

ARMY REGULATIONS }
No. 380-5 }

WAR DEPARTMENT,
WASHINGTON, June 10, 1939.

SAFEGUARDING MILITARY INFORMATION

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SECTION I

GENERAL

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1. **Definitions.**—To facilitate an understanding of these regulations, the following terms are defined:

a. Aircraft.—The term "aircraft" includes all weight-carrying devices or structures designed to be supported by the air, either by buoyance or by dynamic action.

b. Airspace reservation.—An airspace reservation is the airspace located above an area on the surface of the land or water, designated and set apart by Executive order of the President or by a State, Commonwealth, or Territory, over which the flight of aircraft is prohibited or restricted for the purpose of national defense or for other governmental purposes.

c. Classified military information.—Classified military information includes all information concerning documents, cryptographic devices, development proj-

*This pamphlet supersedes AR 30-1205, December 30, 1924; AR 380-5, September 23, 1937; AR 335-5, July 1937; and section VI, AR 850-25, July 23, 1936.

ects, and matériel classified as *secret*, *confidential*, or *restricted*, as well as the items themselves. All other military information, documents, development projects, and matériel are regarded as unclassified.

d. Cryptographic material.—Cryptographic material includes all documents and devices employed in changing plain-language messages into unintelligible form by means of codes and ciphers.

e. Cryptographic security.—Cryptographic security is that branch of signal communication which deals with the provision of technically sound cryptographic systems, their proper use, and their careful safeguarding.

f. Document.—The term "document" includes printed, mimeographed, typed, photostated, and written matter of all kinds; maps, photomaps, and aerial photographs and mosaics; drawings, sketches, notes, and blueprints, or photostatic copies thereof; photographs and photographic negatives; engineering data; correspondence and plans relating to research and development projects; and all other similar matter.

g. Engineering data.—The term "engineering data" comprises drawings, blueprints, photostats, photographs, mathematical calculations, formulas, processes, and all similar items that can be reduced to documentary form.

h. Foreign government.—The term "foreign government" includes any recognized or nonrecognized government and any faction or body of insurgents within a country with which the United States is at peace.

i. Matériel.—The term "matériel" comprises military arms, armament, equipment, and supplies of all classes, both complete and in process of development and construction, models that show features in whole or in part, designs, mock-ups, jigs, fixtures, and dies, and all other components or accessories of military equipment.

j. Mock-up.—A mock-up is a model, usually full size and constructed of inexpensive material, made for the purpose of studying the construction and use of an article of matériel or mechanical device.

k. Paraphrasing.—Paraphrasing is the changing of the word order or words and the length of a message without changing the meaning.

l. Photomap.—A photomap is a reproduction of an aerial mosaic, composite, or single vertical used in place of or to supplement a map.

m. Registered document.—A registered document is a secret or confidential document or cryptographic device which is assigned a register number for use in accounting to the office of record at periodic intervals.

n. Reserved area.—A reserved area is an area on the surface of the land or water designated and set apart by Executive order of the President for purposes of national defense, admittance to which is either prohibited or restricted.

o. Short title.—A short title is a designation applied to a registered document for purposes of security and brevity. It consists of figures, letters, words, or combinations thereof, and an abbreviated designation of the office of origin without giving any information relative to classification or content of the document.

p. United States.—The term "United States" as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States. *Sec. 1, Title XIII, act June 15, 1917 (40 Stat. 231); 59 U. S. C. 40; M. L. 1929, sec. 2187.*

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q. Visitor.—As used in these regulations a visitor is any person admitted to a Government or commercial manufacturing establishment engaged in classified work or project for the War Department except—

- (1) A person employed on the work or project, or
- (2) A person directly and officially concerned with the work or project.

2. Responsibility.—*a.* The safeguarding of classified military information is the responsibility of all military personnel, of civilian employees of the War Department, and of the management and employees of all commercial firms engaged in classified work or projects for the War Department. Classified military information will be discussed only with military or civilian personnel having a legitimate interest therein.

b. Commanding officers, administrative officers, and procurement agencies are responsible that military personnel, civilian employees of the War Department, and the management and employees of commercial firms engaged in classified projects or developments for the War Department are familiar with the pertinent provisions of these regulations.

3. Right to possess classified military information.—*a.* No person in the military service or employed by it is entitled to classified military information solely by virtue of his commission or official position. Such information will be entrusted only to those who need it in the performance of their official duties and to insure teamwork and efficient instruction of personnel, proper planning, or proper maintenance of equipment.

b. Photographs of classified features of military equipment or of other classified items will be made by members of the military service or by civilian employees of the War Department only when necessary in the conduct of their official duties and if made will not be developed or printed in commercial establishments or retained in their personal possession.

4. Dissemination of classified military information.—*a.* When classified military information is disseminated under the provisions of these regulations to persons not subject to military law, they will be informed that it affects the national defense of the United States within the meaning of the Espionage Act and that its transmission to an unauthorized person is prohibited.

b. Publication of articles by military personnel.—The inclusion of classified military information in any article published by a member of the Army of the United States is prohibited unless specifically authorized by the War Department. For additional information relative to publication of articles see AR 310-10, 600-10, and 600-700.

c. Oral discussions of classified military information.—Either public or private discussion of classified military information by members of the military service with or in the presence of unauthorized personnel is strictly forbidden.

5. Requests for military information.—*a.* Requests from private individuals or firms for classified military information will be referred through channels to the corps area commander or chief of the arm or service concerned, who, if unable to make reply or if another agency is interested, will refer the matter to The Adjutant General for appropriate action.

b. Requests for military information by foreign nationals, including representatives of foreign governments, such as military and air attachés, will be referred to the Military Intelligence Division, War Department General Staff, for necessary action.

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6. One classification only.—A document or article of matériel will not be assigned more than one of the three classifications—*secret*, *confidential*, or *restricted*, but should this happen through error the more restrictive classification will apply.

7. Overclassification.—Documents or matériel requiring classification under the provisions of these regulations will be assigned the least restrictive classification consistent with the proper safeguarding of the information or matériel concerned. Overclassification will be avoided.

8. Secret matter.—*a. When classified secret.*—Documents, cryptographic devices, development projects, or articles of matériel will be classified and, if practicable, marked *secret* when disclosure of the information or features contained therein might endanger national security, cause serious injury to the interest or prestige of the nation or any governmental activity, or would be of great advantage to a foreign nation.

b. Examples of items classified as secret.

- (1) War plans.
- (2) Documents relating to the design and development of new matériel and containing information of the type described in *a* above.
- (3) Codes, ciphers, and cryptographic devices used to transmit secret information.
- (4) Certain military maps and photomaps.
 - (a) In the continental United States, those illustrating and identified with a war plan, including local defense plans, defense projects, or any phase thereof.
 - (b) In oversea possessions and foreign territory occupied by the forces of the United States, those illustrating an approved war plan, including local defense plans, defense projects, or any phase thereof; those showing the lay-out of permanent defense works and naval bases and the adjacent terrain vital to their defense; and those that serve to fix definitely the location of any element of permanent defense works and naval bases.
- (5) Information concerning items of matériel and methods of assembly classified as *secret* by a chief of arm or service.
- (6) Photographs, photostats, diagrams, or models of any secret document or essential part of secret matériel.

c. Authority to classify as secret.—Matters may be classified as *secret* only by or by authority of the Secretary of War; the Assistant Secretary of War; the Chief of Staff, or an Assistant Chief of Staff of the War Department General Staff; a chief of arm, service, or bureau; a general officer; the commanding officer of a depot, post, camp, or station; the commandant of a general or special service school; or a military attaché.

d. Dissemination of secret matter.—The dissemination of secret matter will be held to the absolute minimum. Information as to the contents or whereabouts of secret matter will be disclosed only to those persons whose duties require such knowledge. It is exclusively for the official use of the person to whom it is divulged or issued, who will be responsible for its safe custody and security. Its inviolability is the duty and responsibility of all persons having knowledge thereof, no matter how obtained.

