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WDGSS-81

24 October 1945

SUBJECT: Declassification of Patent Application Ser. No. 443,320

TO: Chief, Security Division

(noted but not necessarily approved  
MGJ)

1. The following comments are offered in connection with the staff study, subject as above, prepared by Communications Security Branch:

a. Reference par. 4: It must be recognized that a large number of operators and maintenance men, now being returned to civilian life, will possess sufficient knowledge of crypto principles to enable them to invent similar devices having a degree of security inimitable to the best interests of the United States. It is extremely doubtful that any bill passed by Congress will prevent the disclosure of such inventions to the U.S. government. The government will then be faced with the alternatives of either buying up such inventions or forcing the inventors to "go underground", viz., the Volstead Act. A resourceful man could probably earn a fair livelihood by busily "inventing" a series of crypto-devices which he was sure the government would be forced to buy up. It is doubted, therefore, that the government will adopt such a policy. The government must, therefore, permit the free issue of such inventions or else force them outside of the law. To permit the free issue of such inventions will undoubtedly contribute to the general elevation of world cryptography. Such a practice would be unfair to government employees should their inventions be held in secrecy. In my opinion, it appears inevitable that we can expect to see a general improvement in the caliber of cryptography-at-large. This principle is embodied in a recently submitted staff study entitled "Use of strong cryptographic principles in low-echelon devices", which has not, as yet, been approved or disapproved.

b. Reference Par. 10: The subject of declassification of high-grade cryptographic systems is also covered in the staff study on the use of strong crypto principles in low echelon devices.

Declassified and approved for release by NSA on 09-30-2013 pursuant to E.O. 13526

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c. Reference par. 12: The phrase "well known in the art" must not be construed to mean solely that such principles have been published in unclassified form. Such phraseology is frequently used by those familiar with patent language to mean that subject principle is covered in other patents or patent applications, of which the latter may be either classified or unclassified.

2. There are certain issues, which when clarified would make a declassification decision much easier:

a. It is believed that when all the information collected in the TICOM operation has been completely evaluated we will be in a better position to judge the relative caliber of U.S. and foreign cryptography. This will indicate how much information we would feel safe in releasing.

b. Approval or disapproval of the staff study "Use of strong cryptographic principles in low-echelon devices" would establish a policy on certain phases of declassification.

c. Impending government action on a policy for the release of technical information to commercial companies and upon the disposition of patents may furnish additional guidance in such matters.

/s/ L. D. Prehn  
Lt. Col., Signal Corps  
Chief, Plans & Operations  
Staff

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