numerous revisions. In the two years it took to clear the 56 submissions comprising his book, the PRB reviewed 65 other books in an average of 23 days each.

DCI/WMB/ERS/emb:12 Aug.88,

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Distribution:
Orig. - Addressee STAT
1 - D/PAO
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4) The prepublication review requirement should be limited to 10 years following separation from the Agency.

Comment: Although the sensitivity of some classified information may be reduced by the passage of time, this is by no means always true. As the President's executive order on classification recognizes, and the Supreme Court recently affirmed in the Sims case, some information remains sensitive and requires protection indefinitely.

All in all, Admiral Turner has received excellent service from the PRB. We compiled some statistics concerning this record which are attached at Tab B.

STAT



Bill Baker

MEMO from Stansfield Turner

8/4/88

To: PRB

I have just been asked to testify on pre-publication review, not yet. Here are my proposed remarks -

Stansfield Turner

[Redacted]

STAT

August 4, 1988

Testimony on Pre-Publication Review

for

House Legislation and National Security Subcommittee

by

Stansfield Turner

August 10, 1988

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Mr. Chairman: I HAVE ONLY TWO BRIEF POINTS TO MAKE ON THE SUBJECT OF PRE-PUBLICATION REVIEWS. FIRST, THAT THE REVIEWS AS CONDUCTED BY THE CIA AND NSA ARE SUBJECT TO ABUSE AND SHOULD BE PLACED UNDER SOME OUTSIDE REGULATION. SECOND, THAT THERE IS GREATER DANGER THAN BENEFIT IN EXTENDING THE PRE-PUBLICATION REVIEW REQUIREMENT TO OTHER AGENCIES OF OUR GOVERNMENT.

ON THE FIRST POINT, MY EXPERIENCE IN OBTAINING CLEARANCE FROM THE CIA FOR MY BOOK "SECRECY AND DEMOCRACY" WAS A PAINFUL AND COSTLY PROCESS FOR ME. I WOULD NOTE THAT THIS WAS DURING THE TENURE OF WILLIAM CASEY AT THE CIA, A PERIOD IN WHICH THERE WAS EXTENSIVE OVER-CLASSIFICATION OF MATERIALS. I HAVE FOUND A MUCH MORE REASONABLE ATTITUDE SINCE JUDGE WEBSTER BECAME THE DIRECTOR. MY POINT, THOUGH, IS THAT THE POTENTIAL FOR ABUSE EXISTS AS PROVEN BY MY EXPERIENCE DURING MR. CASEY'S TIME.

OF PHOTOGRAPHIC SATELLITES FOR ANY PURPOSE OTHER THAN VERIFICATION OF ARMS CONTROL AGREEMENTS. IT IS, OF COURSE, ABSURD TO ATTEMPT TO TELL THE AMERICAN PEOPLE THAT WE HAVE PHOTOGRAPHIC SATELLITES AND DO NOT EMPLOY THEM FOR ANY OTHER PURPOSE THAN ARMS CONTROL. THE AMERICAN PEOPLE DESERVE TO KNOW THAT OUR GOVERNMENT HAS THE CAPABILITY TO PROTECT OUR INTERESTS THROUGH THE USE OF SATELLITE PHOTOGRAPHY.

FIVE MONTHS AFTER MY BOOK WAS PUBLISHED, THE CIA SENT REPRESENTATIVES TO COURT TO TESTIFY IN THE CASE OF A MAN NAMED MORISON. MORISON HAD PURPORTEDLY GIVEN U.S. SATELLITE PHOTOGRAPHY TO A JOURNAL PUBLISHED IN ENGLAND. THE PHOTOS IN QUESTION WERE OF SOVIET AIRCRAFT CARRIERS. AIRCRAFT CARRIERS ARE NOT A PART OF ANY ARMS CONTROL AGREEMENT. THUS, THE CIA WAS DISCLOSING PRECISELY WHAT I HAD BEEN FORBIDDEN TO DISCLOSE.