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9. Confidential matter.—*a. When classified as confidential.*—Documents, cryptographic devices, development projects, and articles of matériel will be classified and, if practicable, marked *confidential* when disclosure of the information contained therein, although not endangering the national security, might be prejudicial to the interest or prestige of the United States, a governmental activity, or an individual, or be of advantage to a foreign nation.

b. Examples of items classified as confidential:

- (1) Regulations governing joint action of the Army and the Navy.
- (2) Documents relating to the design and development of new matériel and containing information of the type described in *a* above.
- (3) Codes, ciphers, and cryptographic devices used to transmit confidential information.
- (4) Certain military maps and photomaps.
 - (a) In the continental United States, those showing lay-out of the permanent defense works and naval bases and the adjacent terrain vital to their defense, and those that serve to fix definitely the location of any element of permanent defense works and naval bases, except that when the complete map of a defense area consists of more than one sheet, only those sheets showing defense elements need be classified as *confidential*.
 - (b) In oversea possessions and foreign territory occupied by the forces of the United States, those not classified as *secret*, showing lay-out of military and naval radio stations, air bases, airdromes, air depots, supply bases, arsenals, proving grounds, or any area vital to defense.
- (5) Technical information, such as research of processes of manufacture which may be a distinct military asset and not a matter of general knowledge, and other technical items of the type described in *a* above.
- (6) Photographs, photostats, diagrams, or models of any confidential document or essential part of confidential matériel.
- (7) Certain reports, orders, or instructions pertaining to individuals, such as those relating to investigations, special assignments, and others.

c. Authority to classify as confidential.—Documents, development projects, matériel, or technical information may be classified as *confidential* by any commissioned officer.

d. Dissemination of confidential matter.—Confidential military information will neither be discussed with nor disclosed to unauthorized persons. The contents or whereabouts of confidential documents, cryptographic devices, or matériel will be disclosed only to those persons in the Government service whose duties require that they have such knowledge and to such other persons of especial trust who must be informed. Those to whom confidential information is entrusted or disclosed are responsible for its safe custody and security.

10. Restricted matter.—*a. When classified as restricted.*—A document, cryptographic device, development project, or article of matériel will be classified and, if practicable, marked *restricted* when information contained therein is for offi-

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cial use only, or when its disclosure should be limited for reasons of administrative privacy or denied the general public.

b. Examples of items classified as restricted:

- (1) Certain parts of mobilization plans and regulations.
- (2) Documents relating to the design and development of new matériel containing information of the type described in *a* above.
- (3) Procurement plans.
- (4) Codes, ciphers, and cryptographic devices used to transmit restricted information.
- (5) Certain training and technical regulations.
- (6) Certain Army extension courses.
- (7) Certain documents regarding engineering principles and design details, composition, method of processing or assembling, which are vital to the functioning or use of an article of matériel.
- (8) Certain military maps and photomaps.
 - (a) In the continental United States, those showing lay-out of military and naval radio stations, air bases, airdromes, air depots, supply bases, arsenals, and the adjacent terrain vital to their defense, including photographs not otherwise classified which are not suitable for public release; and
 - (b) In oversea possessions and foreign territory occupied by the forces of the United States, all topographic maps and photographs not otherwise classified which are not suitable for public release.
- (9) Photographs, photostats, diagrams, or models of any restricted document or essential part of restricted matériel.
- (10) All information relative to war reserves.

c. Authority to classify as restricted.—Documents, development projects, technical data, and matériel may be classified as *restricted* by any commissioned officer.

d. Dissemination of restricted matter.—The information contained in restricted documents and the essential characteristics of restricted matériel will not be communicated to the public or to the press, but may be given to any person known to be in the service of the United States and to persons of undoubted loyalty and discretion who are cooperating in Government work.

11. *Classification of information from other governmental agencies.*—Information obtained from the Navy Department or other governmental agency will be placed in the same relative classification as that in which it is carried by the controlling agency.

12. *Testimony before Congress.*—*a.* When a person in the military service appears before a committee of Congress and is called upon to give testimony which he knows to be confidential or restricted, he will respectfully request that his statements be taken in executive session only and not appear in the record of hearings, the Congressional Record, or other document open to public inspection.

b. When called upon to give testimony which he knows to be secret, unless he has previously been authorized by the Secretary of War to give such testimony, he will respectfully state that he is not authorized to disclose the information desired, and will inform the appropriate member of Congress that a written request for the specific information should be transmitted to the Secretary of

War. Testimony of a secret nature, when authorized by the Secretary of War, will be given only in executive session under the conditions cited in *a* above.

c. With regard to policies and facts which the public interest does not require to be kept secret, confidential, or restricted, see AR 600-10.

13. Legislation pertaining to the War Department.—*a.* Recommendations to the War Department for legislation will be classified as *secret*, *confidential*, or *restricted* until released by the Secretary of War. Prior to such release, no information as to any legislative recommendation will be revealed to any individual or association not under War Department control except as may be required by law.

b. The nature and content of reports of the War Department on bills referred to it by committees of Congress will not be disclosed to individuals or agencies outside the War Department.

14. Loss or subjection to compromise.—Any person in the military service or in its employ who may have knowledge of the loss or subjection to compromise of a secret or confidential document or article of matériel will promptly report that fact to the custodian of the document or matériel. The proper commanding officer will then make a thorough investigation of the circumstances, fix the responsibility, and send to The Adjutant General, through military channels, a report with his recommendation in the case.

15. Reproduction of classified matter.—*a.* Agencies entrusted with the printing or reproduction, storage, and issue of classified documents will be informed of the applicable provisions of these regulations.

b. The commandants of the general and special service schools are responsible that the printing or reproduction plants of their respective commands release no classified information to personnel or agencies not entitled thereto.

c. Chiefs of arms and services are responsible that service magazines or journals published under their supervision comply with the provisions of these regulations relative to security of classified military information.

d. Information contained in classified documents may be referred to in other documents which are unclassified or marked with a lower classification only by, or by authority of, an officer qualified to classify as *secret*. See paragraph 8*c*.

e. Whenever correspondence, documents, drawings, prints, photographs, or models pertaining to secret, confidential, or restricted matériel disclose information regarding engineering principles, design details, composition, methods of processing or of assembly which are vital to the manufacture, functioning, or use of the matériel, they will be appropriately classified.

f. Clerical and technical work on secret and confidential matter will be performed only by trustworthy personnel.

g. Preparation of press releases based on coded messages.—Officers authorized to prepare information to be made public will constantly bear in mind that such material may be of great value to the enemy signal intelligence service. Information received or sent in cryptographed messages will be paraphrased prior to release to the public.

h. For additional instructions relative to the discussion of military, political, diplomatic, and classified subjects, see AR 600-700.

16. Cancellation or change of classification.—*a.* The authority making the original classification, or higher authority, may cancel or change the classification of a document by writing or stamping over the mark at the top of the first page, "Classification canceled or changed to _____," or "Classifi-

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cation canceled or changed to _____, by authority of," adding the date and the initials of the officer making the change.

b. The authority making the original classification or higher authority may cancel or change the classification of matériel by appropriate letters of instruction.

SECTION II

DOCUMENTS

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17. Marking of classified documents.—a. Manner of marking.

