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Adobe Portable Document Format Version of
US Air Force Regulation No. 205-2 (AFR 205-2)
Dated 19 May 1955

28 December 2000

Originally posted on the CUFON web site.

This United States Air Force Regulation lists the laws and Executive Orders that were applicable to the Air Force and the functions and powers vested in the Secretary of the Air Force which pertained to safeguarding military information at the time the regulation was issued (19 May 1955). It was written to provide Air Force personnel with a ready reference of these statutes and orders.

This regulation is proved as a supporting document to the other Air Force regulations posted on CUFON.

- Jim Klotz - CUFON SYSOP
- Dale Goudie - Information Director

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Adobe Acrobat ® Software underwritten by:

Roderick Dyke

**Archives for UFO Research,
News and Information Services**



DEPARTMENT OF THE AIR FORCE
AIR FORCE HISTORICAL RESEARCH AGENCY
MAXWELL AIR FORCE BASE, ALABAMA

19 February 1999
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FOIA 99-044

HQ AFHRA/RSA
600 Chennault Circle
Maxwell AFB AL 36112-6424

Dale Goudie

-HOME ADDRESS Deleted
BY CUFON -

Mr Goudie,

Thank you for your inquiry. As I said in my response to your previous FOIA, we do not maintain a regulation archive here, and did not have the regulation for which you asked. The enclosed copy is from the Air University library.

Since both FOIAs were dated 23 January, I have provided you the document rather than referred the request to AU. Nevertheless, for subsequent obsolete AF regulation requests, please be aware that the Air University is a separate government agency entirely, and therefore any correspondence requesting documents under its control should be addressed to them.

Good luck with your research.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Byrd".

DAVID A. BYRD, MSgt, USAF
Inquiries Branch

Atch: AFR 205-1, "Security," 15 Dec 53

NOT TO BE TAKEN FROM
AUTHORITY SECTION

AIR FORCE REGULATION
NO. 205-2

DEPARTMENT OF THE AIR FORCE
WASHINGTON, 19 MAY 1955

*Rescinded by AFR 205-2
1 Jul 66*
SECURITY

Laws, Executive Orders, Etc., Pertaining to Safeguarding Military Information

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* This Regulation supersedes AFR 205-2, 25 April 1952.

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SECTION A—GENERAL

1. Purpose and Scope. This Regulation provides a ready reference of laws and Executive Orders to pertain to safeguarding military information. The laws and orders cited herein are applicable to the Air Force, and, except as noted in paragraphs 38 and 54, the functions and powers vested in the Secretary of the Army by the statutes and Executive Orders enumerated herein are likewise vested in the Secretary of the Air Force.

SECTION B—ESPIONAGE

2. Gathering, Transmitting, or Losing Defense Information:

a. Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp,

factory, mine, telegraph, telephone, wireless, or signal station, building, office, research laboratory or station or other place connected with the national defense owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers, departments, or agencies, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, stored, or are the subject of research or development, under any contract or agreement with the United States, or any department or agency thereof, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place so designated by the President by proclamation in time of war or in case of national emergency in which anything for the use of the Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place the President has determined would be prejudicial to the national defense; or

b. Whoever, for the purpose aforesaid, and

with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or

c. Whoever for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this paragraph; or

d. Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or

e. Whoever, having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or

f. Whoever, being entrusted with or having

lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, or information relating to the national defense:

- (1) Through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or
- (2) Having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of his trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer—

Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

g. If two or more persons conspire to violate any of the foregoing provisions of this paragraph, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy.

(See Act of June 25, 1948 (62 Stat. 736), as amended; 18 U.S.C. 793.)

3. Gathering or Delivering Defense Information to Aid Foreign Government:

a. Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by death or by imprisonment for any term of years or for life.

b. Whoever, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the Armed Forces, ships, aircraft, or war materials of the United

States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for any term of years or for life.

c. If two or more persons conspire to violate any of the foregoing provisions of this paragraph and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy.

(See Act of June 25, 1948 (62 Stat. 737); 18 U.S.C. 794, as amended by Act of June 30, 1953 (67 Stat. 133), 18 U.S.C. 798, and by the Espionage and Sabotage Act of 1954, Act of September 3, 1954 (68 Stat. 1219).)

4. Harboring or Concealing Persons. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under the statutes cited in paragraphs 2 or 3, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. (See Act of June 25, 1948 (62 Stat. 736); 18 U.S.C. 792.)

