

C O P Y

SECRET

CONFIDENTIAL

RESTRICTED

DATE 30 July 1947

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

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| () Approval & Return | () Information & File |
| () As Requested | () Recommendation |
| () Concurrence or Comments | () Signature if approved |
| () Information & Forwarding | () Your action by |
| () Information & Return | () Info upon which to base reply |

1. As you requested I have modified my draft

of 28 April 1947 as per the attached.

2. Please note the following:

a. That the new matter is offered as

proposed additional sections to Title I. Act of
June 15, 1917 (the so-called "Espionage Act").

This would call for mere amendment to existing
law rather than the ~~creation~~ creation of brand

new legislation. I think this path might be easier.

b. That such words as code, cipher, cryptography, cryptanalysis, messages, etc., do not appear therein at all but the test is of such a general character as to be applicable to anything of cryptologic nature.

c. That I have attempted to cover leakages from or by people not in the Government service--but who in one manner or another manage to obtain classified information and then publish it or broadcast it. -- "Columnists", etc.

d. That I still feel it desirable to make the punishment fit the crime--by grading the penalties according to the classification.

e. That it is proposed that the rules governing classification and de-classification be prescribed by the President. This might help ward off allegations of attempts by the military to abridge freedom of press and speech.

W.F.F.

Failing to safeguard information affecting national defense - (a) Whoever in the course of his official duties has had custody of, access to, or knowledge of any United States Government officially classified material, viz, any information, document, writing, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, apparatus, device, or machine affecting or employed in the national defense; and (b) whoever in the course of his official duties has had custody of, access to, or knowledge of similar material which pertains to or is used by any foreign government and which has been obtained and officially classified by any intelligence agency of the United States Government, (1) discloses or delivers any such officially classified material to any person not authorized to have it, or (2) uses such officially classified material in a manner prejudicial to the safety or interests of the United States, or (3) retains such officially classified material when he has no right to retain it or when it is contrary to the safety or interests of the United States for him to retain it, or (4) fails to comply with all directives issued by lawful authority with regard to the return or disposal of such officially classified material, or (5) fails to take reasonable care of, or so conducts himself as to endanger the safety of such officially classified matter, shall (i) in the case of matter officially classified "restricted", be fined not more than \$1000 or imprisoned not more than two years or both; (ii) in the case of matter officially classified

"confidential," be fined not more than \$5000 or imprisoned not more than five years or both; and (iii) in the case of matter officially classified "secret" or higher, be fined not more than \$10,000 or imprisoned not more than ten years or both.

SEC. 2-On a prosecution under Sec. 1 of this Act, it shall not be necessary to show that the accused person willfully violated any provisions thereof, and notwithstanding that no such willful violation is proved against him, he may be convicted if, from the proved circumstances of the case, or his proved conduct, it appears that he was grossly negligent in conforming to its provisions.

SEC. 3.-Whoever obtains or receives any officially classified material of the nature of that described in Sec. 1 of this Act, knowing, or having reasonable ground to believe, at the time when he obtains or receives it, that such material is obtained by or is given to him in contravention of Sec. 1 of this Act, and having so obtained or received the classified matter uses it in a manner prejudicial to the safety or interests of the United States or for the benefit of any foreign power to the detriment of the United States, shall (i) in the case of matter officially classified "restricted," be fined not more than \$1000 or imprisoned not more than two years or both, (ii) in the case of matter officially classified "confidential," be fined not more than \$5000 or imprisoned not more than five years or both; and (iii) in the case of matter officially classified "secret" or higher, be fined not more than \$10,000 or imprisoned not more than ten years or both.

SEC. 4.-Regulations governing the classification, re-classification, and de-classification of material of the nature of that described in Sec. 1 of this Act shall be prescribed by the President.