- (1) Classified books or pamphlets, the pages of which are permanently and securely fastened together, will be plainly and conspicuously marked or stamped *secret*, *confidential*, or *restricted* on the cover, title page, and first page.
- (2) Classified communications and other material not permanently and securely fastened together, except as indicated in (3), (4), and (5) below, will be marked or stamped with the appropriate classification at the top and bottom of each page. The marking at the top will be so placed that it will not be hidden from view when the pages are clipped or stapled together.
- (3) Classified photographic negatives, drawings, or tracings will carry a legend of the proper classification in such position that it will be reproduced on all copies made therefrom. Photographs made from negatives not so inscribed will be marked at the top and on the back with the proper classification.
- (4) Contracts for the manufacture of classified matériel will be plainly and conspicuously marked, not typed, with the proper classification on the first page.
- (5) Classified maps and photomaps will be appropriately marked under the scale.

b. Additional marking of classified documents issued to authorized civilians.—Documents containing classified military information furnished persons other than those of the military and naval services and their civilian employees will, in addition to being marked *secret*, *confidential*, or *restricted*, bear the following notation:

This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, 50 U. S. C., 31 and 32. Its transmission or the revelation of its contents in any manner to an unauthorized person is prohibited by law.

c. Special marking of secret documents.—All secret documents will show the authority for the classification and the date affixed.

18. Transmission of classified documents.—a. Secret documents.

- (1) Between officers of the same headquarters or station.—At headquarters commanded by an authority qualified to make the secret

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classification, the commanding officer will provide for the security of interoffice transmission of secret documents.

- (2) *Between posts, camps, or stations.*—Within the United States and its possessions secret documents will be transmitted by an officer-messenger or courier when practicable, otherwise by United States registered mail. When an officer-courier is not available, such documents may be transported to and from foreign countries and the Philippine Commonwealth by State Department rotary lock pouch. If neither officer-courier nor diplomatic pouch is available, the responsible officer may entrust secret documents to reliable citizens of the United States, such as officers or officials of other governmental departments or masters of vessels of United States registry. If no undue delay will result, commanding officers of ports of embarkation will entrust secret documents to the commanding officer of troops on an Army transport for delivery. If none of the foregoing means of transportation are available, corps area commanders and commanding officers of exempted stations are authorized to transmit secret documents by registered mail in a United States sea post office, provided they do not pass through any foreign postal system or that of the Philippine Commonwealth.
- (3) *Preparation for transmission.*—Except when personally delivered by authorized personnel, secret documents transmitted from one person to another will be inclosed in an inner and an outer cover. Typewritten matter in the document will be protected by a cover sheet, or by a method of folding, from direct contact with the inner cover. The inner cover will be a sealed wrapper or envelope addressed in the usual way but plainly marked *secret* so that the notation will be seen when the outer cover is removed and will contain a receipt form which will identify the addressor, the addressee, and the document. The outer cover will be sealed and addressed in the ordinary manner with no notation to indicate its secret classification.
- (4) *Action upon receipt of secret matter.*
 - (a) Prior to opening a sealed package or envelope containing secret documents, the seals and wrappers will be carefully inspected to determine whether there has been any tampering. If any evidence of tampering is noted, the facts will be reported immediately to the issuing authority, who will initiate an investigation without delay.
 - (b) The inner cover marked *secret* will be opened only by the person to whom addressed or by personnel specifically designated by him. The receipt form will be dated and signed and immediately returned to the sender. The inner cover will be destroyed by burning if the subject matter of the inclosure has been in contact therewith.
- (5) *Transmission by aircraft.*—Secret documents, except those used by Air Corps personnel during flight, will be transported by aircraft only under exceptional circumstances. When so transported they will be securely wrapped and placed in the custody of an officer

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other than the pilot. When the flight is to be made over water the document will also be weighted.

b. Confidential documents.

- (1) *Between offices, posts, camps, or stations.*—Confidential documents may be transmitted by any authorized messenger, insured express, or registered mail to any point in the United States and its possessions, provided they do not pass through a foreign postal system and are carried in ships of United States registry.
- (2) *Preparation for transmission.*—A confidential document will be prepared for transmission in the same manner as a secret document except that the inner cover will contain a receipt form only when the sender deems it necessary and may be opened by any responsible person authorized by the addressee.
- (3) *Transmission by aircraft.*—Confidential documents, except those used by Air Corps personnel during flight, will be transported by military aircraft or by registered air mail only when in the opinion of the responsible officer the emergency demands it.

c. Restricted documents.—Restricted documents may be transmitted by any authorized messenger, or by ordinary mail, express, or freight to any point in the United States and its possessions, provided they do not pass through a foreign postal system and are carried on ships of United States registry.

19. Routine correspondence, receipts, and reports.—Routine correspondence, receipts, or returns, and reports of possession, transfer, or destruction need not be classified if reference therein to classified or registered documents is made by file number or short title only, with no indication of the subject matter or classification.

20. Storage of classified documents.—*a. Storage of classified documents not registered.*

- (1) Secret and confidential documents, other than registered documents, will be stored in the most secure files available in a room that is kept locked when not in use.
- (2) Restricted documents will be stored and handled in such a manner as to insure a reasonable degree of security.

b. Storage of registered documents.

- (1) Registered documents will be stored in the most secure space available, preferably the equivalent of a three-combination safe.
- (2) Only commissioned officers, warrant officers, and specially trusted enlisted men and civilian employees will be permitted to have access to the containers of registered documents or the combinations or keys thereto.
- (3) Safes containing registered documents will habitually be kept locked with the full combination whenever they are not under the direct supervision of a person officially entrusted with the combination.

c. Cryptographic documents.—So far as practicable, cipher tables, alphabets, and keys will not be kept in the same container as the code books, documents, and devices to which they apply.

d. Daily inspection.—At every headquarters an inspection will be made each day immediately before the close of business to insure that all secret and confidential documents and cryptographic devices have been properly put away.

e. Security in the field.—In tactical operations, actual or simulated, the commanding officer of the unit concerned is responsible that all documents are given the maximum security possible under the circumstances. No secret document will be taken into the front lines.

21. Return of secret and confidential documents.—Upon change of station or separation from the military service, an officer will return to the source from which received, or otherwise properly account for, all secret and confidential documents which have been issued to him.

22. Destruction of classified documents.—*a. Secret and confidential documents.*

- (1) When competent authority directs the destruction of secret or confidential documents, they will be burned in the presence of an officer, who will submit a certificate of destruction to the headquarters concerned. If the documents are registered, the certificate will be sent to the officer directing the destruction, who will forward it to the office of record indicated in the registered document.
- (2) Preliminary drafts, carbon sheets, plates, stencils, stenographic notes, and work sheets containing secret or confidential data will be destroyed by the person responsible for their production immediately after they have served their purpose or will be given the same classification and safeguarded in the same manner as the material produced from them.

b. Restricted documents.—Restricted documents will be destroyed in any convenient way which will render them useless.

SECTION III

REGISTERED DOCUMENTS

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23. Authority to designate.—Officers authorized to originate and issue secret or confidential documents will designate as *registered* such secret and confidential documents issued by them as they deem necessary in the interest of national defense. *Only documents of exceptional importance will be registered.*

24. Additional marking.—*a.* In addition to the marking *secret* or *confidential*, the title page or inside front cover of a registered document will ordinarily show the register number, short title, office of record to which returns will be made, and instructions covering the returns for its accounting and for its ultimate disposal. If this is not practicable, the required data will accompany the registered document on a separate sheet.

b. All references to registered documents in semiannual or transfer reports, ordinary reports of destruction, or unclassified documents or correspondence will be by short title only, and such reports or correspondence need not be classified. Any correspondence or paper which refers to a registered document by a title

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other than the short title must have the same classification as the registered document.

25. Revised edition.—A new or revised edition of an old registered document should be assigned a new short title.

26. Notification of change of classification.—When the classification of a registered document is changed, the office of record will notify all offices to which it has been issued.

27. Inventory and report of possession.—*a.* Custodians will keep a complete inventory of all registered documents except those listed in *c* below and will make, or have made, on June 30 and December 31 of each year, an accurate return therefor to the proper office of record.

b. In making a semiannual report of possession the following details will be observed:

(1) Each item will be physically inspected and its register number checked against the inventory.