5. Period of Limitation. An indictment for any violation of the Statutes cited in paragraphs 2, 3, or 4 other than a violation constituting a capital offense, may be found at any time within ten years next after such violation shall have been committed. This paragraph shall not authorize prosecution, trial, or punishment for any offense now barred by the provisions of existing law. (See section 19, Subversive Activities Control Act of 1950, Act of Sep 23, 1950 (64 Stat. 1005); 18 U.S.C. 792, as amended by Communist Control Act of 1954, Act of August 24, 1954, Public Law 637—83rd Congress.)

6. Control of "Restricted Data" Information:

a. *Definition.* The term "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to c below.

b. *Policy.* It shall be the policy of the (Atomic Energy) Commission to control the dis-

semination and declassification of Restricted Data in such a manner as to assure the common defense and security. Consistent with such policy, the Commission shall be guided by the following principles:

- (1) Until effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established by an international arrangement, there shall be no exchange of Restricted Data with other nations except as authorized by e below; and
- (2) The dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding and to enlarge the fund of technical information.

c. Classification and Declassification of Restricted Data.

- (1) The Commission shall from time to time determine the data, within the definition of Restricted Data, which can be published without undue risk to the common defense and security and shall thereupon cause such data to be declassified and removed from the category of Restricted Data.
- (2) The Commission shall maintain a continuous review of Restricted Data and of any Classification Guides issued for the guidance of those in the atomic energy program with respect to the areas of Restricted Data which have been declassified in order to determine which information may be declassified and removed from the category of Restricted Data without undue risk to the common defense and security.
- (3) In the case of Restricted Data which the Commission and the Department of Defense jointly determine to relate primarily to the military utilization of atomic weapons, the determination that such data may be published without constituting an unreasonable risk to the common defense and security shall be made by the Commission and the Department of Defense jointly, and if the Commission and the Department of Defense do not agree, the determination shall be made by the President.

- (4) The Commission shall remove from the Restricted Data category such data as the Commission and the Department of Defense jointly determine relates primarily to the military utilization of atomic weapons and which the Commission and Department of Defense jointly determine can be adequately safeguarded as defense information: *Provided, however,* That no such data so removed from the Restricted Data category shall be transmitted or otherwise made available to any nation or regional defense organization, while such data remains defense information, except pursuant to an agreement for cooperation entered into in accordance with e(2) below.
- (5) The Commission shall remove from the Restricted Data category such information concerning the atomic energy programs of other nations as the Commission and the Director of Central Intelligence jointly determine to be necessary to carry out the provisions of section 102 (d) of the National Security Act of 1947, as amended, and can be adequately safeguarded as defense information.

d. *Department of Defense Participation.*

The Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee or prospective licensee of the Commission to permit any employee of an agency of the Department of Defense or of its contractors, or any member of the Armed Forces to have access to Restricted Data required in the performance of his duties and so certified by the head of the appropriate agency of the Department of Defense or his designee: *Provided, however,* That the head of the appropriate agency of the Department of Defense or his designee has determined, in accordance with the established personnel security procedures and standards of such agency, that permitting the member or employee to have access to such Restricted Data will not endanger the common defense and security: *And provided further,* That the Secretary of Defense finds that the established personnel and other security procedures and standards of such agency are adequate and in reasonable conformity to the standards established by the Commission under f below.

e. *International Cooperation.*

- (1) The President may authorize the Commission to cooperate with another

nation and to communicate to that nation Restricted Data on—

- (a) refining, purification, and subsequent treatment of source material;
- (b) reactor development;
- (c) production of special nuclear material;
- (d) health and safety;
- (e) industrial and other applications of atomic energy for peaceful purposes; and
- (f) research and development relating to the foregoing:
Provided, however, That no such cooperation shall involve the communication of Restricted Data relating to the design or fabrication of atomic weapons: *And provided further,* That the cooperation is undertaken pursuant to an agreement approved by the President and submitted to the Joint Committee on Atomic Energy, or is undertaken pursuant to an agreement existing on 30 August 1954.
- (2) The President may authorize the Department of Defense, with the assistance of the Commission, to cooperate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organization such Restricted Data as is necessary to—

