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May 23, 2006

The Honorable Peter Hoekstra
Chairman
Select Committee on Intelligence
H-405, the Capitol
Washington, DC 20515

The Honorable Jane Harman
Ranking Member
Select Committee on Intelligence
H-405, the Capitol
Washington, DC 20515

Dear Chairman Hoekstra and Ranking Member Harman:

On behalf of the members of the Radio-Television News Directors Association ("RTNDA"), I am writing in reference to the Committee's review of unauthorized disclosures of classified information, and the related May 26, 2006 public hearing. RTNDA is the world's largest professional organization devoted exclusively to electronic journalism, representing local and network news executives in broadcasting, cable and other electronic media in more than 30 countries. I respectfully request that RTNDA's comments be included in the record of the hearing.

Although RTNDA understands the concern of some members of the Committee that unauthorized disclosures of classified information may endanger national security, a broad "official secrets act" would chill valuable communications between government officials and reporters, limit the public's access to vital information, and fundamentally alter our democracy.

A broad campaign to crack down on leaks—particularly one that would punish the press for publishing government secrets—stands at odds with bedrock principles of public accountability. Moreover, it is unnecessary. For two centuries, our democratic process has worked successfully to maintain the delicate balance between the public's right to know and the government's need to protect secrets.

Journalists are mindful that they are citizens. Accordingly, they act carefully and responsibly with respect to communicating information that could impact national security. As reflected in RTNDA's Code of Ethics, the first obligation of electronic journalists is to the public.

In RTNDA's experience, decisions about whether or not to broadcast information, particularly classified information, are taken very seriously. Stories implicating national security are carefully vetted. Journalists listen to concerns of government officials and historically have made responsible judgments to withhold or delay dissemination of potentially harmful information, however newsworthy.

For example, CBS News delayed reporting about alleged abuse of Iraqi prisoners at Abu Ghraib for two weeks at the request of the chairman of the Joint Chiefs of Staff. According to the executive producer of *60 Minutes II*, the network decided to withhold its information because of concerns regarding the safety of U.S. hostages in the Middle East. When government officials expressed concern that Osama Bin Laden was using videotaped statements to communicate with other terrorists, major U.S. news outlets agreed to edit the tapes. Journalists embedded with U.S. troops routinely refrain from reporting on intelligence collection activities, from taking or broadcasting photographs or video that would disclose security measures taken by the military, and from disseminating information that might endanger lives or otherwise impair operations. Recently, CNN has avoided airing the names of counties that are the alleged sites of CIA prisons because of national security concerns. RTNDA is aware of situations in which journalists waited for years and even decades to release information that could negatively affect government or military efforts.

Any legislation criminalizing newsgathering of sensitive information would curtail legitimate interactions between the government and the press, undermine the value of public discourse, and compromise the ability of the press to expose government wrongdoing to public scrutiny. RTNDA urges the Committee to tread carefully as it considers this complex issue, and to eschew legislation that criminalizes all disclosures or the publication of classified information.

We welcome the opportunity to discuss this matter with the Committee and with other members of Congress.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Cochran".

Barbara Cochran
President