

SECRET

CONFIDENTIAL

RESTRICTED

DATE 30 July 1947

TO	FROM	TO	FROM
___ Chief, ASA	(10)___	___ Ch, Security Div	(80)___
___ Executive O	(11)___	___ Tech Staff	(81)___
___ Co'r Joint Oper	(12)___	___ Ch, Materiel Br	(82)___
___ Deputy Chief, ASA	(20)___	___ Ch, Methods Br	(83)___
___ Dir, Comm Res	(14) X	___ Ch, Protective Br	(84)___
___ Ch, Pers Sec	(21)___	___ Ch, Maint Br	(85)___
___ Ch, Org & Tng Sec	(22)___	___ Ch, Res & Dev Div	(70)___
X ___ Ch, Plans & Oper	(23)___	___ Tech Staff	(71)___
___ Ch, Materiel Sec	(24)___	___ Ch, Ch Ciph & Cif Br	(72)___
___ Ch, Fiscal Sec	(25)___	___ Ch, Int Equip Br	(73)___
___ Adjutant, ASA	(26)___	___ Ch, Elec & Elec Br	(74)___
___ Ch, Sec Cont Sec	(27)___	___ Ch, Lab Serv Br	(75)___
___ Ch, Operations Div	(90)___	___ Ch, C'logic Br	(76)___
___ Ch, Lab Br	(91)___	___ Ch, Pers & Tng Br	(61)___
___ Ch, Machine Br	(92)___	___ Ch, Supply Br	(62)___
___ Ch, Crypt Br	(93)___	___ Co, Arlington Hall	(40)___
___ Ch, Int Cont Br	(94)___		
___ Ch, I & D Br	(95)___		
___ Tech Staff	(96)___		

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1. As you requested I have modified my draft of 28 April 1947 as per the attached.

2. Please note the following.

a. That the new matter is offered as proposed additional sections to Title I, Act of June 15, 1917 (the so-called "Espionage Act").

This would call for mere amendment to existing law rather than the creation of brand new

legislation. I think this path might be easier .

b. That such words as code, cipher, cryptography, cryptanalysis, messages, etc., do not appear therein at all but the text is of such a general character as to be applicable to anything of cryptologic nature.

c. That I have attempted to cover leakages from or by people not in the Government service--but who in one manner or another manage to obtain classified information and then publish it or broadcast it. -- "Columnists", etc.

d. That I still feel it desirable to make the punishment fit the crime--by grading the penalties according to the classification.

e. That it is proposed that the rules governing classification and de-classification be prescribed by the President. This might help ward off allegations of attempts by the military to abridge freedom of press and speech.

W.F.F.

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 SEC. 2-On a prosecution under Sec. 1 of this Act, it shall not be necessary to show that the accused person willfully violated any provisions thereof, and notwithstanding that no such willful violation is proved against him, he may be convicted if, from the proved circumstances of the case, or his proved conduct, it appears that he was grossly negligent in conforming to its provisions.

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 SEC. 3.-Whoever obtains or receives any officially classified material of the nature of that described in Sec. 1 of this Act, knowing, or having reasonable ground to believe, at the time when he obtains or receives it, that such material is obtained by or is given to him in contravention of Sec. 1 of this Act, and having so obtained or received the classified matter uses it in a manner prejudicial to the safety or interests of the United States or for the benefit of any foreign power to the detriment of the United States, shall (i) in the case of matter officially classified "restricted", be fined not more than \$1000 or imprisoned not more than two years or both, (ii) in the case of matter officially classified "confidential", be fined not more than \$5000 or imprisoned not more than five years or both, and (iii) in the case of matter officially classified "secret" or higher, be fined not more than \$10,000 or imprisoned not more than ten years or both.

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 SEC. 4.-Regulations governing the classification, reclassification, and de-classification of material of the nature of that described in Sec. ⁷⁹⁵1 of this Act shall be prescribed by the President.