

File

Legislation - Espionage
Act

J

80TH CONGRESS
2D SESSION

S. 2680 = S. 277 (81st Session)

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.
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.

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

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Calendar No. 1480

80TH CONGRESS
2D SESSION**S. 2680** = S. 277 (81st Session)

[Report No. 1433]

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

MAY 28 (legislative day, MAY 20), 1948

Reported by Mr. BALDWIN, with amendments

[Omit the part struck through]

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.
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.~~

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.

Calendar No. 1480

80TH CONGRESS
2D SESSION

S. 2680

[Report No. 1433]

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

MAY 28 (legislative day, MAY 20), 1948

Reported with amendments

File
Leg - Esp. Act
J80TH CONGRESS
2D SESSION**S. 2680***House companion measure is H.R.***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, and for other purposes.

- 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.
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.

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