NOW, I RECOGNIZE THAT FROM TIME TO TIME THE GOVERNMENT DECIDES THAT SOME OVERRIDING INTEREST MAKES IT WORTHWHILE TO DECLASSIFY SOMETHING CLASSIFIED. I AM SUGGESTING, THOUGH, THAT THE AGENCY'S WILLINGNESS TO BREAK THEIR RULE ON SATELLITE PHOTOGRAPHY SO READILY INDICATES THAT THERE WAS LITTLE SUBSTANCE BEHIND IT.

TO RUB SALT IN THE WOUNDS, IT TOOK THE AGENCY 21 MONTHS - LET ME REPEAT THAT, 21 MONTHS - TO MY REQUEST TO BE PERMITTED TO SAY JUST WHAT THE CIA REPRESENTATIVE HAD SAID IN COURT. THAT IS A GROSS ABUSE OF THE CONSTITUTIONAL RIGHT OF A CITIZEN TO FREE SPEECH, IN MY OPINION.

*NSDD
not a
CIA
directive*

LET ME GIVE ONE MORE EXAMPLE. WHILE I WAS DIRECTOR OF CENTRAL INTELLIGENCE, I GAVE A NUMBER OF UNCLASSIFIED SPEECHES TO AUDIENCES WITH NO SECURITY CLEARANCES. IN ONE OF THOSE I GAVE A HYPOTHETICAL EXAMPLE OF HOW WE INTEGRATE VARIOUS TYPES OF INTELLIGENCE COLLECTION. WHEN I ATTEMPTED TO QUOTE MY OWN UNCLASSIFIED SPEECH IN MY BOOK, I WAS DENIED PERMISSION. YET, I OBTAINED QUITE FREELY A COPY OF MY SPEECH FROM THE CIA AND "ASSUME, SINCE IT IS NOT CLASSIFIED, THAT YOU OR ANY CITIZEN COULD DO SO TODAY. RE-CLASSIFICATION OF WHAT IS IN THE PUBLIC DOMAIN IS AN ACT THAT RECALLS THE KING WHO ATTEMPTED TO PUSH BY THE TIDE. MOREOVER, THERE WAS NOTHING CLASSIFIED IN MY HYPOTHETICAL EXAMPLE, THOUGH I CANNOT GIVE IT TO YOU TODAY AS I AM STILL BOUND BY THIS RIDICULOUS RULING.

I WOULD ALSO LIKE TO COMMENT THAT THE CIA IS SERIOUSLY SHORT OF STAFF TO CONDUCT THE PRE-PUBLICATION REVIEWS. THEY HAVE NO CONCEPT THAT TIME IS WORTH MONEY TO AN AUTHOR. WHEN THEY TOOK WEEKS TO REVIEW A CHAPTER I WOULD SEND THEM, IT WOULD INTERRUPT THE PROGRESS OF MY WORK. AND, THEN, I WOULD APPEAL SOME RULING AND MORE WEEKS WOULD ELAPSE. IT BECAME DIFFICULT TO KEEP TRACK OF WHERE WE STOOD AND WHICH ARGUMENT WAS WHICH. I ESTIMATE THAT THE PRE-PUBLICATION REVIEW PROCESS CONSUMED 20% OF MY EFFORT IN PRODUCING MY BOOK. THAT IS UNACCEPTABLE AND I SUSPECT THAT I RECEIVED FAR BETTER TREATMENT THAN THE AVERAGE AUTHOR.

BECAUSE THE PRE-PUBLICATION REVIEW PROCEDURES CAN BE ABUSED, I BELIEVE SOME PRECAUTIONS ARE IN ORDER. I SUGGEST THE FOLLOWING:

1. THAT THE INTELLIGENCE COMMITTEES OF THE CONGRESS CONDUCT ANNUAL OVERSIGHT OF THE REVIEW PROCESS WITH SPOT CHECKS ON THE TYPES OF DELETIONS MADE AND THE LENGTH OF TIME AUTHORS WERE REQUIRED TO WAIT FOR DECISIONS.