(2) At headquarters having two or more commissioned officers the custodian and one other disinterested officer will make the inventory and both will sign the report. If the headquarters has only one commissioned officer, the report will so state.

c. No semiannual report of possession will be made of—

(1) Training editions of code books, cipher alphabets, or keys, or of nonregistered cipher devices accounted for as ordinary property.

(2) Registered documents which have been placed in custody or storage for historical purposes.

d. Whenever a registered document is found which is not charged to the finder, a reasonable effort will be made to determine the office to which it pertains. If this is not found, the document will be forwarded through military channels to the issuing authority for disposition.

28. Report of transfer.—*a.* When a registered document is transferred from one person to another, a certificate of transfer in triplicate will be made. The certificate, containing an acknowledgment of receipt by the receiving officer, will be dated and signed by the transferring officer.

b. Immediately upon completion of the transfer, the original of the transfer certificate will be forwarded direct to the office of origin. A copy of the certificate of transfer will be retained by each of the officers concerned.

c. Whenever a registered document is removed from its proper place of custody and issued to another person, the custodian will require a written receipt.

29. Prescribed forms.—*a.* War Department Form No. 32 (Record Card—Registered Documents and Devices) will be used for recording all temporary transactions involving an individual registered document.

b. War Department Form No. 33 (Record Card—Registered Documents and Devices—Station) will be used by each officer making a consolidated record of all transactions concerning registered documents. It serves as a check to prevent the undiscovered loss of the individual card, War Department Form No. 32.

c. War Department Form No. 34 (Semiannual or Transfer Report of Registered Documents or Devices) will be used in transferring registered documents and in reporting the semiannual inventory thereof.

SECTION IV

CRYPTOGRAPHIC SECURITY

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30. Authorization of cryptographic systems.—All codes, ciphers, and cipher devices intended for use in the military service will be authorized only by the War Department. For forces in the field in time of war, this authority will be delegated to the commanding general, GHQ, and may be delegated to theater commanders and to oversea department commanders for special use within their departments.

31. Personal use of authorized codes forbidden.—The use of any authorized code, cipher system, or cipher device for cryptographing personal messages is forbidden.

32. Personnel authorized to perform cryptographic duties.—*a. Secret messages.*—The cryptographing and decryptographing of messages classified as *secret* will be performed only under the direct supervision of a commissioned officer. It is preferable that this class of work be done by commissioned officers, but the commanding officer may in his discretion authorize by name, in writing, its performance by exceptionally reliable warrant officers, enlisted men, or civilian employees.

b. Confidential messages.

(1) At all headquarters in time of peace and at headquarters of divisions and larger units in time of war, the cryptographing and decryptographing of confidential messages will be performed by the personnel as prescribed for secret messages.

(2) At all headquarters of units smaller than a division in time of war, messages classified as *confidential* will be cryptographed or decryptographed by personnel of the cryptographic section of the message center.

c. Restricted messages.—At all headquarters in time of peace, messages classified as *restricted* will be cryptographed or decryptographed by personnel whose duties normally require the performance of this work.

33. Cryptographic security officer.—*a.* At each headquarters maintaining a message center there will be a cryptographic security officer, who ordinarily will be the officer in charge of the message center. He will be the custodian of cryptographic material and will be responsible for all measures necessary to insure cryptographic security.

b. If the cryptographic security officer believes that, in view of his knowledge of other messages on the same or like subject, a message has been incorrectly

classified, or if he believes that the regulations governing the drafting and classifying of the message have been violated, he will request the originator to make the necessary change in the message or in its classification. If the originator does not comply with the request of the cryptographic security officer, the matter will be referred to the commanding officer of the headquarters concerned for final decision.

c. Cryptographic duties at any station where there is no regularly constituted message center will be performed by the originator of the message or by personnel especially designated by the commanding officer. When cryptographic work is thus performed, the files of literal plain text messages and of cryptograms must be kept in different safes.

34. Sources of danger to cryptographic security.—By far the most prolific sources of danger to cryptographic security arise from violations of principles governing the following:

a. The physical security of technical paraphernalia pertaining to the cryptographic system.

b. The drafting of radiograms, cablegrams, and telegrams and their classification as *secret*, *confidential*, or *restricted*.

c. The selection of the specific cryptographic system and the actual cryptographing.

d. The handling and filing of literal, paraphrase, and cryptographic versions of messages.

e. The preparation of information copies and press releases in which the contents of cryptographic messages are communicated to others.

f. The selection of a means of transmission and the methods used in sending a message.

35. Responsibility for classification of messages.—a. Within the limitations prescribed in paragraph 41b the originator of a message is responsible for its classification, unless special instructions governing particular cases have been received from higher authority. He is also responsible for the proper marking of the message before forwarding it for cryptographing and transmission.

b. A message will invariably be classified and marked *secret* or *confidential* under the following circumstances:

- (1) When it contains information which is secret or confidential except when marked SEND IN CLEAR above the signature of the sender. The originator will place the words SEND IN CLEAR on a message only when rapidity of transmission is of more importance than the disclosure of content.
- (2) When it contains matter the transmission of which in plain language is prohibited by AR 105-25.
- (3) When there will be a saving in time or in the cost of transmission.

36. Drafting messages.—a. Routine reports and messages which must be given a wide distribution, or whose contents may eventually be furnished the press, or which contain extracts or quotations from a newspaper, magazine, or any other document available to the public, will be prepared so as to permit their transmission in plain language or will be classified as *restricted*. When such matter is relevant to the context of a confidential or secret message and must be quoted verbatim, the quotation will be made in a separate message in a restricted code or cipher, and the confidential or secret message will state that the quotation is being sent separately.

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b. Standardization of the content and form of such documents as field orders and operation instructions is necessary, but when fixed expressions are repeated in a message construction the results are exceedingly dangerous to cryptographic security. Hence stereotyped phraseology and set form of expression, especially at the beginning or end of a message, will not be used. Examples of stereotyped beginnings are as follows: "Reference your," "Reurad," "Reference my," and "Reference." Necessary references will be placed in the body of the message.

c. Words not important to the sense will be omitted. Conjunctions and prepositions will be reduced to the minimum, and every effort will be made to avoid repetition of words.

d. The originator of all classified messages will paraphrase such portions as are quoted from—

- (1) A message in plain language.
- (2) A message in the same or another cryptographic system.
- (3) A newspaper, magazine, or document available to the public.

e. Punctuation words, such as stop, period, and comma, will be avoided whenever the meaning is clear without them. Punctuation marks should be spelled out when it is essential that they be transmitted in the body of the message.

37. Selection of cryptographic system.—a. Subject to modification as outlined in paragraph 33b, the classification *secret*, *confidential*, or *restricted* given a message by its originator governs the cryptographic system to be used in cryptographing the message.

b. Messages dealing with the same subject will normally be sent in the same cryptographic system. Only a higher headquarters concerned is authorized to change the cryptographic system employed. If a change is authorized, previous messages will not be referred to by their reference numbers.

c. The mere acknowledgment of a cryptographed message need not be classified and if unclassified will not be cryptographed.

d. When the same clear-text message is transmitted to several addressees, it will ordinarily be cryptographed but once and sent to all addressees. If this is impossible because all addressees do not have identical codes or ciphers, the text of each message which must be cryptographed in a different system will be carefully and differently paraphrased for each system before cryptographing.

38. Paraphrasing messages.—If two or more messages present only minor differences in wording, each will be paraphrased differently to destroy cryptographic similarities. The resulting paraphrases will alter not only the wording and length of original messages but will be substantially different from each other.

39. Method of handling outgoing secret messages.—a. The originator will prepare and number all copies of secret messages, send the original to the message center, and retain one copy for temporary file. Other carbon copies, all numbered and bearing the following notation, may be sent to local officers directly concerned:

The making of an exact copy of this message is forbidden. Only such extracts as are absolutely necessary will be made and marked "secret."

This copy will be safeguarded with the greatest care and will be returned to the originator without delay.

