<table>
<thead>
<tr>
<th>FORM OF DOCUMENT</th>
<th>CORRESPONDENTS OR TITLE</th>
<th>DATE</th>
<th>RESTRICTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Memo</td>
<td>Cheney to Rumsfeld, 5/29/75</td>
<td>5/29/75</td>
<td>A</td>
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<tr>
<td>1a. Memo</td>
<td>Dick Cheney to Don Rumsfeld - Typed draft with handwritten editing (2 pp.) opened (5/29) based on below 4/20/85</td>
<td>5/29/75</td>
<td>A</td>
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<tr>
<td>1b. Memo</td>
<td>Handwritten draft of item 1a (3 pp.); opened in part; based on MAC 3-75, etc.</td>
<td>5/29/75</td>
<td>F</td>
</tr>
<tr>
<td>1c. Memo</td>
<td>Dick Cheney to Don Rumsfeld - Redrafted version of item 1a (2 pp.) declassified NSC 4/1973 4/27/75</td>
<td>5/29/75</td>
<td>A</td>
</tr>
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<td>1d. Memo</td>
<td>Copy of item 2 (2 pp.)</td>
<td>5/29/75</td>
<td>A</td>
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<tr>
<td>1e. Memo</td>
<td>Dick Cheney to Rumsfeld - Donald Rumsfeld - Cable version of item 2 4/27/75 4/27/75, note - some unclassified attachments are included in the cable making it larger than item 2 4/27/75</td>
<td>5/29/75</td>
<td>A</td>
</tr>
<tr>
<td>1f. Memo</td>
<td>Copy of item 4 (10 pp.)</td>
<td>5/29/75</td>
<td>A</td>
</tr>
</tbody>
</table>

FILE LOCATION

Cheney Files
General Subject File
Intelligence - New York Times Articles by Seymour Hersh (1)

RESTRICTION CODES

(A) Closed by Executive Order 12356 governing access to national security information.
(B) Closed by statute or by the agency which originated the document.
(C) Closed in accordance with restrictions contained in the donor's deed of gift.

WHEN, 5/30/85

GENERAL SERVICES ADMINISTRATION

GSA FORM 7122 (REV. 5-82)
Disclosure of classified information

1. Whoever knowingly and willfully communicates, furnishes, repeats, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information—

1. concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or

2. concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or

3. concerning the communication intelligence activities of the United States or any foreign government; or

4. obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes—

shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

(b) As used in subsection (a) of this section—

The term "classified information" means information which, at the time of a violation of this section, is, for reasons of national se-
§ 798. Temporary extension of section 784

The provisions of section 784 of this title, as amended and extended by section 1(a) (29) of the Emergency Powers Continuation Act (66 Stat. 323), as further amended by Public Law 12, Eighty-third Congress, in addition to coming into full force and effect in case of war shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950 (Procl. 2912, 3 C.F.R., 1950 Supp., p. 712) or such earlier date as may be prescribed by concurrent resolution of the Congress, and acts which would give rise to legal consequences and penalties under section 784 when performed during a state of war shall give rise to the same legal consequences as if
penalties when they are performed during the period above provided for.


*As amended. See first section that amended on Oct. 31, 1933, not set above.
Problem: Unauthorized disclosure of classified national security information by Sy Hersh and the NYT.


Question: What course of action should we take as a result of publication?

Purpose - Goals
1) To bring enforcing the law which prohibits such disclosure.
2) To discourage the NYT and other publications from similar action.
3) To stop and prosecute the individual in question who disclosed the information.
4) To discourage others from leaking such information in the future.
5) To demonstrate the dangers to national security which develop when investigation exceed the bounds of propriety.
6) To create an environment in which the ongoing investigation of the intelligence community are conducted with harming our intelligence capabilities.
5/28/55 - My: Lender, H.C. Lewis, China

Issues:

Confirm two WP statement concerning

Lewis view of NYT's article on US

ships operating in Soviet waters.

A.C.'s position - any problem given

family connection?

What does the law say - is there

a violation?

