

SECRET

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DATE 22 Mar 48

TO	FROM	TO	FROM
<input checked="" type="checkbox"/> Chief, ASA	(10)_____	_____ Tech Staff	(96)_____
_____ Executive O	(11)_____	_____ Ch, Security Div	(80)_____
_____ Co'r Joint Oper	(12)_____	_____ Tech Staff	(81)_____
_____ Deputy Chief, ASA	(20)_____	_____ Ch, Materiel Br	(82)_____
_____ Ch, Comm Res Sec	(14) <input checked="" type="checkbox"/>	_____ Ch, Methods Br	(83)_____
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_____ Ch, Plans & Oper	(23)_____	_____ Tech Staff	(71)_____
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_____ Adjutant, ASA	(26)_____	_____ Ch, Elec & Elec Br	(74)_____
_____ Ch, Sec Cont Sec	(27)_____	_____ Ch, Lab Serv Br	(75)_____
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_____ 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)_____	_____	_____

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1 Almost a year ago, when this question was reopened, I prepared a memo to AS-23, proposing a very generally, rather than a specifically, worded Act. It's Subcommittee, ^{considered and} rejected my idea and decided to go ahead with S. 1019, modifying it. The version we now propose to try is the latest attempt

(over)

2. I have studied Capt Jimenez's memo to USCICC and more than ever ever convinced we are going at this the wrong way - and one that can be very risky. On the other hand, a bill of a very general nature ^{especially now} would have a better chance of acceptance, with no note whatever to Sigint.

3. I therefore send you herewith my original memo of 30 July 47 to 15-23, with the draft I elaborated upon the basis of a very general Act. I urge your serious consideration of my proposal.

AS 14

F File

It would not be possible to start over and get a hearing before present session of Congress. We are definitely committed to present bill, or none at all, for this session.

~~NSA~~

Mr. Larkin

80TH CONGRESS
1ST SESSION

S. 1019

IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, MARCH 24), 1947

Mr. GURNEY (by request) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To insure further the military security of the United States by preventing disclosures of information secured through official sources.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That whoever, by virtue of his employment by or perform-
4 ance of services for the United States or by virtue of his
5 employment by any person, firm, or corporation performing
6 services for the United States or by virtue of his service in
7 the armed forces of the United States, having obtained, or
8 having had custody of, access to, or knowledge of (1) any
9 information concerning the nature, preparation, or use of any
10 code, cipher, or cryptographic or cryptanalytical system of

1 the United States or any foreign government; or (2) any
2 information concerning the design, construction, use, main-
3 tenance, or repair of any device, apparatus, or appliance
4 used or prepared or planned for use by the United States or
5 any foreign government for cryptographic or cryptanalytic
6 purpose; or (3) any message, document, writing, note,
7 paper, or the contents or meaning thereof, which has been,
8 or purports to have been, prepared or transmitted in or by
9 the use of any code, cipher, or cryptographic system of the
10 United States or any foreign government; or (4) any in-
11 formation concerning the cryptographic or cryptanalytic
12 activities of the United States or any foreign government;
13 or (5) any information which has been or purports to have
14 been derived from cryptanalysis of messages transmitted by
15 the United States or any foreign government, shall willfully,
16 without authorization by the head of the department or
17 agency by which such person was employed or in which he
18 performed services at the time when he had custody of or
19 access to or obtained knowledge of the above-described in-
20 formation or material, or if such department or agency is
21 no longer in existence, without joint authorization by the
22 Secretary of State, the Secretary of War, and the Secretary
23 of the Navy, communicate, furnish, or transmit to another
24 or publish any such information or material, shall be fined
25 not more than \$10,000 or imprisoned not more than ten

1 years or both. Authorizations, as herein provided, shall be
2 granted only in accordance with regulations prescribed by
3 the President.

4 SEC. 2. Whoever, by virtue of his employment by or
5 performance of services for any foreign government or by
6 virtue of his service in the armed forces of any foreign govern-
7 ment, having obtained, or having had custody of, access to,
8 or knowledge of (1) any information concerning the nature,
9 preparation, or use of any code, cipher, or cryptographic or
10 cryptanalytical system of the United States; or (2) any
11 information concerning the design, construction, use, main-
12 tenance, or repair of any device, apparatus, or appliance used
13 or prepared or planned for use by the United States for
14 cryptographic or cryptanalytic purpose; or (3) any message,
15 document, writing, note, paper, or the contents or meaning
16 thereof, which has been, or purports to have been, prepared
17 or transmitted in or by the use of any code, cipher, or crypto-
18 graphic system of the United States; or (4) any information
19 concerning the cryptographic or cryptanalytic activities of
20 the United States; or (5) any information which has been or
21 purports to have been derived from cryptanalysis of messages
22 transmitted by the United States, shall willfully, without joint
23 authorization by the Secretary of State, the Secretary of War,
24 and the Secretary of the Navy communicate, furnish, or trans-
25 mit to another or publish any such information or material,

1 shall be fined not more than \$10,000, or imprisoned not more
2 than ten years, or both.