All such copies will be destroyed when returned.

b. The original plain-text copy sent to the message center by the originator will be cryptographed at the cryptographic section of the message center. In message centers serving tactical units one original and one carbon copy of the cryptographed message will be made and the original will be sent to the transmitting agency. In the zone of the interior the number of copies to be made of the cryptographed message will be determined by the commanding officer of the headquarters concerned. All work sheets used in cryptographing the message will be immediately destroyed by burning.

c. The original copy of the literal plain text will be marked *Sent in secret code* and returned to the originator who will place it in his secret file for outgoing messages and destroy the retained copy by burning. Only one copy of the literal text will be filed at the originator's office.

d. The transmitting agency will send the cryptographed message, retaining at least one copy in its file of outgoing messages for final disposition in accordance with local regulations.

e. In tactical operations when time permits, secret messages will normally be carried by a staff officer or special messenger operating as a direct agent of the transmitting office. They may be transmitted by electrical or other means available to the message center when the time of transmission can be reduced thereby.

40. Method of handling incoming secret messages.—a. An incoming secret message will be copied in duplicate by the receiving operator; the original will go to the cryptographic section of the message center and the carbon copy to the files of the receiving station or message center, where it will be disposed of in accordance with local regulations.

b. A cryptographer will decryptograph the message, making only one copy of the decryptographed literal plain text, which will be marked *Received in secret code* and delivered to the addressee. The cryptographed version will be retained in the files of the message center, where it will be disposed of in accordance with local regulations. All work sheets used in decryptographing will be destroyed by burning. The cryptographic section will not retain any copy of the plain text in its files. The placing on the message blank of any marks or notations even remotely connected with the cryptographic system or steps in decryptographing the message, such as underlining key words, indicating groupings corresponding to lengths of columns of key, etc., is forbidden.

c. The addressee may make and circulate a limited number of carbon copies for the information of other officers directly concerned. Such copies will bear the notation and be destroyed as indicated in b above. Only one copy of the literal text of the message will be kept in the addressee's office.

41. Method of handling outgoing and incoming confidential messages.—a. At administrative headquarters having fixed message centers.—Whenever practicable, the procedure to be followed in the transmission of messages in confidential codes or ciphers will be substantially the same as that prescribed for those transmitted in secret code or cipher. They will, however, be marked and handled in accordance with provisions of these regulations governing confidential documents.

b. In tactical operations, simulated or actual.—All messages not classified as *secret* will be regarded as *confidential* but need not be so marked. The procedure to be followed is prescribed in Basic Field Manual, Volume IV, and in other pertinent regulations and instructions issued by proper authority. The policy regarding transmission of messages is as follows:

In time of emergency all radio messages except those noted below are transmitted in cryptographic form. When the tactical situation is such that time cannot be spared for cryptographing, and when the information to be transmitted, if intercepted by the enemy, cannot be acted upon in time to influence the situation in question, a commanding officer or his authorized representative may order the transmission of a message in plain language by a radio station serving his headquarters or command. See paragraph 35b.

42. Method of handling restricted messages.—The procedure to be followed in the handling of messages in restricted codes and ciphers will be substantially the same as that prescribed for those in confidential code or cipher, except that the number of copies need not be limited nor need they be numbered.

43. Confirmation copies of cryptographed messages prohibited.—The sending by any means whatsoever of confirmation copies of messages transmitted in code or cipher is strictly prohibited.

44. Disposition or destruction of registered cryptographic material.—*a.* Whenever a person who has been issued registered secret or confidential codes, ciphers, cipher devices, or documents pertaining thereto, has no further need for them, he will report that fact to the Chief Signal Officer, or in the case of the field forces to the signal officer, GHQ.

b. When it has become highly probable that cryptographic material will be subject to loss or compromise, all documents and translations of messages will be destroyed by burning, and the cipher machines or devices will be destroyed beyond use or repair.

c. When cryptographic documents or devices have become unserviceable through long use, request for their replacement will be made to the issuing authority.

SECTION V

MATÉRIEL

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45. Authority to classify.—Whenever the chief of an arm or service responsible for a research project or for the design, development, test, or production or procurement of an article of matériel, or a component thereof, shall determine that the maintenance of any degree of secrecy regarding them is suffi-

ciently important to the national defense, he will classify it as *secret*, *confidential*, or *restricted*.

46. Notification of classification or reclassification.—Whenever the chief of an arm or service in charge of a research project, design, development, test, or production of a unit of matériel or component thereof shall determine that the matériel should remain classified after issue or that a change or cancellation of classification is desired, he will notify The Adjutant General, who in turn will inform all concerned.

47. Responsibility for safeguarding technical information.—*a.* Chiefs of arms and services engaged in the preparation of plans, research, and development work, or new design, test, production, procurement, storage, or use of classified matériel are responsible for the promulgation of such additional instructions as may be required for the safeguarding of information in the offices, establishments, laboratories, shops, or army posts under their jurisdiction.

b. All secret, confidential, or restricted models, exhibits, dies, machines, and other similar items which are to be loaned, leased, or given to a commercial organization will be properly marked to indicate classification when practicable. If such marking is impracticable, the commercial organization will be specifically notified in writing of the classification of such items and of the pertinent provisions of the Espionage Act.

48. Classification of information from commercial firms.—Information obtained from civilian manufacturers concerning proprietary processes will be classified as *confidential* unless otherwise authorized by the firm concerned.

49. Dissemination of classified technical information.—Classified information concerning technical projects or developments may be imparted only to persons in the military and naval services of the United States, including civilian employees, who have a legitimate interest therein, and to American citizens of known loyalty and discretion who of necessity must be informed because of their cooperation in the work, project, or development.

50. Invitations for bids and contracts.—Prior to furnishing a prospective bidder with drawings, specifications, or other pertinent information concerning projects of a secret, confidential, or restricted nature, an agreement reading substantially as follows will be signed by the individual or by a responsible officer of the firm or corporation:

In consideration of the receipt of the referenced _____
(Secret, confidential,
or restricted)

_____ drawings, specifications, and accompanying inclosures, and models or matériel, I agree on behalf of the undersigned individual, firm, or corporation, its representatives, agents, and/or subbidders to the following:

a. The undersigned will neither supply nor disclose any information regarding the drawings, specifications, and accompanying inclosures, or models or matériel referred to herein to any unauthorized person, or incorporate in other projects special features of design or construction peculiar to the article or articles specified herein.

b. The undersigned will not permit any alien employed or to be employed by the bidder or contractor or by any of its subbidders or sub-contractors to have access to the drawings, specifications, and accompanying inclosures, or models or matériel referred to herein, or to engineering principles, composition, subassemblies, or assemblies which are

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vital to the functioning or use of the article without the written consent beforehand of the Secretary of War.

c. The undersigned will not make or permit to be made reproductions of the drawings, specifications, and accompanying papers, or of the models or matériel except as specifically authorized by the contracting officer or his agent.

d. If no bid is submitted on the subject proposal, if a bid is made and not accepted, or, in case award is made, upon the completion of the contract, the undersigned will promptly return by hand, by registered mail, or by insured express, the referenced drawings, specifications, and accompanying papers or models or matériel, together with all copies thereof, to the office from which the originals were received.

e. The undersigned and/or subbidder agrees to bring to the attention of all persons engaged in the preparation of the bid the following pertinent provisions of the Espionage Act (sec. 1, act June 15, 1917 (40 Stat. 217); 50 U. S. C. 31). The successful bidder shall also bring to the attention of all persons engaged in the contract, including persons employed on subcontracts, these provisions of the Espionage Act.

"* * * (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it * * * or (e) whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both."

f. The undersigned further agrees that no information in connection with the contract will be given to any person not in the contractor's and/or subcontractor's employ except upon the written consent beforehand of the contracting officer or his agent.

