

Secret Document Reveals Former CIA Director's Plan to Make Reading WikiLeaks a Crime

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A [SECRET declassified report](#) by then-CIA **Director William Casey**, titled, "Unauthorized Disclosures to the Media" proposed creating legislation that would make possession of classified information a criminal offense.

At the time that would make anyone reading a *New York Times* article with classified information, or WikiLeaks in the modern-era, criminally liable and able to be prosecuted by the state.

SECRET

UNAUTHORIZED DISCLOSURES TO THE MEDIA

BY

William J. Casey

Additional legislation might also be sought to criminalize the unauthorized possession of classified material. This would be harder to legislate, but would be useful in making the acceptance of classified documents a riskier proposition.

Although Casey was in favor of creating new legislation to specifically target media leaks, as well as those who come to possess those leaks (journalists or readers), he argued against utilization of the Espionage Act to prosecute leakers.

The law must also be tightened up. In recent years, legislation has been proposed by CIA to make crime of the simple act of disclosing classified information to an unauthorized person. This seems eminently reasonable and avoids the "driving tacks with a sledge hammer" aspect of using the Espionage Act to prosecute leakers. Since ex post facto laws are unconstitutional, we need this legal remedy as soon as possible. The CIA proposed version of such a law has never made it to the floor of Congress.

The former CIA Director reasoned that using the Espionage Act to target leakers was extreme, excessive and was akin to "driving tacks with a sledgehammer."

While Casey acknowledged that the media was conflicted in their obligations, he conceded that it's the job of the media to inform the public.

The motives of the people in the media who receive and use classified information are perhaps more difficult to analyze and characterize. Many people in the media have a real conflict in this area. On one hand, they do not want to damage the national security or intelligence capabilities. On the other hand, they see as their job to inform the public. Therefore, when they come into possession of classified information, they face a dilemma. In some instances it is possible, with sufficient lead time, to work with a columnist, reporter, or

Ironically, despite his admission that the job of a journalist is to inform the public, he goes on to espouse a desire to see the media prosecuted for their role in publishing leaks and held in contempt if they failed to name their sources.

The advantages that reporters enjoy could be neutralized quickly if leaking became dangerous and unprofitable for both parties in the transaction. There is no legal basis for excepting a reporter who has participated in an illegal act from the investigative process to which all citizens are subjected. Passing classified information to an unauthorized person is illegal and, in some instances, it is criminal. Reporters involved in taking and disseminating classified information must be subject to the same investigative processes and penalties as other citizens. The Justice Department should be able to bring such a person before a grand jury and offer him immunity if he takes the fifth amendment and have him held in contempt if he still refuses to respond to questions about the source of the classified information which he received and had published. If

Ironically, as *Muckrock* [points out](#), far from minimizing the potential harm of national security leaks, Casey emphasized the damage that they could do. However, **none of the five examples provided by Casey in his report resulted in any actual harm.** Two examples “could have” resulted in adversary adjusting their techniques, though the language implies that hadn’t happened.

A third and fourth example resulted in potential damage which forced the Agency to cut off contact with a human source lest that danger be amplified. While endangering human sources is never a good thing and disrupting HUMINT operations was unlikely to have been the intention, the report again indicates that no actual harm came to anyone. A fifth example placed someone in danger of being discovered, again a possibility which hadn’t come to pass, though it “could possibly have an adverse effect on U.S. relations” with an unknown group.

ITEM: [REDACTED] 25X1

program. The article disclosed classified information that has placed a human source in danger of being discovered [REDACTED] 25X1

[REDACTED] Furthermore, the disclosure could possibly have an adverse effect on U.S. relations with the [REDACTED] 25X1

[REDACTED] 25X1

Ideally, as *Muckrock* notes, Casey felt that the new law should not require they demonstrate that a leak caused any actual damage to the United States. Instead, the question should be whether or not the information was passed to someone not authorized to receive it.

° STEP #7 - Efforts must be mounted to promote a new statute which would criminalize the passage of classified information to unauthorized persons. A good law here would require authorized recipients of classified information to live up to their fiduciary responsibilities, or suffer penalties if they fail to do so. Such a law could not be construed in anyway as infringing upon the freedom of the press. Ideally, it would not require proof that the United States was damaged by the unauthorized disclosure. It would only be necessary to show that the defendant gave classified information to someone not authorized to receive it.

Although he expressed that the Espionage Act was the wrong way to go about doing so in the report, only a few months later the government [successfully prosecuted Samuel Morison](#) - setting a new precedent for decades to come.

Since then, the draconian Espionage Act has been used to target whistleblowers and leakers alike — with Obama using it to [prosecute and imprison a record number](#) of journalists' sources — and even threaten media publishers.

The declassified report gives a clear insight into the mind of a high-level government official, in terms of how free of a press they really would really like to see in the United States.

While it was admirable that then-CIA Director Casey made clear that the Espionage Act was overkill for leakers, the idea that he wanted to create legislation for the government to have the ability to prosecute journalists for informing the American public about the extrajudicial actions of their own government - and which could likely also be used to criminalize the public - seems extremely antithetical to the First Amendment and the entire notion of a free press.

For those that don't remember, [CNN also said the same thing](#)—that reading WikiLeaks *is* illegal—and this was just last year.

View full document on Scribd [HERE](#).

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