



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

LA

MAR 31 2008

The Honorable Harry Reid
United States Senate
Washington, DC 20510

Dear Senator Reid:

I am writing to add the Department's views to those of the Director of National Intelligence and the Department of Justice in strong opposition to S. 2035, the "Free Flow of Information Act." Consistent with the January 23, 2008, letter from Intelligence Community leaders, we are concerned that this bill will undermine our ability to protect national security information and intelligence sources and methods and could seriously impede investigations of unauthorized disclosures.

The Department is charged with safeguarding classified information in the interest of protecting national security. Past investigations into unauthorized disclosures through the media have found that significant details were revealed to our adversaries concerning a wide array of national security matters on different occasions. Some examples include a Department of Defense surveillance platform's capabilities; war plans that could have allowed Saddam Hussein's forces to more effectively position defensive assets; plans to insert Special Operations Forces into a battlefield; and the capabilities of U.S. imaging satellites.

Disclosures of classified information about military operations directly threaten the lives of military members and the success of current and future military operations. Such disclosures also threaten the lives and safety of American citizens and the welfare of the Nation.

If S. 2035 were to become law, unauthorized disclosures posing a threat to national security, such as those described above, would only multiply. That is because S. 2035 makes investigations of such disclosures extremely difficult to pursue. The bill provides a broadly defined class of "covered persons" with extraordinary legal protections against having to reveal any confidential sources. This would have the unintended consequence of encouraging unauthorized disclosures and increasing our nation's vulnerability to adversaries' counterintelligence efforts to recruit "covered persons."



OSD 01901-08

3/31/2008 10:29:56 AM

For these reasons and those set out by the Intelligence Community and the Department of Justice, I urge you to reject S. 2035.

A handwritten signature in black ink, appearing to read "Robert Byrd". The signature is written in a cursive style with a large, looping initial "R".

cc:
The Honorable Mitch McConnell
Minority Leader



**SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000**

MAR 31 2008

**The Honorable Carl Levin
Chairman, Committee on Armed Services
United States Senate
Washington, DC 20510**

Dear Mr. Chairman:

I am writing to add the Department's views to those of the Director of National Intelligence and the Department of Justice in strong opposition to S. 2035, the "Free Flow of Information Act." Consistent with the January 23, 2008, letter from Intelligence Community leaders, we are concerned that this bill will undermine our ability to protect national security information and intelligence sources and methods and could seriously impede investigations of unauthorized disclosures.

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cc:
The Honorable John McCain
Ranking Member



**SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000**

MAR 31 2008

**The Honorable John D. Rockefeller IV
Chairman, Select Committee on Intelligence
United States Senate
Washington, DC 20510**

Dear Mr. Chairman:

I am writing to add the Department's views to those of the Director of National Intelligence and the Department of Justice in strong opposition to S. 2035, the "Free Flow of Information Act." Consistent with the January 23, 2008, letter from Intelligence Community leaders, we are concerned that this bill will undermine our ability to protect national security information and intelligence sources and methods and could seriously impede investigations of unauthorized disclosures.

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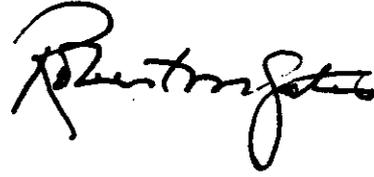


OSD 01901-08



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For these reasons and those set out by the Intelligence Community and the Department of Justice, I urge you to reject S. 2035.

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cc:
The Honorable Christopher S. Bond
Vice Chairman



**SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000**

MAR 31 2008

**The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510**

Dear Mr. Chairman:

I am writing to add the Department's views to those of the Director of National Intelligence and the Department of Justice in strong opposition to S. 2035, the "Free Flow of Information Act." Consistent with the January 23, 2008, letter from Intelligence Community leaders, we are concerned that this bill will undermine our ability to protect national security information and intelligence sources and methods and could seriously impede investigations of unauthorized disclosures.

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For these reasons and those set out by the Intelligence Community and the Department of Justice, I urge you to reject S. 2035.

A handwritten signature in black ink, appearing to read "Robert M. Gates". The signature is written in a cursive, flowing style with a large initial 'R' and a long, sweeping tail.

cc:
The Honorable Arlen Specter
Ranking Member