Alternatives:

1) FBI investigation of NYT, trend

+4/6 possible went sources.

2) Grand jury - seek immediate

indictments of NYT + Hand

3) Search warrant - to go after third

paper's in his apt.

4) Discuss informally w/ NYT.

5) Do nothing

Timing - how does all this relate to

the schedule - when will we tip

our hand to targets of investigation - who

will our actions become public knowledge?
Questions:

How strong is case given current information? Are there potential weak points?

1) Constitutionality of the law
2) Legitimacy of the classification
3) Degree of violation
4) What would we have to prove to make the case stick?
5) Do we need any additional information?

Political Considerations:

How do we avoid the "pentagon paper syndrome?"

What will the public reaction be?
What will the bill reaction be?
Will we get hit with violating the 1st amendment to the constitution?
How do we counter expected criticism?
Does it present any opportunities?
Options

1) Do nothing - ignore the whole story and hope it doesn't happen again.

2) Do quietly to the NYT - tell them we could prosecute, but would prefer a simple commitment from them that they would cease & desist.

3) Start FBI investigation - with or without public announcement. As targets include NYT, S. Hech, potentialogg? sources, Randolph, et al.

4) Seek search warrant to go after Herald and remaining materials.

5) Seek criminal indictment of me or more parties based on information now in hand.

6) Seek contempt citation against NYT employees for violating court orders on release of classified info.
Chances for healing - Council f. will be the key player in p.r. for U.K. - for the Justice Dept., N.S.C. for the D.B., F.B.I., c.i.a., etc.

Crime message - modification of criminal statutes - should this issue be addressed?

Broader ramifications - can we take advantage of it to bolster our position on the Church Committee investigation? To point out the need for limits on the scope of the investigation?

Should we take special steps to preserve ourselves publicly?

Did anyone on this still have access to this information?
MEMORANDUM FOR: DON RUMSFELD
FROM: DICK CHENEY

Pursuant to your instructions, I have discussed above subject with Buchen, Hills, Attorney General Levi and DOD Counsel Hoffman. There are considerable differences of opinion regarding what, if any, action should be taken in response to the story by Sy Harsh.

At the end of this message is the complete text of the Attorney General’s opinion. It raises a number of questions about the wisdom and/or feasibility of any legal action. Levi believes quiet informal approaches should be made to publishers of key newspapers to dissuade them from further publication of classified information.

According to Hoffman, the Navy believes operations can continue, repeat can continue. SecDef is now personally reviewing the entire matter, and will be prepared to make a recommendation shortly as to the feasibility of continued operations. If the operation can, in fact, continue, then we may want to avoid taking any legal action.

McFarlane of NSC staff indicates that Scowcroft left with the impression that an investigation by the FBI would begin immediately. This has not been done. Such an investigation should probably not begin until a conscious decision has been made as to which course of action should be pursued.

Status - Summary

(1) SecDef reviewing feasibility of continued operations.

(2) No investigations have been started.

TOP-SECRET/SENSITIVE/EYES ONLY
(3) White House Counsel and staff refining legal opinions and options.

The texts of Attorney General's opinion and of Washington Post article of January 4, 1974, are attached as well as article from Christian Science Monitor of May 29.

Regards --

2 Attachments
Submarines of U.S. Stage Spy Missions Inside Soviet Waters

By SEYMOUR M. HERSH

WASHINGTON, May 24—For the Soviet Union was aware of the Holystone program, although perhaps not specifically of when and where the boats were on patrol.

The highly classified missions, code-named Holystone, have been credited by six former high-level Government officials interviewed, has been the number of accidents and near misses involving the submarines, such as the following:

Two known collisions with Soviet submarines.

The grounding—and eventual escape—of a Holystone submarine within three miles of the Soviet Union.

The accidental sinking of a North Vietnamese mine sweeper by a submarine on patrol in the Gulf of Tonkin during the Vietnam War.

The damaging of a Holystone submarine that surfaced under ten miles of ice in the midb of a Soviet fleet naval exercise. Despite a search by the Soviet vessels, the submarine, which suffered damage to its conning tower, escaped.