51. Consultations with responsible manufacturers.—The commanding officers of arsenals and depots and other officers engaged in work on Government contracts are authorized to consult with all interested manufacturers or their representatives, inventors, and other persons concerning technical matters in which they have a legitimate interest. They will, however, inform all such persons of the classification of the projects, works, and developments.

52. Responsibility of Army representatives or inspectors.—a. Army representatives or inspectors of the supply arms or services are the local representatives of the War Department and will take the necessary measures to insure the safeguarding of classified information or projects in the hands of the contractors or in process of manufacture in their plants.

b. Army representatives or inspectors will advise contractors as to their responsibilities and the practical measures to be taken to safeguard secret, confidential, and restricted matters and will act favorably, if practicable, on any

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suggestion or request of the company tending to preserve secrecy. If at any time conditions at any plant, or any action of a company or its employees, jeopardize the security of classified matter pertaining to the War Department or violate the provisions of the Espionage Act, the Army representative or inspector will request the contractor to take prompt remedial action. If adequate precautionary measures are not taken immediately, he will report promptly to the chief of the arm or service concerned and, if the situation requires, to the commanding general of the corps area in which the item is in process of manufacture.

c. When Army and Navy inspectors are on duty at the same plant, the Army inspector will coordinate all security measures with the Navy inspector in order to avoid conflicting demands upon contractors.

53. Responsibility of Government contractors.—*a.* A private individual, firm, or corporation which enters into a contract to engage in technical work for the War Department becomes responsible in matters within his or its control for the safeguarding of all secret, confidential, or restricted matters that may be disclosed or that may be developed in connection therewith. A clause to this effect will be included in such a contract, but its omission will not release the contractor from his responsibility under the Espionage Act.

b. Contractors are responsible that all classified projects allotted to subcontractors or agents are fully protected by a similar agreement.

c. Whenever for any reason a contract agreement or subcontract has been made which does not include a security clause but later is found to involve secret, confidential, or restricted matter, the supply arm or service concerned will take the necessary steps to insure that the project or work is properly classified and that the contractor, agent, or subcontractor is informed of the classification and of his responsibility in the matter.

54. Tests of classified matériel.—Tests of classified matériel will be adequately safeguarded by all responsible officers.

55. Public display of classified matériel.—*a.* Commanding officers are responsible that all classified parts, components, or features of matériel are properly safeguarded during maneuvers, drills, parades, ceremonies, assemblages, demonstrations, or exhibitions open to the general public.

b. (1) Photographs of equipment while in process of development or those

revealing processes of manufacture are prohibited unless authorized by the chief of supply arm or service concerned. After an article of equipment has been issued to combat units, release of photographs is permissible unless specifically prohibited by the instructions issued therewith.

(2) Requests for permission to take photographs of classified matériel, projects or processes of manufacture will be referred to the War Department through the proper chief of supply arm or service. If authority is granted, it will be with the understanding that the resulting photographs will be submitted to the War Department for review prior to release.

56. Release of information or sale of matériel.—*a.* Domestic sale, divulging information in connection with negotiations for foreign sale, foreign sale, and foreign manufacture of items of Army and Navy matériel and equipment are not permitted unless the War and Navy Departments are agreed that military secrecy is not compromised thereby.

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b. International traffic in arms.

- (1) The State Department administers international traffic in arms and military matériel coming within the scope of the Regulations Governing the International Traffic in Arms, Ammunitions, and Implements of War and Other Munitions of War.
- (2) The State Department will not release for foreign sale any item coming within the scope of these regulations until the War and Navy Departments have stated that there is no objection to the release on grounds of secrecy affecting the national defense.

SECTION VI

VISITORS

| | Paragraph |
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| Responsibility of commanding officer, Army representative, or inspector----- | 59 |
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57. Classification.—*a. Foreign nationals.*—For the purpose of these regulations foreign nationals include—

- (1) Representatives, officials, or employees of a foreign government having an official status.
- (2) All other foreign nationals and citizens of the United States representing a foreign government, firm, or corporation.

b. United States citizens.—All citizens of the United States not included in *a* above.

58. Authority for admission.—*a. General.*—Correspondence and communications relating to visits will be routed direct between the various offices concerned.

b. Foreign nationals.

- (1) Foreign nationals (see par. 57*a*) will be admitted to Government or commercial manufacturing establishments and experimental laboratories engaged on classified work or projects only on written authority of the Assistant Chief of Staff, G-2, War Department General Staff. Their applications will be made through the appropriate diplomatic representative and will include the following information:
 - (*a*) Name in full.
 - (*b*) Official title or position.
 - (*c*) Name of plant or plants to which admission is desired.
 - (*d*) Date of visit or dates between which visits are desired.
 - (*e*) Purpose of visit.

- (2) Prior to authorizing a visit to a War Department or commercial manufacturing establishment engaged in classified work or projects, the Assistant Chief of Staff, G-2, War Department General Staff, will secure the recommendations of the Navy Department and the chief of the supply arm or service concerned.

c. United States citizens.—Subject to the approval of the commanding officer or the contractor, United States citizens, except those representing a foreign government, firm, or corporation, may be admitted to War Department or com-

mercial manufacturing establishments engaged on classified work or projects under the following conditions:

- (1) Casual visitors may be admitted provided no secret, confidential, or restricted work or project is shown or discussed.
- (2) Representatives of other United States Government agencies, manufacturers, or their representatives, engineers, and inventors cooperating in War Department work and having a legitimate interest therein may be shown such works or projects as are considered necessary and desirable by the responsible chief of supply arm or service. Authority for admission will be in writing.
- (3) Accredited reporters, photographers, and other representatives of publicity agencies may be admitted to manufacturing establishments engaged on work for the War Department provided classified matters, projects, or processes of manufacture are not shown or discussed with them. News items, photographs, and motion pictures resulting from the visit must be submitted to the Assistant Chief of Staff, G-2, War Department General Staff, for release prior to publication.

59. Responsibility of commanding officer, Army representative, or inspector.—*a.* The commanding officer of a military manufacturing establishment or the Army representative or inspector at a commercial manufacturing establishment is the local representative of the War Department in all matters regarding the admission of visitors. If, in his opinion, the situation at the time makes the admission of a visitor inadvisable, he is empowered to postpone the visit and request instructions from the office which authorized it.

b. The commanding officer or Army representative will make a report to the Assistant Chief of Staff, G-2, War Department General Staff, through the appropriate chief of supply arm or service, giving the following information concerning foreigners who visit establishments engaged in classified projects:

- (1) Name, official position, and nationality.
- (2) Authority for the visit.
- (3) Matters in which the visitors showed the greatest interest.
- (4) General nature of questions asked.
- (5) Expressed object of the visit.
- (6) Inspector's estimate of the real object of the visit.
- (7) General estimate of ability, intelligence, and technical knowledge of the visitor and his proficiency in the English language.
- (8) A brief list of what was shown and explained.

60. Responsibility of Government contractors.—*a.* Contractors or subcontractors engaged in work for the War Department must place such restrictions on the movements of persons employed or entering their plants or offices as will give adequate security to secret, confidential, or restricted matters in their possession. In view of the wide differences in organization, arrangement, and physical make-up of individual plants, no specific rules are practicable. Therefore, local conditions at the plant and the classification of the project will determine the security measures to be adopted.

b. The following general procedure in regard to visitors at establishments or plants engaged in classified projects for the War Department is prescribed:

- (1) Visitors will be accompanied during their stay at the plant by the inspector or Army representative, a member of his office, or some responsible person who is specifically informed as to the necessary

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limitations or restrictions, the scope of the visit, and the information which may be furnished.

- (2) Unless specifically authorized by the authorities mentioned in paragraph 58, visitors will not be allowed in any shop, laboratory, drafting room, or section of a plant where secret, confidential, or restricted matériel is located or where classified work is in progress, nor will they be permitted to take photographs.
- c. (1) War Department contractors will submit to the contracting officer at the end of each month, and upon the completion of the work or project, a report of all visitors who have gained information concerning the classified work or projects. These reports will include the following information:
- (a) Name, official position, and nationality.
 - (b) Address.
 - (c) Authority for visit.
- (2) The contracting officer will submit the reports to the Assistant Chief of Staff, G-2, War Department General Staff, through the appropriate chief of supply arm or service.