- (a) the development of defense plans;
- (b) the training of personnel in the employment of and defense against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons,
while such other nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however,* That no such cooperation shall involve communication of Restricted Data relating to the design or fabrication of atomic weapons except with regard to external characteristics, including size, weight, and shape, yields and effects, and systems employed in the delivery or use thereof but not including any data in these categories unless in the joint judgment of the Commission and the Department of

Defense such data will not reveal important information concerning the design or fabrication of the nuclear components of an atomic weapon: *And provided further*, That the cooperation is undertaken pursuant to an agreement approved by the President and submitted to the Joint Committee on Atomic Energy.

f. *Restrictions.*

- (1) No arrangement shall be made, no contract shall be made or continued in effect, and no license shall be issued under terms of the Atomic Energy Act of 1954, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.
- (2) Except as authorized by the Commission or the General Manager upon a determination by the Commission or General Manager that such action is clearly consistent with the national interest, no individual shall be employed by the Commission nor shall the Commission permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.
- (3) In the event an investigation made pursuant to (1) and (2) above develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Civil Service Commission for its information and appropriate action.

- (4) If the President deems it to be in the national interest, he may from time to time cause investigations of any group or class which are required by (1) and (2) above be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.
- (5) Notwithstanding the provisions of subparagraphs (1) and (2) above, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity and upon such certification the investigation and reports required by such provisions shall be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.
- (6) The Commission shall establish standards and specifications in writing as to the scope and extent of investigations to be made by the Civil Service Commission pursuant to (1) and (2) above. Such standards and specifications shall be based on the location and class or kind of work to be done, and shall, among other considerations, take into account the degree of importance to the common defense and security of the Restricted Data to which access will be permitted.

g. *General Provisions.*

- (1) The provisions of subparagraphs b through f above shall not exclude the applicable provisions of any other laws, except that no Government agency shall take any action under such other laws inconsistent with the provisions of those sections.
- (2) The Commission shall have no power to control or restrict the dissemination of information other than is granted by this or any other law.

h. *Communication of Restricted Data.* Whoever, lawfully or unlawfully, having possession of, access to, control over, or being entrusted with any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating Restricted Data—

- (1) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation upon conviction thereof, shall be punished by death or imprisonment

for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or imprisonment for not more than twenty years or both;

- (2) Communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation, shall, upon conviction, be punished by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both.

i. *Receipt of Restricted Data.* Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires, or attempts or conspires to acquire any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating Restricted Data shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both.

j. *Tampering With Restricted Data.* Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, removes, conceals, tampers with, alters, mutilates, or destroys any document, writing, sketch, photograph, plan, model, instrument, appliance, or note involving or incorporating Restricted Data and used by any individual or person in connection with the production of special nuclear material, or research or development relating to atomic energy, conducted by the United States, or financed in whole or in part by Federal funds, or conducted with the aid of special nuclear material, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both.

k. *Disclosure of Restricted Data.* Whoever, being or having been an employee or member of the Commission, a member of the Armed Forces, an employee of any agency of the United States, or being or having been a contractor of the Commission or of an agency of the United States, or being or having been an employee of a contractor of the Commission or of an agency

of the United States, or being or having been a licensee of the Commission, or being or having been an employee of a licensee of the Commission, knowingly communicates, or whoever conspires to communicate or to receive, any Restricted Data, knowing or having reason to believe that such data is Restricted Data, to any person not authorized to receive Restricted Data pursuant to the provisions of the Atomic Energy Act of 1954 or under rule or regulation of the Commission issued pursuant thereto, knowing or having reason to believe such person is not so authorized to receive Restricted Data shall, upon conviction thereof, be punishable by a fine of not more than \$2,500.

l. *Statute of Limitations.* Except for a capital offense, no individual or person shall be prosecuted, tried, or punished for any offense prescribed or defined in h through j above unless the indictment is found or the information is instituted within ten years next after such offense shall have been committed.

m. *Other Laws.* Provisions of h through l above shall not exclude the applicable provisions of any other laws.

(See sections 11r, 141, 142, 143, 144, 145, 146, 224, 225, 226, 227, 228, and 229, Atomic Energy Act of 1954, Act of August 30, 1954 (Public Law 703, 83rd Congress).)

7. Activities Affecting Armed Forces During War:

a. Whoever, when the United States is at war, willfully makes or conveys false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies; or whoever, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service of the United States, or attempts to do so, shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.

b. If two or more persons conspire to violate a above and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in a above.

c. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this paragraph, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

(See 62 Stat. 811; 18 U.S.C. 2388; and 67 Stat. 134; 18 U.S.C. 2391.)