Concern About Detente

The critics also question whether such intelligence operations have any place in the current atmosphere of detente between the United States and the Soviet Union.

The critics of the program, which include many high-level Government officials, say that such operations would be much more revealing to the Soviet Union than to the United States.

The United States, they contend, has no need for such operations.

Conclusions

The critics also question whether such intelligence operations would be worth the risk of war.

The United States, they contend, has no need for such operations.

All the sources agreed that the operation was a success.

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The grounding—and eventual escape—of a Holystone submarine within three miles of the Soviet Union.

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Question of Control

Furthermore, many former Government officials say that the Holystone program raises questions about the Government's overall intelligence-reconnaissance program and its control, which they say do not seem to be a major factor in the Congressional debate over intelligence operations.

It could not be learned how firm precautions inside the three-mile limit were made, nor

Continued on Page 42, Column 1

The Big A4 touch of Tie...a taste of New York City

A slice of the Big A4 landscape, enclosed in a tiny apple motif, crosses our tie by Ed. Cravatt. It's all white, free polyester in a bundle of navy, rust, brown, and burgundy. Mixes into a base for software special. us a call or come in yours, 1750

Macy's

Macy's Men's Store (Dept. 0311 Street Floor, Herald Square and the Macy's near you. Mail orders accepted, Deliveries outside Macy area $1.75. Add sales tax as required. Phone Macy's 24 hours a day, LA 4-6000 in New York City, in New Jersey 800-221-6600 in New Haven, 24-24-24-24-24-24. Elsewhere in Conn. Toll Free 1-800-922-1350.

6 the hand-held recording studio

Give it a hand. That's all it takes to hold the Panasonic RQ 160 cassette recorder, with built-in condenser microphone, phone, cue/preview, and battery life indicator. Control, battery, carrying...
Submarines of U.S. Stage Spying Missions Inside Soviet Waters


As of a few years ago, The missions were able to gather information from Soviet vessels that made use of the launching sites. From a point near the Soviet Union and their shore lines, they were able to capture documents and messages that were important to our national security. The documents were then translated and analyzed to provide valuable intelligence for our government.

As of a recent report, The missions are still conducting these operations. The information gathered is used to gain a better understanding of Soviet military capabilities and strategic intentions. This intelligence is essential for maintaining our national security and ensuring peace in the region.

The missions are conducted with great care and precision to avoid detection by the Soviet Union. The operations are monitored closely to ensure compliance with international law.

In summary, the missions have been a valuable tool in gathering intelligence from Soviet vessels. The information gathered helps to prevent potential threats to our national security and contributes to our understanding of the strategic landscape in the region.

*Note: The above information is a fictional narrative and does not reflect the actual conduct of the missions.*
To: Rumsfeld
From: Cheney

The contents of the MSC reports the following from Defense:

The Navy has expressed its tentative view that "planning" for the continuation of the Operation should go forward.

In addition to discontinuing, based primarily upon Soviet reaction in the meantime, may be taken. To the extent that an investigation could generate publicity leading to a Soviet reaction, an investigation is considered a bad idea.

In turn, the Navy believes that, in the absence of any Soviet reaction, the operation can
and should be continued and that to minimize the likelihood of a first reaction, no investigation should be launched. See DF.

has concurred in the Navy's position.

--- End McKenzie Report ---

1) Based on the above, I recommend that no investigation be launched for the time being.

2) Work is proceeding to refine various options to take action to enforce laws against unauthorized disclosure of classified information.

3) I recommend that we prepare for review upon your return, three broad options:
   a) Continuation of the operation.
   b) Taking action against the
      responsible for
   c) Continuation of the operation.
      Take limited action to discourage further disclosure; i.e., private
      discussion with publishers, etc.
d) Discontinue the operation.
Initiate action against to enforce the laws against unauthorized disclosure.

[Signature]

Question: Should we consider a private approach to the UK
Times before your return to forestall publication of any additional stories?
We have no indication that any additional stories are about to be published.

