

Friedman
Legislation

25 Feb 1949

Memo for the Chief, Army Security Agency

Re: Legislation desired by the Armed Forces

Signed by W.F. Friedman Special Assistant to the Chief
Army Security Agency

1. Says legislation needed in 2 fields
 - a - greater security protection for classified cryptographic info
 - b - legalizing the obtaining, interception, and utilization of international telecommunications of interest in connection with ensuring national security
2. Several attempts to get these types of legislation - now successful
3. At present 2 bills before F/Cong
 - a) S 595 "omnibus bill" sponsored by Dept of Justice
 - b) S 277 sponsored by Dept of Army & Dept of Navy
 - c) proposed 3 Bill, a synthesis of S 283 & S 284. 2 bills is currently in hands of Bureau of Budget & will probably be introduced soon entered on rolls of F/Cong

1. Recent info says S 595 laid on shelf by indefinitely by Senate Judiciary Committee
4. S 595 has 8 sections only sec 5 is of interest to Armed Forces. Others only slight changes in existing law altho some attempt to tighten protection of class info
 - a - Sec 5 too much verbiage & hard to understand & contains inconsistencies re who is responsible for what.

5. S 277 same as predecessor S 2680 of FA Cong 2 Sec aimed at protecting classified info. Specific cryptographer & cryptanalysts in single & some are for special treatment S 2680. & other previous attempts have encountered serious opposition & have received rough treatment in discussion.

6. Same is true of bill which is H.R. 52833. In fact S 2833 may be treated even more severely since it deals solely w/ "the extremely controversial matter of tampering with Section 605 of the Communications Act of 1934"

7. "However, amendment of Section 605 to eliminate a restriction which operates in practice to impede the collection of intelligence required in the interest of national security, was definitely recommended by the Joint Congressional Committee on the Investigation of the Pearl Harbor Attack"

P. Principle reason why attempts to amend section 605 & that such attempts regarded as attempts to legalize: 1) wire tapping & 2) use of results of wire tapping as evidence & prosecutions, both of which are deemed by the public, see Pres, & the Congress as constituting attempts at abridgment of freedom of speech.

c. Some amend laws not intended & were known & permitted or use of results thereof & provide for what are provided for by the laws of the President.

WFF Leg.

2

9 5277 introduced 15 Jan 1949 - referred to Judiciary Committee Don't know when S will come out

10 new bill to replace 52853 not yet cleared subject

11 In WFF's proposed bill to amend -
 amend section 605 in that 1) in order to permit the US Gov't to exercise its rights, reserved under Art 24, Article 24 of the International Telecommunications Convention of Madrid 1932, "to communicate international correspondence having a bearing upon the internal security of the United States to the proper authorities of the United States, all communication companies subject to this act are hereby directed to furnish copies of such international communications as may be requested and 2) "in order to permit the United States Gov't to exercise its right under Article 2 of the General Radio Regulations annexed to the Telecommunications Convention of Madrid 1932 (Cairo Revision 1938) to intercept & to use international radio communications ..."

U.S Gov't is signatory to both

Article 24 Secrecy of Telecommunications - "The contracting governments agree to take all the measures possible... with a view to insuring the secrecy of international correspondence, however, they specifically reserve the right to communicate international correspondence to the proper authorities, in order to insure either the application of their internal legislation, or the

execution of international conventions, to which the governments concerned are parties"

Article 2 Caro Revision 1938 General Radio Regulations

"The administrations agree to take the necessary measures to prohibit or prevent (a) the unauthorized interception of radiocommunications not intended for the general use of the public; the divulging of the contents of or the mere existence, the publication or any use whatever, without authorization of the radio communications mentioned in (a)" Underlined implies - interception of use of int radio comm is reserved as a right of the signatories of the General Radio Regulations.

1947 Convention of General Radio Regulations - Atlantic City

not yet ratified - but identical to 1922-38

Article 32 Security of Telecommunications (Communion)

Article 21 Security (Radio Regs)

23 April 1948 from USCICC subcommittee on Intelligence & Security
To USCICC

Via CVO

Subj: Amendment to the Communications Act 1934, TD-84

Ref Sec, USCIB memo of 9 April 1948 to Chairman USCICC SubCom
has enclosures of 3 proposals

Title 18 USC revised by 80th Cong & passed as Public Law 772 of 80th Cong. [Espionage & Security]

Statutory parallel references are Sections 1469
40 Stat. 217, and 219; 54 Stat 79, and Title 50 USC

Sections 31 & 36