SECTION VII

AIRSPACE RESERVATIONS, RESERVED AREAS, AND RESTRICTED AREAS

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61. Airspace reservations.—*a. Airspace reservations over military installations or reservations established by Executive order.*

- (1) For reasons of national defense, flying over Aberdeen Proving Ground, portions of Fort Hoyle and Edgewood Arsenal Military Reservations, and portions of Bush River, Gunpowder River, and Chesapeake Bay—all in the State of Maryland—is prohibited or restricted by Executive Order No. 7985, October 8, 1938.
- (2) For reasons of public safety, civil aircraft is forbidden by Executive Order No. 7138, August 12, 1935, to operate over the following reservations or areas except by special permission of the War Department or the Navy Department:
 - Picatunny Arsenal, Dover, New Jersey.
 - Savanna Ordnance Depot, Savanna, Illinois.
 - Nansemond Ordnance Depot, Portsmouth, Virginia.
 - Wingate Ordnance Depot, Gallup, New Mexico.
 - Camp Stanley Ordnance Reservation, Leon Springs, Texas.
 - Fort Hancock, Sandy Hook, New Jersey.
 - Fort Saulsbury, about 4 miles east of Milford, Delaware.
 - Fort Pickens, western portion of Santa Rosa Island, Pensacola Bay, Florida.
 - Fort Barry, near Point Bonita Lighthouse, San Francisco Bay, California.
 - Fort Canby, near Cape Disappointment Lighthouse, Washington.
 - Fort Casey, near Admiralty Head Lighthouse, Washington.

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Naval Ammunition Depot, Hingham, Massachusetts.
 Naval Ammunition Depot, Fort Lafayette, New York.
 Naval Ammunition Depot, Lake Denmark, New Jersey.
 Naval Ammunition Depot, St. Juliens Creek, Virginia.
 Naval Ammunition Depot, Hawthorne, Nevada.
 Naval Ammunition Depot, Mare Island, California.
 Naval Ammunition Depot, Puget Sound, Washington.
 Naval Mine Depot, Yorktown, Virginia.
 Naval Torpedo Station, Newport, Rhode Island.
 Naval Torpedo Station, Keyport, Washington.
 Naval Ordnance Plant, Baldwin, Long Island, New York.
 Naval Fuel Depot, San Diego, California.

That part of the Aleutian Islands, Alaska, with their territorial waters, lying west of the 167th meridian, west longitude.

- (3) Executive Order No. 8251, September 12, 1939, declares the airspace above the Canal Zone, including the territorial waters within the three-mile marine boundary at each end of the Canal as a military airspace reservation, to be known as the "Canal Zone Military Reservation," and sets forth the regulations governing the operation of private aircraft therein.
- (4) By Executive Order No. 5281, February 17, 1930, the airspace over each of the following harbors, declared closed ports by Executive Order No. 1613, September 23, 1912, was reserved and set aside for governmental purposes as a prohibited area within which civil aircraft are not authorized to navigate except by special authority of the United States Navy Department:

Tortugas, Florida.
 Great Harbor, Culebra.
 Guantanamo Naval Station, Cuba.
 Pearl Harbor, Hawaii.
 Guam.
 Subic Bay, Philippine Islands.
 Kiska, Aleutian Islands.

b. Territory of Hawaii.—Section 3, Air Commerce Regulations of the Territory of Hawaii, prohibits private and commercial aircraft from flying over or crossing any part of Diamond Head and the fortifications of Fort Kamehameha and Fort Weaver.

c. Philippine Commonwealth.—Flying by any aircraft other than those of the United States and Philippine Governments within a distance of six miles from the perimeter of Corregidor Island, Fraile Island, Carabao Island, and Caballo Island, Manila Bay, and Subic Bay, Island of Luzon, and within two miles of the perimeter of Cavite Peninsula, Manila Bay, is prohibited by Section 80, Air Commerce Regulations, the Government of the Philippine Islands, dated October 15, 1935.

d. Responsibility of commanding officers.—The commanding officer of a military reservation, post, camp, station, or installation over which an airspace reservation has been established is responsible for the surveillance of the designated airspace and for prompt report to The Adjutant General, through military channels, of any illegal flight therein.

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62. **Restricted areas.**—*a. Designation.*—The commanding officer of a post, camp, station, or installation is responsible for the designation and proper safeguarding of restricted areas. If local conditions dictate, he will mark all ordinary entrances or approaches to such areas with a sign reading as follows:

WARNING

RESTRICTED AREA

It is unlawful to enter within this _____ without written permission of _____
(Area, building, etc.)
(Authority.)

b. Procedure in case of violation.

- (1) The commanding officer of a military reservation, post, camp, station, or installation will cause any person not subject to military law who enters a restricted area or building to be detained, warned of his rights, and interrogated by proper authority. If it is a first offense and there is no evidence of deliberate intent, the offender may be warned against repetition and released upon the surrender of any unlawful photograph, sketch, picture, drawing, map, or graphic representation in his possession. Otherwise the offender will be delivered without unnecessary delay to the nearest United States marshal with a written statement of the facts, the names and addresses of the witnesses, and such pertinent exhibits as may be available.
- (2) When an investigation reveals that a person not subject to military law has entered such a restricted area or building, custody of the individual not having been effected, the commanding officer will promptly forward in writing to the nearest United States district attorney a report of all the facts, including the names and addresses of the witnesses.
- (3) A report will be made through military channels to the corps area commander of each case brought to the attention of civil authority and will include a brief of all the facts and copies of all pertinent communications.

SECTION VIII

TROOP MOVEMENTS IN WAR

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63. **General.**—*a.* The provisions of this section apply only in time of war.

b. Officers and men will avoid talk or discussion of military matters while in any public place and will view with suspicion any person asking questions about military subjects or discussing such topics where there is even remote possibility that the information may reach the enemy.

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c. All persons connected with the military service who receive information of proposed inland or oversea movements of organizations, detachments, or individuals are forbidden to make public the details of such movements.

- d. (1) The names of organizations, ports of embarkation, or ships to be used in troop movements, or the date of departure, arrival, or embarkation will not be disclosed.
- (2) When it is necessary to advise relatives or other civilians of approaching departure, persons connected with the military service will not convey any information in regard to rail routing, probable time and date of departure from or arrival at any station, names of ships, ports of embarkation, or the destination of organizations.

e. In time of war commanding officers are responsible that their commands are instructed in the provisions of this section of the regulations and in the dangers involved in leakage of information concerning troop movements.

64. **Rail movements.**—The marking of cars or baggage to indicate an oversea destination, the date of departure, or the name of the ship is forbidden. Baggage for oversea shipment will be addressed to the commanding officer of the port or, where a port of embarkation or debarkation has been established, to the port storage officer.

65. **Embarkation.**—*a. Admission to piers.*

- (1) All persons not on official business will be excluded from the piers at all times.
- (2) Only official photographers will be permitted to take cameras within the limits of the pier or overseas.
- (3) Arrangements will be made to have farewells completed before arrival at the piers. No members of families, relatives, or friends of those sailing will be allowed at the piers or thereabouts on the day of sailing. Should any such persons be found there, they will be ordered away summarily by the guard and report will be made of the officer or enlisted man with whom they were seen or with whom they attempted to communicate.

b. Movement of troops.—At ports of embarkation troop movements will be made insofar as practicable without attracting undue attention. Troops will be held at ease, bands will not play, colors will be cased, and no noise of any kind will be permitted.