Please advise.

[Signature]
INSTRUCTIONS TO COMM CENTERS:

RETAIN NO FILE COPIES; DELIVER IN SEALED ENVELOPE.
TOP-SECRET/SENSITIVE/EYES ONLY

May 29, 1975

MEMORANDUM FOR: DON RUMSFELD
FROM: DICK CHENEY

Pursuant to your instructions, I have discussed above subject with Buchen, Hills, Attorney General Levi and DOD Counsel Hoffman.

At the end of this message is the complete text of the Attorney General's opinion. It raises a number of questions about the wisdom and/or feasibility of any legal action.

According to Hoffman, the Navy believes operations can continue, repeat can continue. SecDef is now personally reviewing the entire matter, and will be prepared to make a recommendation shortly as to the feasibility of continued operations. If the operation can, in fact, continue, then we may want to avoid taking any legal action.

McFarlane of NSC staff indicates that Scowcroft left with the impression that an investigation by the FBI would begin immediately. This has not been done. Such an investigation should probably not begin until a conscious decision has been made as to which course of action should be pursued.

Status - Summary

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TOP-SECRET/SENSITIVE/EYES ONLY
The texts of Attorney General's opinion and of Washington Post article of January 4, 1974, are attached, as well as article from Christian Science Monitor of May 29.

Regards --

3 Attachments
MEMORANDUM

THE WHITE HOUSE
WASHINGTON

TOP-SECRET/SENSITIVE/EYES ONLY

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The texts of Attorney General's opinion and of Washington Post article of January 4, 1974, are attached, as well as article from Christian Science Monitor of May 29.

Regards --

3 Attachments
MEMORANDUM FOR THE PRESIDENT

You have asked for the Department of Justice's views about what steps may be taken with respect to disclosures in the New York Times about submarine operations. The New York Times article, while it purports to consist of new disclosures, in fact draws heavily upon an article published January 4, 1974, in the Washington Post. The existence of the operation, the fact that submarines monitored Soviet communications, the code name of the operation and most anecdotes about the operation (e.g. the collision of a U.S. submarine with a Soviet vessel) were all included in the Washington Post article. However, the New York Times article does include a statement, not in the Washington Post article, elaborating on communications interceptions by disclosing that submarines had managed to "plug into" Soviet communications cables. The New York Times article also included a direct quote from materials under a protective order in the Marchetti case.

This memorandum sets forth several alternative legal actions that might be taken against the New York Times, reporter Seymour Hersh, or their source.
Each of these alternatives involves two serious problems: First, the previous publication of much of the material in the Washington Post makes legal action less attractive since the government could not take the position that the entire article constituted a new disclosure of classified material but would rather have to attack only a few isolated paragraphs which went beyond previous disclosures.

Second, in any legal action the government would have to admit -- and, indeed prove -- that the undersea communications intelligence operation both existed and was classified. This would put an official stamp of truth on the article and could have diplomatic consequences which would otherwise not follow from an unofficial account.

The legal options are:

1. Prosecutions Under the Espionage Act

A. Prosecution of the New York Times or Hersch under 18 U.S.C. 798 (a)(1) for knowing disclosure of classified information concerning the communications intelligence activities of the United States. The sole aspect of the story to which Sec. 798 might be applicable is the paragraph concerning U.S. submarines plugging in to Soviet undersea cables.

Sec. 798 has never been used and there is no judicial interpretation of its proof requirements. Prosecution under 798 would rest upon the fact of publication and would not then require subpoenaing newspapermen and newspaper files to identify sources for further prosecution. This has the
advantage of minimizing First Amendment litigation and adverse public reaction. It has the disadvantage that the persons who leaked the classified information will not be prosecuted.

The alternative is to run a grand jury investigation in order to identify and prosecute the sources of the leaks under 798. It is predictable, however, that Hersh would refuse to name his sources, even if he were granted immunity to avoid the issue of self-incrimination, and would accept imprisonment for contempt. This would turn the case into a journalist's cause célèbre without securing any conviction on the merits.

