

SPSIS 013
(7/10/44)

October 7, 1944

MEMORANDUM To Mr. William F. Friedman

1. The following comments on the attached file, subject "Policy With Regard to Termination of Employment of Cryptographic Personnel" are submitted after a conference with the Assistant Intelligence Officer, Arlington Hall Station, which took place in the absence of the Intelligence Officer.

2. Although it is considered advisable that a letter of policy such as that proposed should prescribe that all persons being discharged from cryptographic duty must be informed of the existing laws regarding disclosure of military information and should sign a statement or oath which would indicate that they are aware of the responsibility imposed upon them, it is recommended that the provision for the forwarding of such statements to the Office of the Adjutant General be omitted for the following reasons:

a. Such a procedure will have no additional deterrent effect upon the person taking the oath.

b. In the case of military personnel stationed overseas in combat areas who remain in military service, but who are discharged from cryptographic duties, the forwarding of a prescribed form would be impracticable and burdensome for the organization involved.

c. It is considered more important that persons discharged from cryptographic duties because of unfitness therefor be prevented from obtaining further contact with this work, a matter which has been inadequately provided for under the provisions of letter, AG 311.5 (16 December 1943) OB-S-B-M 24 December 1943, subject "Clearance of Personnel for Cryptographic Duties". Under the provisions of the above-mentioned letter a statement of reasons for dismissal from cryptographic work in the case of persons so dismissed, is required to be forwarded to the Office of the Adjutant General, however, no provision in the case of unsuitable persons is made for the correction of the record of clearance which

exists in the local personnel files; or in the case of an enlisted man, on his service record, and in the case of an officer, on his Form 66-1.

d. Because of the presumption that all persons subject thereto have knowledge of the law, the existence of such a signed statement will not assist prosecution under any such laws. Similarly, it will not assist in proving intent, where necessary, since the intent required is an intent to injure the United States or assist a foreign government and is not merely an intent to disobey an existing law.

e. The general reference in the proposed letter of policy to the possibility of subsequent legislation is not considered dangerous to security.

3. The following suggestions regarding the form of the proposed letter are submitted:

a. It is suggested that the phrase "termination of employment" be omitted as inapplicable to military personnel and that the word "discharged" be substituted therefor. The word "engaged" should be substituted for the word "employed" and the word "duties" be used instead of "employment".

b. In paragraph 1a the phrase "have not been cleared" should be deleted and the phrase "are not investigated" used.

c. In paragraph 1a after the word "certify" insert the phrase "so far as practicable". This is suggested because it may not be practicable in cases under consideration to obtain identification photographs.

d. Paragraph 1c should be omitted as discussed above.

e. Paragraphs 3 and 4 should be omitted as unnecessary.

Floyd W. Tomkins, Jr.
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