66. **Movements of vessels.**—In harbors, vessels loaded with troops or supplies will be moved under cover of darkness, whenever possible. If vessels must be moved during daylight, the commanding officer of troops will hold his men below deck or within deck superstructures to prevent attracting attention. Signals by flags or whistles should be limited to those necessary for safe navigation.

67. **Overseas.**—After arrival overseas no information will be given concerning names or destinations of organizations, names of vessels, data concerning convoys, routes pursued, measures taken to avoid attack, dates of arrival, debarkation, or departure, or number of troops or kind of cargoes carried.

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SECTION IX

EXTRACTS FROM PERTINENT LAWS AND REGULATIONS

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68. **Military reservations, unlawful entry.**—Whoever shall go upon any military reservation, army post, fort, or arsenal, for any purpose prohibited by law or military regulation made in pursuance of law, or whoever shall reenter or be found within any such reservation, post, fort, or arsenal, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof, shall be fined not more than five hundred dollars, or imprisoned not more than six months or both. *Sec. 45, act March 4, 1909 (35 Stat. 1097), 8 U. S. C. 97; M. L. 1929, sec. 816.*

69. **The Espionage Act.**—*a. Unlawfully obtaining or permitting to be obtained information affecting national defense.*—That (a) whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section six of this title; or (b) whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or (c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this title; or (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book,

sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (e) whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both. *Sec. 1, Title I, act June 15, 1917 (40 Stat. 217); 50 U. S. C. 31; M. L., 1929, sec. 2181.*

b. Unlawfully disclosing information affecting national defense.—(a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years: *Provided*, That whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished by death or by imprisonment for not more than thirty years; and (b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than thirty years. *Sec. 2, Title I, act June 15, 1917 (40 Stat. 218); 50 U. S. C. 32; M. L., 1929, sec. 2182.*

c. Conspiracy to violate preceding sections.—If two or more persons conspire to violate the provisions of sections two or three of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this title shall be punished as provided by section thirty-seven of the Act to codify, revise, and amend the penal laws of the United States approved March fourth, nineteen hundred and nine. *Sec. 4, Title I, act June 15, 1917 (40 Stat. 219); 50 U. S. C. 34; M. L., 1929, sec. 2185.*

d. Harboring or concealing violators of law.—Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has

committed, or is about to commit, an offense under this title shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both. *Sec. 5, Title I, act June 15, 1917 (40 Stat. 219); 50 U. S. C. 35.*

e. Designation of prohibited places by proclamation.—The President in time of war or in case of national emergency may by proclamation designate any place other than those set forth in subsection (a) of section one hereof in which anything for the use of the Army or Navy is being prepared or constructed or stored as a prohibited place for the purposes of this title: *Provided*, That he shall determine that information with respect thereto would be prejudicial to the national defense. *Sec. 6, Title I, act June 15, 1917 (40 Stat. 219); 50 U. S. C. 36; M. L., 1929, sec. 2186.*

f. Places subject to provisions of this title.—The provisions of this title shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offenses under this title when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder. *Sec. 8, Title I, act June 15, 1917 (40 Stat. 219); 50 U. S. C. 37.*

g. Jurisdiction of courts-martial and military commissions.—Nothing contained in this title shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial under sections thirteen hundred and forty-two, thirteen hundred and forty-three, and sixteen hundred and twenty-four of the Revised Statutes as amended. *Sec. 7, Title I, act June 15, 1917 (40 Stat. 219); 50 U. S. C. 38.*

h. Jurisdiction of courts of Canal Zone and Philippine Islands of offenses on high seas.—The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this Act committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this Act committed upon the high seas, and of conspiracies to commit such offenses, as defined by section thirty-seven of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, and the provisions of said section, for the purpose of this Act, are hereby extended to the Philippine Islands, and to the Canal Zone. In such cases the district attorneys of the Philippine Islands and of the Canal Zone shall have the powers and perform the duties provided in this Act for United States attorneys. *Sec. 2, Title XIII, act June 15, 1917 (40 Stat. 231); 50 U. S. C. 39.*

70. The Air Corps Act.—* * * no aliens employed by a contractor for furnishing or constructing aircraft, or aircraft parts, or aeronautical accessories for the United States shall be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials without the written consent beforehand of the Secretary of the department concerned. *Sec. 10 (j), act July 2, 1926 (44 Stat. 780); 10 U. S. C. 310 (j); M. L. 1929, sec. 2041.*

71. Protection of diplomatic codes.—That whoever, by virtue of his employment by the United States, shall obtain from another or shall have custody of or access to, or shall have had custody of or access to, any official diplomatic code or any matter prepared in any such code, or which purports to have been prepared in any such code, and shall willfully, without authorization or

competent authority, publish or furnish to another any such code or matter, or any matter which was obtained while in the process of transmission between any foreign government and its diplomatic mission in the United States, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. *Act June 10, 1933 (48 Stat. 122); 22 U. S. C. 135.*

72. *Wire or radio communication.—a. Unauthorized publication or use of communications.*—No person receiving or assisting in receiving, or transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee, his agent, or attorney, or to a person employed or authorized to forward such communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpoena issued by a court of competent jurisdiction, or on demand of other lawful authority; and no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; and no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; and no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto: *Provided*, That this section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication broadcast, or transmitted by amateurs or others for the use of the general public, or relating to ships in distress. *Act June 19, 1934 (48 Stat. 1103); 47 U. S. C. 605.*

b. General penalty.—Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing, in this Act prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this Act required to be done, or willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished for such offense, for which no penalty (other than a forfeiture) is provided herein, by a fine of not more than \$10,000 or by imprisonment for a term of not more than two years, or both. *Act June 19, 1934 (48 Stat. 1100); 47 U. S. C. 501.*

73. *Laws and regulations governing international traffic in arms.—a. Special provisions in regard to military secrets.*—Under the provisions of Part V of the Laws and Regulations Administered by the Department of State Governing International Traffic in Arms, Ammunition, and Implements of War and Other Munitions of War, 1938, the Secretary of State will not issue a license authorizing the exportation of any arms, ammunition, or implements of war considered by the Secretary of War or by the Secretary of the Navy as instruments or appliances included among the articles covered by those terms as used

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in this act, if in their opinion, they involve military secrets of interest to the national defense. The articles which may be so considered are those falling within one of the following categories:

- (1) Articles, the whole or any features of which have been or are being developed or manufactured by or for the War Department or the Navy Department or with the participation of either of those Departments; and
- (2) Articles, the whole or any features of which have been used or are being used by the War Department or the Navy Department or which either Department has contracted to procure.

b. Included among articles developed by or for the War Department or the Navy Department are those which have been contracted for by either department, or which have been developed in accordance with Army or Navy specifications and submitted to either department for evaluation for procurement.

c. Prospective exporters of arms, ammunition, and implements of war should, before applying for a license to authorize the exportation of any article falling within the above categories which may possibly involve military secrets of interest to the national defense, communicate with the Secretary of State in advance of the proposed shipment in order that he may be in a position to ascertain for the prospective exporter whether or not military secrets are, in fact, involved therein.

74. Photographs, etc., of military and naval defenses.—That, whenever, in the interests of national defense, the President shall define certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 2.—Any person who uses or permits or procures the use of an aircraft for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military or naval installations or equipment, in violation of the preceding section, shall be liable to the penalty therein provided.

SEC. 3.—On and after thirty days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under the first section of this Act, it shall be unlawful for any person to reproduce, publish, sell, or give away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority. Any person found

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guilty of a violation of this section shall upon conviction be punished as provided in the first section of this Act.

* * * * *

SEC. 5.—The provisions of this Act shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States, whether contiguous thereto or not, and offenses under this Act when committed upon or over the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

Act January 12, 1938 (52 Stat. 9).

[A. G. 312.11 (5-4-39).]

BY ORDER OF THE SECRETARY OF WAR:

MALIN CRAIG,
Chief of Staff.

OFFICIAL:

E. S. ADAMS,
Major General,
The Adjutant General.