

SECRET

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DATE 22 Mar 48

TO	FROM	TO	FROM
<input checked="" type="checkbox"/> Chief, ASA	(10)_____	_____ Tech Staff	(96)_____
_____ Executive O	(11)_____	_____ Ch, Security Div	(80)_____
_____ Co'r Joint Oper	(12)_____	_____ Tech Staff	(81)_____
_____ Deputy Chief, ASA	(20)_____	_____ Ch, Materiel Br	(82)_____
_____ Ch, Comm Res Sec	(14) <input checked="" type="checkbox"/>	_____ Ch, Methods Br	(83)_____
_____ Ch, Hist Unit	(13)_____	_____ Ch, Protective Br	(84)_____
_____ Ch, Pers Sec	(21)_____	_____ Ch, Maint Br	(85)_____
_____ Ch, Org & Tng Sec	(22)_____	_____ Ch, Res Lab Div	(70)_____
_____ Ch, Plans & Oper	(23)_____	_____ Tech Staff	(71)_____
_____ Ch, Materiel Sec	(24)_____	_____ Ch, Ch Ciph & Cif Br	(72)_____
_____ Ch, Fiscal Sec	(25)_____	_____ Ch, Int Equip Br	(73)_____
_____ Adjutant, ASA	(26)_____	_____ Ch, Elec & Elec Br	(74)_____
_____ Ch, Sec Cont Sec	(27)_____	_____ Ch, Lab Serv Br	(75)_____
_____ Ch, Operations Div	(90)_____	_____ Ch, C'logic Br	(76)_____
_____ Ch, Lab Br	(91)_____	_____ Ch, Pers & Tng Br	(61)_____
_____ Ch, Machine Br	(92)_____	_____ Ch, Supply Br	(62)_____
_____ Ch, Crypt Br	(93)_____	_____ Co, Arlington Hall	(40)_____
_____ Ch, Int Cont Br	(94)_____	_____	_____
_____ Ch, I & D Br	(95)_____	_____	_____

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| <input type="checkbox"/> Approval & Return        | <input type="checkbox"/> Information & File            |
| <input type="checkbox"/> As Requested             | <input type="checkbox"/> Recommendation                |
| <input type="checkbox"/> Concurrence or Comments  | <input type="checkbox"/> Signature if approved         |
| <input type="checkbox"/> Information & Forwarding | <input type="checkbox"/> Your action by                |
| <input type="checkbox"/> Information & Return     | <input type="checkbox"/> Info upon which to base reply |

1 Almost a year ago, when this question was reopened, I prepared a memo to AS-23, proposing a very generally, rather than a specifically, worded Act. It & S Subcommittee, <sup>considered and</sup> rejected my idea and decided to go ahead with S. 1019, modifying it. The version we now propose to try is the latest attempt

(over)

2 I have studied Capt Finnegan's memo to USCICC and more than ever 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 <sup>especially now</sup> would have a better chance of acceptance, with no note whatever to Sigint.

3. I therefore send you herewith my original memo of 30 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.

AS 14

F File

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.

~~NSA~~

*Mr. Larkin*

80TH CONGRESS  
1ST SESSION

# S. 1019

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## 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

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## A BILL

To insure further the military security of the United States by preventing disclosures of information secured through official sources.

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, by virtue of his employment by or perform-  
4 ance of services for the United States or by virtue of his  
5 employment by any person, firm, or corporation performing  
6 services for the United States or by virtue of his service in  
7 the armed forces of the United States, having obtained, or  
8 having had custody of, access to, or knowledge of (1) any  
9 information concerning the nature, preparation, or use of any  
10 code, cipher, or cryptographic or cryptanalytical system of

