

28 April 1949

MEMORANDUM TO: CHIEF, SECURITY DIVISION

SUBJECT: COMMENTS ON REVISION OF AR 380-10

1. The following comments are offered on the draft of the revision of AR 380-10:
2. The organization of this collection of laws, executive orders, etc, is bad. If the purpose of this compendium is to make it easy for a commander or any one subject to military jurisdiction to know what his responsibilities are regarding the safeguarding of military information, then the laws should be grouped together according to subject matter rather than scattered as at present. For example, Paragraph 31 deals with sabotage, and so does Paragraph 42.
3. Re. Paragraph 1.

Is it the intent of this paragraph to cover classified defense information or all defense information (as implied in the paragraph heading)? If classified, it should so state. If unclassified, it is grossly unfair. A literal interpretation would make a person who sends a clipping from a newspaper pertaining to national defense to a friend in London liable to prosecution under the Act.

4. Re. Paragraph 1.

The word code book apparently is used to cover all cryptologic material; if so, it should be replaced with a more modern and accurate specific term. In a document as concerned with minutiae as this, it is a crime of omission to generalize.

5. Re Paragraph 1.

The construction and wording of this paragraph is unnecessarily complex and confusing. It's a walk-away winner in the Non-Stop Sentence Derby. Suggest the essence of the paragraph be put into one sentence at the beginning and followed by a listing of the things or acts to which it applies. For example:

"Whoever gathers, or attempts to gather, classified information pertaining to the national defense and transmits, or attempts to transmit, this information to any person not entitled to receive it with the intent of causing, or reason to believe that its use will cause injury to the security of the United States shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. This applies to all means of gathering and transmitting such information, to failures to safeguard such information, and to specific types of such information as noted below:..."

## Comments on Revision of AR 380-10

6. This regulation, which is to say present laws, does not provide adequate protection to cryptomaterial.
  - a. As noted above the terminology is so obsolete as to be meaningless. The only strictly code in use now is the Joint Aircraft Code, which does not require clearance for usage. The punishment for losing such a document, even though it is our only code, should hardly be ten years.
  - b. Paragraph 48 prohibits the construction of aircraft by aliens but makes no mention of cryptomaterial. The Army may protect itself from such potential sources of insecurity by its own regulations but it certainly doesn't receive any protection from statutory law.
  - c. A similar comment may be made about Paragraph 49. Why confine protection to diplomatic codes? All cryptomaterial employed by any department or agency of the Government should be given equal protection.
7. It is noted that the regulation does not contain any clippings from the law establishing the Atomic Energy Commission and prescribing security for atomic energy information. If this omission is accidental, it should be corrected.
8. In view of the above, which pertain to only the most obvious defects of this regulation, it is recommended that action be initiated through joint channels to the Secretary of National Defense to request the Congress to revise the statutes pertaining to national security.

Most of the statutes in this collection have not been changed materially since 1917 as a moment's comparison with the existing AR 380-10 will show. If a general revision is not possible, then efforts should be made jointly by this agency and the other service crypto agencies to secure more adequate statutory protection for cryptologic matters.



T. R. CHITTENDEN  
Acting Chief  
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