8. Certain Prohibited Acts:

a. It shall be unlawful for any officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, to communicate in any manner or by any means, to any other person whom such officer or employee knows or has reason to believe to be an agent or representative of any foreign government or an officer or member of any Communist organization as defined in paragraph (5) of section 3, Subversive Activities Control Act of 1950 (64 Stat. 989); 50 U.S.C., 782, (Note: Subversive Activities Control Act of 1950 has been amended by the Communist Control Act of 1954) any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, knowing or having reason to know that such information has been so classified, unless such officer or employee shall have been specifically authorized by the President, or by the head of the department, agency, or corporation by which this officer or employee is employed, to make such disclosure of such information.

b. It shall be unlawful for any agent or representative of any foreign government, or any officer or member of any Communist organization as defined in paragraph (5) of section 3, Subversive Activities Control Act of 1950, knowingly to obtain or receive, or attempt to obtain or receive, directly or indirectly, from any officer or employee of the United States or of any department or agency thereof or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, unless special authorization for such communication shall first have been obtained from the head of the department, agency, or corporation having custody of or control over such information.

c. Any person who violates any provision of a or b above, shall, upon conviction thereof, be punished by a fine of not more than \$10,000, or imprisonment for not more than ten years, or by both such fine and such imprisonment, and shall, moreover, be thereafter ineligible to hold any of-

office, or place of honor, profit, or trust created by the Constitution or laws of the United States.

(See section 4, Subversive Activities Control Act of 1950, Act of September 23, 1950 (64 Stat. 991); 50 U.S.C. 783 as amended by Communist Control Act of 1954, Act of August 24, 1954, Public Law 637-83rd Congress.)

9. Disclosure of Information Concerning the Cryptographic Systems and Communication Intelligence Activities of the United States:

a. Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information:

- (1) Concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or
- (2) 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 communication intelligence purposes; or
- (3) Concerning the communication intelligence activities of the United States or any foreign government; or
- (4) Obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes,

Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

b. As used in a above—

(1) The term "classified information" means information which, at the time of a violation of this paragraph, is, for reasons of national security, specifically designated by a United States Government Agency for limited or restricted dissemination or distribution;

(2) The terms "code," "cipher," and "cryptographic system" include in their meanings, in addition to their usual meanings, any method of secret writing and any mechanical or electrical device or method used for the purpose of disguising or concealing the contents, significance, or meanings of communications;

(3) The term "foreign government" includes in its meaning any person or persons acting or purporting to act for or on behalf of any faction, party, department, agency, bureau, or military force 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;

(4) The term "communication intelligence" means all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients;

(5) The term "unauthorized person" means any person who, or agency which, is not authorized to receive information of the categories set forth in a above, by the President, or by the head of a department or agency of the United States Government which is expressly designated by the President to engage in communication intelligence activities for the United States.

c. Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof. (See Act of October 31, 1951 (65 Stat. 719); 18 U.S.C. 798.)

10. Prohibition of Payment of Annuities to Officers and Employees of the United States Convicted of Certain Offenses: Act of September 1, 1954 (68 Stat. 1142); Public Law 769—83rd Congress, 1 September 1954, reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That there shall not be paid to any person convicted prior to, on, or after the date of enactment of this Act of any of the following offenses described in this section, or to the survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government:

(1) Any offense defined in * * * * chapter 37 (relating to espionage and censorship), sections 1700, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711, or 1712 of chapter 83 (relating to offenses involving the postal service), chapter 105 (relating to sabotage), or chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code or

in section 10 or 16 of the Atomic Energy Act of 1946 (42 U.S.C., secs. 1810 and 1816). (Note: Atomic Energy Act of 1946 has been amended by Atomic Energy Act of 1954.)

(2) Any offense (not including any offense within the purview of section 13 of title 18 of the United States Code) which is a felony under the laws of the United States or of the District of Columbia (A) committed in the exercise of his authority, influence, power, or privileges as an officer or employee of the Government, or (B) committed after the termination of his service as an officer or employee of the Government but directly involving, directly resulting from, or directly relating to, the improper exercise of his authority, influence, power, or privileges during any period of his service as such an officer or employee.

