Almost a year ago, when this question was raised, I prepared a memo to AS-23, proposing a very generally, rather than a specifically, worded Act. It was submitted, rejected my idea, and decided to go ahead with S. 1019, modifying it. The version we now propose to try is the latest attempt.
2. I have studied Capt. Finucane's memo to USCICC and more than 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 more whatever to sign.

3. I therefore send you herewith, my original memo of 26 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.

J. Jile

AS 14

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.
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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That whoever, by virtue of his employment by or performance of services for the United States or by virtue of his employment by any person, firm, or corporation performing services for the United States or by virtue of his service in the armed forces of the United States, having obtained, or having had custody of, access to, or knowledge of (1) any information concerning the nature, preparation, or use of any code, cipher, or cryptographic or cryptanalytical system of
the United States or any foreign government; or (2) any information 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 cryptanalytic purpose; or (3) any message, document, writing, note, paper, or the contents or meaning thereof, which has been, or purports to have been, prepared or transmitted in or by the use of any code, cipher, or cryptographic system of the United States or any foreign government; or (4) any information concerning the cryptographic or cryptanalytic activities of the United States or any foreign government; or (5) any information which has been or purports to have been derived from cryptanalysis of messages transmitted by the United States or any foreign government, shall willfully, without authorization by the head of the department or agency by which such person was employed or in which he performed services at the time when he had custody of or access to or obtained knowledge of the above-described information or material, or if such department or agency is no longer in existence, without joint authorization by the Secretary of State, the Secretary of War, and the Secretary of the Navy, communicate, furnish, or transmit to another or publish any such information or material, shall be fined not more than $10,000 or imprisoned not more than ten
years or both. Authorizations, as herein provided, shall be
granted only in accordance with regulations prescribed by
the President.

SEC. 2. Whoever, by virtue of his employment by or
performance of services for any foreign government or by
virtue of his service in the armed forces of any foreign govern-
ment, having obtained, or having had custody of, access to,
knowledge of (1) any information concerning the nature,
preparation, or use of any code, cipher, or cryptographic or
cryptanalytical system of the United States; or (2) any
information concerning the design, construction, use, main-
tenance, or repair of any device, apparatus, or appliance used
or prepared or planned for use by the United States for
cryptographic or cryptanalytic purpose; or (3) any message,
document, writing, note, paper, or the contents or meaning
thereof, which has been, or purports to have been, prepared
or transmitted in or by the use of any code, cipher, or crypto-
graphic system of the United States; or (4) any information
concerning the cryptographic or cryptanalytic activities of
the United States; or (5) any information which has been or
purports to have been derived from cryptanalysis of messages
transmitted by the United States, shall willfully, without joint
authorization by the Secretary of State, the Secretary of War,
and the Secretary of the Navy communicate, furnish, or trans-
mit to another or publish any such information or material,
shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

SEC. 3. The term "foreign government" as used herein includes any person or persons acting or purporting to act for or on behalf of any military or naval force, faction, party, department, agency, or bureau 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.

SEC. 4. (a) The terms "code", "cipher", and "cryptographic" as used herein include any secret writing, deception, mechanical or electrical device, or other method used for the purpose of disguising or concealing the contents or the meaning of any communication.

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

SEC. 5. Nothing in this Act shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof.
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
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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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 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 Government agency for limited or restricted dissemination or distribution.

(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 correspondingly extended in the scope of its meaning.
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(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
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