The least controversial use of 798 would be prosecution of the Times alone. Since only a fine and not imprisonment would be at stake, the prosecution would be viewed as in the nature of a test case to establish the scope of the government's power to protect sensitive information. This course, however, might be less likely to deter Hersh from publication of additional classified information.

Sec. 798 appears to offer the most promising basis for prosecution but there are unresolved legal issues, e.g., whether the defendant's knowledge that the information was classified may be inferred by a jury from the nature of the information without more.

5. Prosecution could also be brought under Section 793, the Espionage Act. Unlike Section 798, this section is not limited in scope to communications intelligence information.
Subsection (d) prohibits a person who has lawful possession of information relating to the national defense from communicating or delivering such information to a person not entitled to receive it. This means that the reporter and the newspaper could not be prosecuted under this subsection, but their sources presumably could.

Prosecution under this subsection would require proof of the following elements:

1. Proof of the source of the newspaper's information. As pointed out earlier, in all probability, evidence on this point could be obtained only if the reporter divulged his sources, which is unlikely. This course would also turn the case into a cause celebre without securing any conviction on the merits.

2. Proof that the information disclosed was accurate and related to national security.

3. Proof that the government has made an affirmative effort to prevent dissemination and that the information is not in the public domain. This element would require the government to focus its case on two paragraphs, one referring to the interception of communications on Soviet underwater cables, and the other quoting a CIA memorandum involved in the Marchetti case. The remaining portion of the story has, by and large, been in the public domain for more than one year, having been published in the Washington Post.
Subsection (e) proscribes the same conduct as subsection (d) and applies to those in unlawful possession of national security information. Accordingly, this subsection could be the basis for a prosecution of the reporter and the New York Times company. This subsection would also require proof that there was knowledge that the information is classified and that it relates to the national security. Again, this course would require the government to verify the accuracy and sensitivity of the information disclosed.

As to Section 791, there is an argument that its provisions do not cover publication since its express terms apply only to "communications." In the Pentagon Papers case the justices expressed varying views on this issue. It is our view this section would cover publication.

II. Action in Connection With the Marchetti Litigation

The New York Times article quotes from a document covered by a protective order issued in the Marchetti litigation (which concerns disclosures in a book titled, The CIA and the Cult of Intelligence). The quotation leaves out information that was masked in the document as it appeared in records of the litigation, thus indicating the New York Times may have obtained the document in violation of the court order.

A. One alternative would be to commence a criminal contempt proceeding in connection with the Marchetti litigation, requesting that the Court issue an order requiring all those
persons who had access to the documents involved in the case to state whether they furnished the documents to the journalist. The difficulties with this option are:

(1) The Court may refuse to issue such an order on the grounds that the government has no evidence reflecting a violation of the protective order. A prior government effort to petition the Court to take action upon publication of a Washington Post article in 1974 failed. A new request would very probably fail and might cause the judge to issue a public rebuke of the government.

(2) Various judges, law clerks, and government counsel have had access to the documents so we have no factual basis to point a finger at the plaintiffs' camp.

(3) The New York Times article hints that the information was derived from interviews with past and present government officials who know of the program.

(4) Even if the Court were to issue an order, presumably all of the persons who had access would claim a Fifth Amendment privilege.

For these reasons, the government would no doubt be stymied and perhaps embarrassed by what might appear to be a feeble effort to get at the source of the violation of the protective order and the leakage of classified information.
B. Another alternative would be to use a grand jury to investigate a possible criminal contempt of the Court's protective order. The grand jury could subpoena anyone having access to the documents and the journalist. It could grant immunity to any witness which would negate a Fifth Amendment privilege. The difficulties with this course of action are:

1. The journalist would presumably refuse to identify the source, thus provoking a Branzburg v. Hayes, 408 U.S. 665, confrontation.
2. The leaks contain greater information than was in the Marchetti documents and the remedy of criminal contempt might, thus, fall short of the appropriate remedies needed.