(3) Perjury committed under the laws of the United States or of the District of Columbia (A) in falsely denying the commission of an act which constitutes any of the offenses described in (1) or (2) above, (B) in falsely testifying before any Federal grand jury or court of the United States with respect to his service as an officer or employee of the Government, or (C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee; or subornation of perjury committed in connection with the false denial or false testimony of another person as specified in this paragraph.

* * * *

Sec. 2. (a) There shall not be paid to any person who has failed or refused, or fails or refuses, prior to, on, or after the date of enactment of this Act, upon the ground of self-incrimination, to appear, testify, or produce any book, paper, record, or other document, with respect to his service as an officer or employee of the Government or with respect to any relationship which he has had or has with a foreign government, in any proceeding before a Federal grand jury, court of the United States, or congressional committee, or to the survivor or beneficiary of such person, for any period subsequent to the date of such failure or refusal of such person or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

(b) There shall not be paid any person who, prior to, on, or after the date of enactment of this Act, knowingly and willfully had made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, has concealed or conceals any material fact, with respect to his—

- (1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment in the United States of a Communist totalitarian dictatorship, or (C) the right to strike against the Government of the United States;
- (2) conviction of any offense described in the first section of this Act; or
- (3) failure or refusal to appear, testify, or produce any book, paper, record, or other document as specified in subsection (a) of this section,

for any period subsequent to the date of enactment of this Act or the date on which any such statement, representation, or concealment of fact is made or occurs, whichever is later, in connection with his application for an office or position in or under the executive, legislative, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

* * * *

Sec. 6. As used in this Act—

(1) The term "officer or employee of the Government" includes an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States, a Member of or Delegate to Congress, a Resident Commissioner, an officer or employee of the government of the District of Columbia, and a member or former member of the Armed Forces of the United States, including the Regular and Reserve components thereof, the Fleet Reserve, the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service.

* * * *

(3) The term "retired pay" means retired pay, retirement pay, retainer pay, or equivalent pay (other than any benefit provided under laws administered by the Veterans Administration), payable under any law of the United States to members or former members of the Armed Forces of the United States, including the Regular and Reserve components thereof and the Fleet Reserve and the Fleet Marine Corps Reserve, the

Coast and Geodetic Survey, and the Public Health Service. The term "retired pay" does not include the retired pay, retirement pay, retainer pay, or equivalent pay of any person to whom any such pay has been awarded or granted prior to the date of enactment of this Act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this Act, or the commission by such person, prior to such date, or any violation of section 2 of this Act.

Sec. 7. This Act shall not be construed as restricting authority under any other provision of law to deny or withhold benefits authorized by law.

Sec. 8. The President may drop from the rolls any member of the Armed Forces, including the Regular and Reserve components thereof, the Fleet Reserve, and the Fleet Marine Corps Reserve, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act.

* * * *

NOTE: The provisions of Public Law 769 should be brought to the attention of all Air Force personnel. Any individual who believes he might be prohibited from receiving retired or retirement pay under this law should contact the staff judge advocate for further interpretation of Public Law 769.

SECTION C—PHOTOGRAPHING,
SKETCHING, MAPPING, ETC.,
DEFENSIVE INSTALLATIONS

11. Photographing and Sketching Defense Installations:

a. Whenever, in the interests of national defense, the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station, or naval vessels, military and naval aircraft, and any separate military or naval command concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary.

b. Whoever violates the statute cited in this paragraph shall be fined not more than \$1,000

or imprisoned not more than one year, or both. (See Act of June 25, 1948. (62 Stat. 737); 18 U.S.C. 795.)

12. Use of Aircraft For Photographing Defense Installations: Whoever uses or permits the use of an aircraft or any contrivance used or designed for navigation or flight in the air for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military or naval installations or equipment in violation of the statute cited in paragraph 11 shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (See Act of June 25, 1948. (62 Stat. 738); 18 U.S.C. 796.)

13. Publication and Sale of Photographs of Defense Installations:

On and after 30 days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated in the statute cited in paragraph 11, whoever reproduces, publishes, sells or gives away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (See Act of June 25, 1948. (62 Stat. 738); 18 U.S.C. 797.)