1 the United States or any foreign government; or (2) any  
2 information concerning the design, construction, use, main-  
3 tenance, or repair of any device, apparatus, or appliance  
4 used or prepared or planned for use by the United States or  
5 any foreign government for cryptographic or cryptanalytic  
6 purpose; or (3) any message, document, writing, note,  
7 paper, or the contents or meaning thereof, which has been,  
8 or purports to have been, prepared or transmitted in or by  
9 the use of any code, cipher, or cryptographic system of the  
10 United States or any foreign government; or (4) any in-  
11 formation concerning the cryptographic or cryptanalytic  
12 activities of the United States or any foreign government;  
13 or (5) any information which has been or purports to have  
14 been derived from cryptanalysis of messages transmitted by  
15 the United States or any foreign government, shall willfully,  
16 without authorization by the head of the department or  
17 agency by which such person was employed or in which he  
18 performed services at the time when he had custody of or  
19 access to or obtained knowledge of the above-described in-  
20 formation or material, or if such department or agency is  
21 no longer in existence, without joint authorization by the  
22 Secretary of State, the Secretary of War, and the Secretary  
23 of the Navy, communicate, furnish, or transmit to another  
24 or publish any such information or material, shall be fined  
25 not more than \$10,000 or imprisoned not more than ten

1 years or both. Authorizations, as herein provided, shall be  
2 granted only in accordance with regulations prescribed by  
3 the President.

4 SEC. 2. Whoever, by virtue of his employment by or  
5 performance of services for any foreign government or by  
6 virtue of his service in the armed forces of any foreign govern-  
7 ment, having obtained, or having had custody of, access to,  
8 or knowledge of (1) any information concerning the nature,  
9 preparation, or use of any code, cipher, or cryptographic or  
10 cryptanalytical system of the United States; or (2) any  
11 information concerning the design, construction, use, main-  
12 tenance, or repair of any device, apparatus, or appliance used  
13 or prepared or planned for use by the United States for  
14 cryptographic or cryptanalytic purpose; or (3) any message,  
15 document, writing, note, paper, or the contents or meaning  
16 thereof, which has been, or purports to have been, prepared  
17 or transmitted in or by the use of any code, cipher, or crypto-  
18 graphic system of the United States; or (4) any information  
19 concerning the cryptographic or cryptanalytic activities of  
20 the United States; or (5) any information which has been or  
21 purports to have been derived from cryptanalysis of messages  
22 transmitted by the United States, shall willfully, without joint  
23 authorization by the Secretary of State, the Secretary of War,  
24 and the Secretary of the Navy communicate, furnish, or trans-  
25 mit to another or publish any such information or material,

1 shall be fined not more than \$10,000, or imprisoned not more  
2 than ten years, or both.

3 SEC. 3. The term "foreign government" as used herein  
4 includes any person or persons acting or purporting to  
5 act for or on behalf of any military or naval force, faction,  
6 party, department, agency, or bureau of or within a foreign  
7 country, or for or on behalf of any government or any  
8 person or persons purporting to act as a government within  
9 a foreign country, whether or not such government is recog-  
10 nized by the United States.

11 SEC. 4. (a) The terms "code", "cipher", and "crypto-  
12 graphic" as used herein include any secret writing, decep-  
13 tion, mechanical or electrical device, or other method used  
14 for the purpose of disguising or concealing the contents  
15 or the meaning of any communication.

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

19 SEC. 5. Nothing in this Act shall prohibit the furnish-  
20 ing, upon lawful demand, of information to any regularly  
21 constituted committee of the Senate or House of Repre-  
22 sentatives of the United States of America, or joint com-  
23 mittee thereof.

80TH CONGRESS  
1ST SESSION

**S. 1019**

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**A BILL**

To insure further the military security of the  
United States by preventing disclosures of  
information secured through official sources.

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By Mr. GURNEY

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APRIL 1 (legislative day, MARCH 24), 1947

Read twice and referred to the Committee on the  
Judiciary

REF ID:A39932

80TH CONGRESS  
2D SESSION

# S. 2680

(formerly S. 1019)

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## 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

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## 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.

*omitted* [ 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. *omitted*]

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**

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**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.

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By Mr. GURNEY

MAY 17 (legislative day, MAY 10), 1948

Read twice and referred to the Committee on Armed Services

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Approved by the Senate and House of Representatives on May 17, 1948.  
 Passed by the Senate on May 17, 1948.  
 Passed by the House of Representatives on May 17, 1948.