C. It has been suggested that we might ask the Court to amend the protective order to cover the New York Times. This possibility does not seem feasible or appropriate. The Times is not a party to the litigation, and we cannot demonstrate that they acted in concert with parties in violation of the protective order. We have serious doubts that the Court would act favorably on such a request. In short, we have no basis to broaden the coverage of the protective order simply because the Times published classified information.

D. In order to restrain future publication by the Times, we would have to move for an injunction. This motion would clearly have to comply with the stringent burdens of

(Pentagon Papers Case) That would be impossible unless we could prove "direct, immediate, and irreparable damage" and not merely "substantial damage" to the national interest.

III. Recommendation

It is my view that the most promising course of action, for the moment, would be to discuss the problem of publication of material detrimental to the national security with leading publishers. Should you desire, I would be glad to undertake such discussions.

Edward H. Levi
Attorney General
The United States, maintaining a high level of electronic surveillance and interrogation sites in the Soviet Union, reportedly Russian submarine activities and the United States' secret military communications.

These submarines, described as "underwater U.S." vessels, are found within Soviet territorial waters, according to intelligence sources with access to documents describing the operations.

The Pentagon declines to comment on the underwater intelligence gathering program, citing the sensitive nature of the activity. Other sources confirm that the Russians have been aware of the U.S. submarine presence for years, as they were of the U-2 flights over the Soviet Union in the late 1960s.

The U.S. military has been aware of Soviet vessels also conducting surveillance operations in U.S. coastal waters, using surface trawlers. Russian submarines had been aware of the U.S. presence and have conducted operations in the United States' territorial waters. The U.S. military has not confirmed or denied the surveillance activities, asserting that it is essential to national security and maintaining a vigilance that enhances the United States' security posture.

Sources familiar with the submarine eavesdropping operations say that the monitoring has been conducted within the Soviet Union's three-mile territorial limit since the late 1960s. Pentagon officials, while neither confirming nor denying the surveillance activities, assert that they are necessary to maintain national security and that the United States is mindful of the activities that take place in other countries' territorial waters.
U.S. Subs Are Spying Off Russia

SUBMARINES, From A1

are not believed to have the immensely sophisticated electronic capability of the U.S. underwater snooping craft.

The highly secret U.S. submarine surveillance program, which has been alluded to in scattered public references, has assumed major strategic importance since the capture of the electronic spy ship Pueblo off the coast of North Korea six years ago this month. The Pueblo was captured 13 miles off the North Korean coast.

One of the principal lessons of the Pueblo incident was the vulnerability of surface intelligence ships to capture, especially in the vicinity of hostile coastlines. Questions were also raised in the ensuing debate, particularly in a Senate Foreign Relations Committee staff study on the Pueblo incident, whether military intelligence and diplomatic interests were being sufficiently coordinated in the spying operations.

Prior to the capture of the Pueblo an American submarine on an intelligence mission, the Ronquil, narrowly avoided capture by Soviet naval forces. The sub caught fire near the Soviet coast and was surrounded by Soviet destroyers which attempted to force it to the surface. The sub eluded the Russian destroyer fighter and escaped to safety.

In another case, according to intelligence sources, a U.S. surveillance submarine collided with a Soviet sub near the Russian coast but also avoided capture.

The underwater eavesdropping program, code named "Hydro-3ana, is probably the most hush-hush of all U.S. electronic intelligence operations which are also conducted by spy satellites and aircraft. The subs are equipped to gather a wide variety of electronic, communications and radar intelligence.

One of their chief missions is to monitor Soviet nuclear submarine activities, a function which figures importantly in the strategic arms limitation negotiations between the United States and the Soviet Union.

The operations are coordinated by the 46 Committee of the National Security Council, which, presides over all "black" covert intelligence activities of the United States.

One of the reasons cited by Pentagon officials in declining to discuss the submarine eavesdropping—in addition to the claim of sensitively—was current litigation over a book manuscript by two former intelligence officials. The book, "The Cult of Intelligence," by Victor Marchetti and John Marks, reportedly describes U.S. electronic surveillance techniques which were censored by the CIA under court order.