14. Definition of Certain Vital Military and Naval Installations and Equipment: In implementation of sections 795 and 797, title 18, United States Code (see paragraphs 11 and 13), the President, by Executive Order 10104, 1 February 1950, defined the following as vital military and naval installations or equipment requiring protection against the general dissemination of information relative thereto:

a. All military, naval, or Air Force installations and equipment which are now classified, designated, or marked under the authority or at the direction of the President, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as "TOP SECRET," "SECRET," "CONFIDENTIAL," or "RESTRICTED" and all military, naval, or Air Force installations and equipment which may hereafter be so classified,

designated, or marked with the approval or at the direction of the President, and located within:

- (1) Any military, naval, or Air Force reservation, post, arsenal, proving ground, range, mine field, camp, base, airfield, fort, yard, station, district, or area.
- (2) Any defensive sea area heretofore established by Executive Order and not subsequently discontinued by Executive Order, and any defensive sea area hereafter established under authority of section 2152 of title 18 of the United States Code.
- (3) Any airspace reservation heretofore or hereafter established under authority of section 4 of the Air Commerce Act of 1926 (44 Stat. 570; 49 U.S.C. 174) except the airspace reservation established by Executive Order 10092, 17 December 1949.
- (4) Any naval harbor closed to foreign vessels.
- (5) Any area required for fleet purposes.
- (6) Any commercial establishment engaged in the development or manufacture of classified military or naval arms, munitions, equipment, designs, ships, aircraft, or vessels for the United States Army, Navy, or Air Force.

b. All military, naval, or Air Force aircraft, weapons, ammunitions, vehicles, ships, vessels, instruments, engines, manufacturing machinery, tools, devices, or any other equipment whatsoever, in the possession of the Army, Navy, or Air Force or in the course of experimentation, development, manufacture, or delivery for the Army, Navy, or Air Force which are now classified, designated, or marked under the authority or at the direction of the President, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force as "TOP SECRET," "SECRET," "CONFIDENTIAL," or "RESTRICTED," and all such articles, materials, or equipment which may hereafter be so classified, designated, or marked with the approval or at the direction of the President.

c. All official military, naval, or Air Force books, pamphlets, documents, reports, maps, charts, plans, designs, models, drawings, photographs, contracts, or specifications which are now marked under the authority or at the direction of the President, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as "TOP SECRET," "SECRET," "CONFIDENTIAL,"

TIAL," or "RESTRICTED," and all such articles or equipment which may hereafter be so marked with the approval or at the direction of the President. (NOTE: "RESTRICTED" category has been abolished by Executive Order 10501, 5 Nov. 1953.)

15. Jurisdiction. The provisions of the Statutes cited in paragraphs 11, 12 and 13 shall apply within the admiralty and maritime jurisdiction of the United States and on the high seas, as well as within the United States. (See Act of June 25, 1948 (62 Stat. 736); 18 U.S.C. 791.)

16. Panama Canal Zone. Section 15 of title 2, Canal Zone Code approved 12 December 1941 (Act of December 12, 1941 (55 Stat. 798); 48 U.S.C. 1337) confers upon the Governor of the Panama Canal the authority to make, and from time to time alter and amend, regulations prohibiting or restricting:

a. The making of any photograph, sketch, drawing, map, or graphical representation of, within or upon any such part or feature of the Panama Canal, or any such area, object, installation, or structure within the Canal Zone; and

b. The possession of any camera within any area or areas in the Canal Zone which the Governor may designate: *Provided, however,* that no regulation made pursuant to authority contained in this paragraph shall apply to activities of the kind covered by this paragraph which are conducted or performed by persons in the service or employ of the United States in the course of their official duties. The amendment makes punishable by fine, imprisonment, or both, violation of regulations established thereunder. Pursuant to the foregoing law, the Governor of the Panama Canal has issued regulations prohibiting the photographing of certain areas, objects, or structures, establishing areas within which photographing is prohibited, and establishing certain areas within which the possession of cameras is prohibited.