3 SEC. 3. The term "foreign government" as used herein
4 includes any person or persons acting or purporting to
5 act for or on behalf of any military or naval force, faction,
6 party, department, agency, or bureau of or within a foreign
7 country, or for or on behalf of any government or any
8 person or persons purporting to act as a government within
9 a foreign country, whether or not such government is recog-
10 nized by the United States.

11 SEC. 4. (a) The terms "code", "cipher", and "crypto-
12 graphic" as used herein include any secret writing, decep-
13 tion, mechanical or electrical device, or other method used
14 for the purpose of disguising or concealing the contents
15 or the meaning of any communication.

16 (b) The term "cryptanalytic" as used herein includes
17 all methods of interception and all methods of obtaining
18 information of the contents of cryptographic communication.

19 SEC. 5. Nothing in this Act shall prohibit the furnish-
20 ing, upon lawful demand, of information to any regularly
21 constituted committee of the Senate or House of Repre-
22 sentatives of the United States of America, or joint com-
23 mittee thereof.

80TH CONGRESS
1ST SESSION

S. 1019

A BILL

To insure further the military security of the
United States by preventing disclosures of
information secured through official sources.

By Mr. GURNEY

APRIL 1 (legislative day, MARCH 24), 1947

Read twice and referred to the Committee on the
Judiciary

REF ID:A39932

80TH CONGRESS
2D SESSION

S. 2680

(formerly S. 1019)

IN THE SENATE OF THE UNITED STATES

MAY 17 (legislative day, MAY 10), 1948

Mr. GURNEY introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To enhance further the security of the United States by preventing disclosures of information concerning the cryptographic systems and the communication intelligence activities of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That whoever shall communicate, furnish, transmit, or other-
4 wise make available to an unauthorized person, or publish,
5 or use in any manner prejudicial to the safety or interest
6 of the United States or for the benefit of any foreign gov-
7 ernment to the detriment of the United States any classified
8 information (1) concerning the nature, preparation, or use
9 of any code, cipher, or cryptographic system of the United

1 States or any foreign government; or (2) concerning the
2 design, construction, use, maintenance, or repair of any
3 device, apparatus, or appliance used or prepared or planned
4 for use by the United States or any foreign government for
5 cryptographic or communication intelligence purposes; or
6 (3) concerning the communication intelligence activities of
7 the United States or any foreign government; or (4)
8 obtained by the processes of communication intelligence from
9 the communications of the United States or any foreign
10 government, shall be fined not more than \$10,000 or
11 imprisoned not more than ten years or both.

12 SEC. 2. (a) The term "classified information" as used
13 herein shall be construed to mean information which, at the
14 time of a violation under this Act, is, for reasons of national
15 security, specifically designated by a United States Govern-
16 ment agency for limited or restricted dissemination or dis-
17 tribution.

18 (b) The terms "code", "cipher", and "cryptographic
19 system" as used herein shall be construed to include in their
20 meanings, in addition to their usual meanings, any method
21 of secret writing and any mechanical or electrical device
22 or method used for the purpose of disguising or concealing
23 the contents, significance, or meanings of communications.

omitted [24 The term "cryptographic purposes" as used herein is corre-
25 spondingly extended in the scope of its meaning.]

1 (c) The term "foreign government" as used herein
2 shall be construed to include in its meaning any person or
3 persons acting or purporting to act for or on behalf of
4 any faction, party, department, agency, bureau, or military
5 force of or within a foreign country, or for or on behalf
6 of any government or any person or persons purporting to
7 act as a government within a foreign country, whether or
8 not such government is recognized by the United States.

9 (d) The term "communication intelligence" as used
10 herein shall be construed to mean all procedures and methods
11 used in the interception of communications and the obtain-
12 ing of information from such communications by other than
13 the intended recipients. [The terms "communication intelli-
14 gence activities" and "communication intelligence purposes"
15 as used herein shall be construed accordingly. *omitted*]

16 (e) The term "unauthorized person" as used herein
17 shall be construed to mean any person who, or agency which,
18 is not authorized to receive information of the categories
19 set forth in section 1 of this Act, by the President, or by
20 the head of a department or agency of the United States
21 Government which is expressly designated by the President
22 to engage in communication intelligence activities for the
23 United States.

24 SEC. 3. Nothing in this Act shall prohibit the furnish-
25 ing, upon lawful demand, of information to any regularly

1. constituted committee of the Senate or House of Representa-
2. tives of the United States of America, or joint committee
3. thereof.

80TH CONGRESS
2D SESSION

S. 2680

A BILL

To enhance further the security of the United States by preventing disclosures of information concerning the cryptographic systems and the communication intelligence activities of the United States.

By Mr. GURNEY

MAY 17 (legislative day, MAY 10), 1948

Read twice and referred to the Committee on
Armed Services

11 13 01 09 10 11 12 13 14 15 16 17 18

Approved by the Senate and House of Representatives
of the Eighty-ninth Congress, first session, on
August 11, 1966, and reported to the Senate
on August 12, 1966, with amendments.