File Legislation - Espionage Act
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 Representatives of the United States of America in Congress assembled,

2. That whoever shall communicate, furnish, transmit, or otherwise make available to an unauthorized person, or publish, or use in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information (1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States,
States or any foreign government; or (2) concerning the
design, construction, use, maintenance, or repair of any
device, apparatus, or appliance used or prepared or planned
for use by the United States or any foreign government for
cryptographic or communication intelligence purposes; or
(3) concerning the communication intelligence activities of
the United States or any foreign government; or (4)
obtained by the processes of communication intelligence from
the communications of the United States or any foreign
government, shall be fined not more than $10,000 or
imprisoned not more than ten years or both.

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

(b) The terms "code", "cipher", and "cryptographic
system" as used herein shall be construed to include in their
meanings, in addition to their usual meanings, any method
of secret writing and any mechanical or electrical device
or method used for the purpose of disguising or concealing
the contents, significance, or meanings of communications.
The term "cryptographic purposes" as used herein is corre-
spondingly extended in the scope of its meaning.
(c) The term "foreign government" as used herein shall be construed to include in its meaning any person or persons acting or purporting to act for or on behalf of any faction, party, department, agency, bureau, or military force of or within a foreign country, or for or on behalf of any government or any person or persons purporting to act as a government within a foreign country, whether or not such government is recognized by the United States.

(d) The term "communication intelligence" as used herein shall be construed to mean all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients. The terms "communication intelligence activities" and "communication intelligence purposes" as used herein shall be construed accordingly.

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

SEC. 3. Nothing in this Act shall prohibit the furnishing, upon lawful demand, of information to any regularly
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1. States or any foreign government; or (2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or (3) concerning the communication intelligence activities of the United States or any foreign government; or (4) obtained by the processes of communication intelligence from the communications of the United States or any foreign government, shall be fined not more than $10,000 or imprisoned not more than ten years or both.

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May 17 (legislative day, May 10), 1948
Read twice and referred to the Committee on Armed Services
May 28 (legislative day, May 20), 1948
Reported with amendments
IN THE SENATE OF THE UNITED STATES
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