

D R A F T

A BILL

(Proposed by)
AS-14

To insure further the military security of the United States by preventing disclosures of classified information relating to cryptographic and cryptanalytic matters and of importance to the safety 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 having been given, or having obtained, or having had custody of, access to, or knowledge of (1) any officially classified 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 officially classified 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) the contents of any message prepared or transmitted in or by the use of any code, cipher, or cryptographic system of the United States or any foreign government; *before prior declassification and official release* or (4) any officially classified information concerning the cryptographic or cryptanalytic

activities of the United States or any foreign government, or

(5) any officially classified information which has been derived from cryptanalysis of messages transmitted by the United States or any foreign government, shall (a) ^{OK} use the information or messages in a manner prejudicial to the safety or interests of the United States or for the benefit of any foreign power to the detriment of the United States, or (b) ^{OK} retain any document or other matter of the categories described under items (1), (2), (3), (4), and (5) above, when he has no right to retain it or when it is contrary to the safety or interests of the United States for him to retain it, or (c) fails to comply with all directives issued by ~~lawful~~ authority with regard to the return or disposal thereof, or (d) fails to take reasonable care of, or so conducts himself as to ~~endanger~~ the safety of any document or other matter of the categories described under items (1), (2), (3), (4), and (5) above, shall (i) in the case of matter officially classified "restricted", be fined not more than \$1000 or imprisoned not more than two years or both, (ii) in the case of matter officially classified "confidential", be fined not more than \$5000 or imprisoned not more than five years or both, and (iii) in the case of matter officially classified "secret" or higher, be fined not more than \$10,000 or imprisoned not more

than ten years or both.

SEC 2 The release to the public of any classified information or matter of the categories described under items (1), (2), ^r(3), ~~(4)~~, and (5) of Section 1 shall be in accordance with regulations prescribed by the President.]

~~Sections 3, 4, and 5 - same as present similarly numbered sections.~~

80th CONGRESS
1st SESSION

S. 1019

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, ^e communication, 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 government, 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 (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 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 (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 ~~entire~~

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.

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.