2. THAT THE OBLIGATION OF ANY INDIVIDUAL TO SUBMIT HIS WRITINGS FOR REVIEW BE LIMITED TO 10 YEARS. CERTAINLY THE CIA COULD SAY THAT SOME SECRETS EXTEND PAST 10 YEARS, BUT IN MATTERS LIKE THESE WE MUST MAKE A BALANCE BETWEEN THE INDIVIDUAL'S RIGHT TO SPEAK AND THE PUBLIC'S RIGHT TO HEAR ON THE ONE HAND, AND THE CIA'S NEED FOR SECRECY ON THE OTHER. IN MAKING THAT BALANCE WE SHOULD KEEP IN MIND THAT THE VAST MAJORITY OF THOSE DOING THE WRITING ARE CONSCIENTIOUS AND WOULD HARDLY REVEAL SOMETHING SO SECRET THAT IT NEEDED TO BE SECRET AFTER 10 YEARS. THOSE WHO ARE NOT CONSCIENTIOUS WILL LET THE CAT OUT ONE WAY OR ANOTHER.

MY SECOND POINT IS CLOSELY RELATED TO THESE LAST COMMENTS. IT CONCERNS WHETHER LITERALLY HUNDREDS OF THOUSANDS OF ADDITIONAL PUBLIC SERVANTS SHOULD BE REQUIRED TO SUBMIT TO PRE-PUBLICATION REVIEW. I EMPHATICALLY SAY "NO" FOR THREE REASONS:

1. THE ABUSES I HAVE EXPERIENCED NOT ONLY COULD, BUT VERY LIKELY WOULD, BE EXPERIENCED FREQUENTLY.

2. THE BUREAUCRACY TO HANDLE HUNDREDS OF THOUSANDS OF

VERY SLOW. AS I MENTIONED, THIS PROBLEM HAS GOT OUT OF HAND WITH THE CIA AS THE NUMBER OF RETIREES DOING WRITING HAS INCREASED. I BELIEVE IT WOULD BECOME UNMANAGEABLE WITH HUNDREDS OF THOUSANDS AND WOULD END UP BEING IGNORED.

3. WHILE THERE ARE LOTS OF IMPORTANT SECRETS IN OUR GOVERNMENT, THERE ARE NOT AS MANY CRITICAL ONES IN MOST AREAS OF GOVERNMENT AS IN THE CIA AND NSA. OUR FORM OF GOVERNMENT IS BUILT ON THE ASSUMPTION OF A WELL INFORMED ELECTORATE. AS WE STIFLE EXPRESSION FROM PEOPLE WITH FIRST-HAND EXPERIENCE IN GOVERNMENT, WE REDUCE THE LIKELIHOOD THAT THE ELECTORATE WILL BE WELL INFORMED.

IT IS STRICTLY A JUDGMENT CALL, BUT I BELIEVE THAT UNLESS THERE IS A COMPELLING CASE FOR SECRECY, WE SHOULD ALWAYS COME DOWN ON THE SIDE OF OPENNESS. THERE ARE EXCEPTIONS, BUT SO MANY OF THE "SECRETS" IN THE AVERAGE AGENCY OF OUR GOVERNMENT ARE NOT SECRET AT ALL, THAT I COME DOWN ON THE SIDE OF NO PRE-PUBLICATION REVIEW OUTSIDE THE CIA AND NSA.

THANK YOU, MR. CHAIRMAN.

8 August 1988

PRB Submissions
Stansfield Turner

Total Submissions to date	152
Submissions completed in 1 week or less (38 completed the same day)	97
Submissions completed in 8 -29 days	52
Submissions completed in 30 days or more	3