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JAGP

Dec 20 1951

SUBJECT: H.R. 5728, 82nd Congress, 1st session, a bill "For the Relief of William F. Friedman" and S. 2283, 82nd Congress, 1st Session, a bill, "For the Relief of William F. Friedman"

TO: Director, Armed Forces Security Agency  
Washington 25, D.C.

1. In connection with the subject corresponding bills for the relief of Mr. William F. Friedman of your office, this office has been directed to prepare replies for the signature of the Secretary of the Army, in response to requests from the House Committee on the Judiciary in the case of H.R. 5728, and from the Deputy Attorney General (based on request from the Senate Committee on the Judiciary) in the case of S. 2283, setting forth the views of the Department of the Army concerning said bills together with the salient facts.

2. The subject bills, copies herewith, correspond substantially to the proposed bill set forth on page 9 of letter dated 21 August 1950 to Major James R. Mills, former Chief of this Division, from Mr. Friedman's attorneys, Fischer, Willis and Panzer, relating to cryptographic inventions of Mr. Friedman held in secrecy, and with regard to which correspondence was had with your office.

3. In order to assist in the preparation of appropriate replies and the submission of adequate factual information substantiating the views of the Department of the Army pertaining to H. R. 5728 and S. 2283, it is requested that this office be furnished with the pertinent factual information and an expression of the views of your office relative to these bills.

4. Considerable of the prior history of Mr. Friedman's request for relief appears in the correspondence above mentioned, the last action in the matter being letter from this office to Mr. Friedman's attorneys dated 31 August 1951, copy of which was sent to your office. It will be recalled that by letter dated 9 August 1951 this office informed the attorneys that it was contrary to the policy of the Department of Defense to indicate its views with regard to the proposed introduction of the bill.

5. In order to furnish the information and your views as requested above, it will be necessary to complete the investigation and report requested in our letter of 5 July 1951. The following comments are made in this connection:

a. Friedman application, Serial No. 478,193, which was under the "three year rule" but not under Public Law 700, has been released from secrecy and on 15 May 1951 became Patent No. 2,552,548.

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b. The files of this office on this matter, which include the secrecy order and tender files referred to in paragraph 2 of letter from this office dated 5 July 1951, are available for your inspection. Of particular importance in this connection is the tender file pertaining to Friedman, Serial No. 443,320, wherein among other things, there is discussed in the correspondence the question of the respective rights of the Government and Mr. Friedman in the invention of the application. This is particularly pertinent to the question of title referred to in sub-paragraph 10(b) of our letter of 5 July 1951. With regard to this phase of the investigation, special attention should be given to consideration of the agreement of 25 April 1936, referred to on page 5 of the letter of 21 August 1950 from Friedman's attorneys supra, whereby, it is stated, Friedman agreed that upon request of the Chief Signal Officer he would make a complete assignment to the United States of any invention thereafter made by him, that no such request had been made with respect to any of Friedman's inventions involved in the present situation, and that in all such inventions made by Friedman subsequent to 25 April 1936, Mr. Friedman has been allowed to retain rights under the provisions of AR 850-50 (now AR 825-20) to the same extent as in those inventions made prior to that date, except for the two highly classified inventions upon which patent applications were not filed. It is possible that the investigation might show that, as to certain of the Friedman inventions in question, assignment of the entire right, title and interest in the inventions should be obtainable from Friedman upon request by the Chief Signal Officer. If obtained, such assignment would eliminate all basis for the damage claim by Friedman due to secrecy order restrictions (Public Law 700), insofar as the particular inventions so assigned are concerned.

c. In connection with sub-paragraph 10(a) of the letter of 5 July 1951, there should be furnished a complete statement of Mr. Friedman's military (active duty) service and federal government civilian service, the military and civilian grades and positions (state full time or part time) held by him, his duties and salary in each such position, the date of his military retirement for disability and the pension per annum received by him since its award.

d. It is requested that your report include your views as to whether Mr. Friedman has any valid claim for damages under Public Law 700, and the reasons therefor.

6. This matter is of some urgency especially in view of the early reconvening of Congress on 8 January 1952. Interim replies have been made to the letters to the Secretary of the Army referred to in paragraph 1

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SUBJECT: H. R. 572E, 82d Congress, 1st Session, a bill "For the Relief of William F. Friedman" and S. 2283, 82d Congress, 1st Session, a bill, "For the Relief of William F. Friedman"

above, stating that a full report with recommendations will be made promptly when all of the pertinent facts have been obtained. It is requested therefore that the desired report from your office be furnished at the earliest practicable date.

FOR THE JUDGE ADVOCATE GENERAL

(Signed)

WILLARD J. HODGES, JR.  
Lieutenant Colonel, JAGC  
Chief, Patents Division

2 Incls

1. Copy H. R. 572E
2. Copy S. 2283

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