17. Photographing, Sketching, Mapping, Etc., Military or Naval Reservations, Properties, or Equipment, Etc., as Unlawful. Whoever, except in performance of duty or employment in connection with the national defense, shall knowingly and willfully make any sketch, photograph, photographic negative, blueprint, plan, map, model, copy, or other representation of any navy yard, naval station, or of any military post, fort, camp, station, arsenal, airfield, or other military or naval reservation, or place used for national defense purposes by the Department of the Army or Navy Department, or of any

vessel, aircraft, installation, equipment, or other property whatsoever, located within any such post, fort, camp, arsenal, airfield, yard, station, reservation, or place, or in the waters adjacent thereto, or in any defensive sea area established in accordance with law; or whoever, except in performance of duty or employment in connection with the national defense, shall knowingly and willfully make any sketch, photograph, photographic negative, blueprint, plan, map, model, copy, or other representation of any vessel, aircraft, installation, equipment, or other property relating to the national defense being manufactured or under construction or repair for or awaiting delivery to the Department of the Army or Navy Department or the government of any country whose defense the President deems vital to the defense of the United States under any contract or agreement with the United States or such country or otherwise on behalf of the United States or such country, located at the factory, plant, yard, storehouse, or other place of business of any contractor, subcontractor, or other person, or in the waters adjacent to any such place, shall be punished as provided in the statute cited in paragraph 19. (See section 1, Act of June 25, 1942 (56 Stat. 390); 50 U.S.C. App. 781, as amended by Public Law 46-83rd Congress, Act of June 4, 1953 (67 Stat. 41); 50 U.S.C. App. 785.)

18. Permission To Photograph, Sketch, Map, Etc. Notwithstanding the provisions of the statute cited in paragraph 17, the Secretary of the Army or the Secretary of the Navy is authorized, under such regulations as he may prescribe, to permit photographs, sketches, or other representations to be made when, in his opinion, the interests of national defense will not be adversely affected thereby. (See section 2, Act of June 25, 1942 (56 Stat. 391); 50 U.S.C. App. 782, as amended by Public Law 46-83rd Congress, Act of June 4, 1953 (67 Stat. 41); 50 U.S.C. App. 785.)

19. Penalties for Violations. Any person found guilty of a violation of the statutes cited in paragraphs 17 and 18 above, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. (See section 3, Act of June 25, 1942 (56 Stat. 391) 50 U.S.C. App. 783, as amended by Public Law 46-83rd Congress, Act of June 4, 1953 (67 Stat. 41); 50 U.S.C. App. 785.)

20. Effective Dates of the Statutes Cited in Paragraphs 17 and 18. The statutes cited in paragraphs 17 and 18 shall be effective until six months after the termination of the national

emergency proclaimed by the President on December 16, 1950 (Proc. 2914, 3 C.F.R., 1950 Supp., p. 71). (See Public Law 46, 83rd Congress, Act of June 4, 1953 (67 Stat. 41); 50 U.S.C. App. 785.)

(NOTE: The Statutes referred to above were still in effect as of the date of publication of this Regulation.)

21. Regulation Under Act of June 25, 1942, as Amended by Public Law 46, 83rd Congress, Act of June 4, 1953; Paragraphs 17 through 20 Hereof. The following regulation is promulgated by the Secretary of the Air Force pursuant to section 2, Act of June 25, 1942 (as amended by Public Law 46—83rd Congress, Act of June 4, 1953); applicable to the Air Force by virtue of sec. 305(a) of the National Security Act of 1947, as amended (61 Stat. 495), and Transfer Order Number 40 promulgated thereunder. (See paragraph 18 hereof):

a. Sketches, photographs, photographic negatives, blueprints, plans, maps, models, copies or other representations, may be made of any area, place, property, or thing, described in the Act of Congress approved 25 June 1942, *supra*, only upon the expressed permission of the Secretary or his authorized representative having jurisdiction of the subject matter. Such permission will be granted only if the interests of national defense will not be adversely affected thereby.

b. The authorized representatives who may grant the necessary permission are: Any commander of a major air command, Office of Information Services, OSAF, or any commander of a base or installation.

SECTION D—RADIO AND WIRE COMMUNICATION

22. Unauthorized Publication or Use of Communications. No person receiving or assisting in receiving, or transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee, his agent, or attorney, or to a person employed or authorized to forward such communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpoena issued by a court of competent jurisdiction, or on demand of other lawful authority; and no person not being authorized by the sender shall intercept any communication

and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; and no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; and no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto: *Provided*, that this paragraph shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication broadcast, or transmitted by amateurs or others for the use of the general public; or relating to ships in distress. (See section 605, Act of June 19, 1934 (48 Stat. 1103); 47 U.S.C. 605.)

