

This study is an attempt to ~~examine the various~~
~~authorities~~ present the documentation which has
 served to document ~~authorized~~

This study is an attempt to present ~~in one volume~~
~~the~~ ~~pages of~~ ~~the~~ ~~documentation~~ which has
 served as provided governmental agencies the authority
 to engage in cryptologic activities

This study is an attempt to bring together in
 one document the pertinent laws ^{in the United States} relating to cryptology
 and those ~~records~~ ^{source documents} which have served U.S. cryptologic
 agencies as a basis for their authority to engage in
 cryptology. There will be no attempt to make conclusions
 about whether the legality or illegality of cryptologic
 operations since there are ~~more qualified and varying~~
~~positions~~ in which such determinations are made
 which ~~may~~ have a bearing on U.S. cryptologic activities
 and those source documents which, to the agencies involved,
 have served as a basis authorizations to engage in
 these activities. The study is limited to the National
 Security Agency and its predecessor agencies in the Army
 and Navy, although ~~as one of the predecessor agencies,~~
 the preceding U.S. Army cryptologic units. Information
 concerning other governmental agencies is not germane to this
 study and the preceding U.S. naval cryptologic units have
 been omitted due to the lack of information about their
~~activities~~ information about their records and activities
 At the outset it is imperative to

There will be no attempt to try and prove the legality or illegality of any cryptologic activity. This task falls within the province of the various legal counsels and the courts. ~~But it is necessary to~~ Furthermore, ~~there would seem to be a distinction between legality and authority which only the courts can need not necessarily since we are the~~ U.S. government's cryptologic profession operates and has always operated within and in the framework of an established chain of command. ~~it would seem to be reasonable to expect that there is a distinct possibility ^{of} ~~that~~ ^{that} as far as the cryptologic profession is concerned, ~~the~~ ^{legality} and ^{authority} ^{can} become two separate issues. A superior within the framework can create an authority ~~or~~ it is quite conceivable that someone higher in the chain of command can authorize certain activities of a subordinate. The subordinate then has an authority or authorization for the basis of operations. ~~which~~ As far as the subordinate is concerned this is considered "legal". Whether or not this authority is in fact in keeping with the ^{established} laws of the country is another matter, which can only be decided by duly constituted legal processes. ~~Therefore, the cryptologic profession therefore our concern is to try and bring together, without editorial comment, those laws relative to cryptology and the source documents which have served as a basis for, or authorizations of, cryptologic activities. Should there be conflicts between the two or a need recognizable need for corrective action.~~~~

~~Another task which~~

One other comment must be noted before leaving the survey. For the purposes of this study cryptology has

been divided into two broad categories, cryptography and cryptanalysis. Cryptography includes the production and protection of United States secure communications and cryptanalysis will mean the obtaining and analysis of communications for the purpose of producing intelligence.

It is difficult to know just where to begin in a study of this kind. According to our definitions one could almost retreat all the way to the American Revolution and find both activities involving both cryptography and cryptanalysis. Codes and ciphers were rather widely used during this period ^{in the personal correspondence} by many prominent figures, ^{in their personal correspondence} among them were Thomas Jefferson, James Madison, Benjamin Franklin, James Monroe, John Jay, James Lovell, John Adams, Robert Swayston, Edmund Randolph, Robert Morris, and William Lee. ~~There are also some~~

~~was not~~ There do seem to be some indications that both cryptography and cryptanalysis ~~seem~~ may have been conducted ~~at~~ on a somewhat more organized level. The first indication involves ~~years~~ the earliest cryptanalytic work performed by James Lovell during the Revolution. Lovell was a member of the Continental Congress & a member of the Foreign Affairs and made notable contributions by his solutions of captured British messages towards the end of the war. There is however no indication that Lovell was acting under any specific grant of authority. The ~~fact~~ situation was such that an emergency existed, intercepted messages were available, and Lovell broke the codes and produced valuable intelligence. Furthermore, if there was no specific prohibition against the activity ~~itself~~ ~~granting~~

* —————>

^{British}
* In an article entitled "Secret allying - the Revolution," in
the Michigan Alumni Quarterly Review (1938), author Howard
H. Peckham credits Lovell with deciphering "nearly all - if
not all, of the British code messages intercepted by the
Americans."

There were a number of indications of some kind of rudimentary organization on the cryptographic side as well. The Committee of Correspondence was the recipient of all of Siras Dean's secret work communications while he was on his mission to France. All of Dean's reports usually found their way to John Jay who possessed the developing fluid. Dean first addressed his reports to the Committee openly, but then he addressed them to individual members and finally even used fictitious names. They all found their way to John Jay who possessed the developing fluid who then forwarded the letters back to the Committee.