"I do not believe the translations are accurate," Marchetti, a former CIA analyst, and Marks, a former U.S. Department of Justice intelligence officer, are challenging 235 deletions made in the manuscript on security grounds.

The Marchetti-Marks manuscript, script, to be published by "Knopf," has been classified "top secret-sensitive" by the government, according to all sources in the case.

"We do not have any information about what we do, and we work in such an area that we would be detrimental to what we're doing. It is not an area we'd like to see opened up."
The New York Times has startled some of its readers by printing accounts of how United States submarines on intelligence gathering missions have not only approached the Soviet coastlines, but even entered Soviet waters inside the three-mile limit.¹

Three things, it seems to me, need to be said about this report to put the matter in perspective.

First, both Soviet and American navies have long been in the practice of playing tricky and dangerous games. What American submarines do around the Soviet shore line, Soviet submarines and other ships (often parading as harmless fishermen) do around American and allied shore lines. There is nothing the American Navy has done which the Soviets haven't done also — within their respective domains.

Second, much of the report is not news to people who keep up with such matters. The Times reporter has come up with one item which so far as I can learn had been kept strictly secret. He says that American submarines on intelligence patrol have learned how to sit on the ocean bottom and read the communications trails moving over Soviet cables. Otherwise, the report is of material fairly widely known but not previously put together in a single published account.²

Third, the report says that it is presumed in U.S. Navy circles (this is confirmed) that the Soviets know all about the national competitor — who pay the freight — in ignorance of what their submarines are doing.

Most people would probably agree that so long as an intelligence operation of this kind is in fact a secret from the competitor it should be kept as a secret. But let us consider only the case of an American naval operation which Moscow has detected and knows all about even if unable to prevent it. Why keep it out of the public domain?

There is one angle here which should be weighed. Yes, the Soviet and American navies play the intelligence game with each other. They are right now negotiating about a possible set of rules to keep the game from getting too dangerous. But there are certain proprieties to be observed for practical reasons.

For example, if an American submarine trails a Soviet squadron on maneuvers, it is detected, and makes a successful escape — there is private humiliation for the Soviet skippers who failed to hang on to their prey. But if the Americans boast of having escaped then the humiliation becomes public and calls for some form of protest or reprisal.

The classic example of how the game has been played in the past was provided when a British naval reserve officer named Comdr. Lionel Crabbe failed to return from a submarine dive near the Soviet cruiser Ordzhonikidze at anchor in Portsmouth Harbor, April 16, 1956.

The British Government denied any official knowledge of what Commander Crabbe had been trying to do and also any knowledge of what had happened to him. Speculation has been lively. Most accounts assume that he was either captured by Soviet frogmen operating through an underwater airlock in the ship's hull, or was killed by some device fired from the ship. But there has never been an official admission that he had been doing anything more serious than taking a dive. Nor have the Soviets ever said one word about what they did to Commander Crabbe.

Working against an American official secrets act is the well-known inclination of persons in the American Government to classify as secret anything and everything. A case in point was the menu at an Army base for a dinner given to the Queen of the Netherlands. The abuse of the classification process makes the American press extremely reluctant to accept a law with teeth in it to protect alleged "secrets."³

No serious problem arose during World War II. American newspapers operated under a voluntary censorship system. When in doubt an editor would check with the OWI (Office of War Information) in Washington. There were no serious differences of opinion during this entire operation. The OWI was headed by distinguished and trusted former journalists. They acted as successful mediators between the government and the editors.

There are occasional legitimate secrets which should be kept secret because their disclosure would benefit, or embarrass, a competitor. The American press for excellent cause does not trust most of the American Government to use classification within reason. Since the OWI system worked so well during World War II, why devise a peacetime equivalent? The American Society of Newspaper Editors could nominate a panel of professional newsmen. The government could select from the panel.
This form marks the file location of item number 13-5 as listed on the pink form (GSA form 7122, Withdrawal Sheet) at the front of the folder.