

SAFEGUARDING OF MILITARY
INFORMATION

The Senate proceeded to consider the bill (S. 805) to insure further the military security of the United States by preventing disclosures of information secured through official sources, which had been reported from the Committee on Military Affairs with an amendment on page 1, line 4, after the word "or", to insert "by virtue of his employment by any person, firm, or corporation performing services for the United States or", so as to make the bill read:

Be it enacted, etc., That whoever, by virtue of his employment by or performance of services for the United States or by virtue of his employment by any person, firm, or corporation performing services for the United States or by virtue of his service in the armed forces of the United States, having obtained, or having had custody of, access to, or knowledge of (1) any information concerning the nature, preparation, or use of any code, cipher, or cryptographic or cryptanalytical system of the United States or any foreign government, or (2) any information concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or cryptanalytical purpose, or (3) any material which has been, or purports to have been, prepared or transmitted in or by the use of any code, cipher, or cryptographic system of the United States or any foreign government, or (4) any information concerning the cryptographic or cryptanalytical activities of the United States or any foreign government, or (5) any information which has been or purports to have been derived from cryptanalysis of messages transmitted by the United States or any foreign government, shall, without authorization by the head of the department or agency by which such person was employed or in which he performed services at the time when he had custody of or access to or obtained knowledge of the above-described information or material, communicate, furnish, or transmit to another or publish any such information or material, shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both. Authorizations, as herein provided, shall be granted only in accordance with regulations prescribed by the President.

Sec. 2. Whoever, by virtue of his employment by or performance of services for any foreign government or by virtue of his service in the armed forces of any foreign government, having obtained, or having had custody of, access to, or knowledge of (1) any information concerning the nature, preparation, or use of any code, cipher, or cryptographic or cryptanalytical system of the United States, or (2) any information concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for

use by the United States for cryptographic or cryptanalytical purpose, or (3) any material which has been, or purports to have been, prepared or transmitted in or by the use of any code, cipher, or cryptographic system of the United States, or (4) any information concerning the cryptographic or cryptanalytical activities of the United States, or (5) any information which has been or purports to have been derived from cryptanalysis of messages transmitted by the United States, shall without joint authorization by the Secretary of State, the Secretary of War, and the Secretary of the Navy communicate, furnish, or transmit to another or publish any such information or material, shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both.

Sec. 3. The term "foreign government" as used herein includes any person or persons acting or purporting to act for or on behalf of any military or naval force, faction, party, department, agency, or bureau of or within a foreign country, or for or on behalf of any government or any person or persons purporting to act as a government within a foreign country, whether or not such government is recognized by the United States.

Sec. 4. (a) The term "cryptographic" as used herein includes any code, cipher, secret writing, deception, mechanical or electrical device, or other method used to disguise or conceal the meaning of any communication.

(b) The term "cryptanalytical" as used herein includes all methods of interception and all methods of obtaining information of the contents of cryptographic communication.

Mr. REVERCOMB. Mr. President, may we have an explanation of this bill for the benefit of the Senate?

Mr. THOMAS of Utah. Does the Senator wish an explanation of the amendment?

Mr. REVERCOMB. No; an explanation of the bill itself.

Mr. THOMAS of Utah. The bill provides for filling a gap in regard to the punishment of persons who may divulge military secrets. I presume the bill becomes necessary because of the great number of radio communications, radio being used for the transmission of codes. The bill is sponsored by both the Army and the Navy. It is a measure which is necessary in peacetime, but at the present time it is extremely necessary.

The committee amendment provides for the inclusion of any person who, by virtue of his employment by any person, firm, or corporation performing services for the United States, comes into possession of certain information or dealing with matters which should be deemed secret.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.