23. General Penalty. Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing, in the statutes cited in paragraphs 22, 25, and 26 prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in the statutes cited in paragraphs 22, 25, and 26 required to be done, or willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished for such offense, for which no penalty (other than a forfeiture) is provided, by a fine of not more than \$10,000 or by imprisonment for a term of not more than two years, or both. (See section 501, Act of June 19, 1934 (48 Stat. 1100); 47 U.S.C. 501 amended by Act of March 23, 1954 (68 Stat. 30); 47 U.S.C. 501.)

24. Violation of Rules, Regulations, Etc. Any person who willfully and knowingly violates any rule, regulation, restriction, or condition made or imposed by the Federal Communications Commission under authority of the Statutes cited in paragraphs 22, 25, and 26, or any rule, regulation, restriction, or condition made or imposed by any international radio or wire communications treaty or convention, or regulations annexed thereto, to which the United States is or may hereafter become a party, shall, in addition to any other penalties provided by law, be punished, upon conviction thereof, by a fine of not more than \$500 for each and every day during which

such offense occurs. (See section 502, Act of June 19, 1934 (48 Stat. 1100); 47 U.S.C. 502.)

25. Powers and Duties of Commission:

a. Except as otherwise provided in the Communications Act of 1934, the Federal Communications Commission from time to time, as public convenience, interest, or necessity requires, shall:

- "(m) (1) Have authority to suspend the license of any operator (radio) upon proof sufficient to satisfy the Commission that the licensee—* * *
- "(C) has willfully damaged or permitted radio apparatus or installations to be damaged; or
- "(D) has transmitted superfluous radio communications or signals * * * or has knowingly transmitted—
- "(1) false or deceptive signals or communications, or
- "(2) a call signal or letter which has not been assigned by proper authority to the station he is operating; or
- "(E) has willfully or maliciously interfered with any other radio communications or signals; * * *"

(See section 303, Act of June 19, 1934 (48 Stat. 1082), as amended by sections 5 and 6 (a and b), Act of May 20, 1937 (50 Stat. 190, 191; 47 U.S.C. 303).)

NOTE: The Rules and Regulations of the Federal Communications Commission also prohibit the acts mentioned above in this paragraph.

b. On 14 June 1940, the Federal Communications Commission issued a formal notice to all classes of commercial radio operators reading as follows:

"On 10 June 1940, the Commission issued a warning specifically addressed to ship radio operators and ship station licensees against the transmission of superfluous, unnecessary or unidentified communications. The purpose of this notice is to emphasize the importance of strict compliance with the previous notice and at the same time to call attention specifically that the provisions of statute and treaty prohibiting the transmission of superfluous, unnecessary or unidentified communications apply to all commercial operators as well as those communicating from ship stations.

"The Radio Regulations annexed to the International Telecommunications Convention (At-

lantic City, 1947) to which this Government is a party, and the Communications Act of 1934, specifically prohibit the transmission of superfluous, unnecessary or unidentified communications. The Commission intends to uphold vigorously these provisions of law and treaty and will hold all commercial radio operators and station licensees strictly accountable for any violation."

26. Powers of the President Under the Communications Act of 1934, as Amended:

a. During the continuance of a war in which the United States is engaged, the President is authorized, if he finds it necessary for the national defense and security, to direct that such communications as in his judgment may be essential to the national defense and security shall have preference or priority with any carrier subject to this chapter. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them and for any such purpose he is authorized to issue orders directly, or through such person or persons as he designates for the purpose, or through the Commission. Any carrier complying with any such order or direction for preference or priority herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal penalties, obligations, or liabilities upon carriers by reason of giving preference or priority in compliance with such order or direction.

b. It shall be unlawful for any person during any war in which the United States is engaged to knowingly or willfully, by physical force or intimidation by threats of physical force, obstruct or retard or aid in obstructing or retarding interstate or foreign communication by radio or wire. The President is authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of communication: *Provided*, That nothing in this section shall be construed to repeal, modify, or affect either section 17 of Title 15 or section 52 of Title 29.

c. Upon proclamation by the President that there exists war or a threat of war, or a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States, the President, if he deems it necessary in the interest of national security or defense, may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations or devices capable of emitting electromagnetic radiations within the jurisdiction of the United States as prescribed by the Commission, and may cause the closing of any station for radio communication, or any

device capable of emitting electromagnetic radiations between 10 kilocycles and 100,000 megacycles, which is suitable for use as a navigational aid beyond five miles, and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station or device and/or its apparatus and equipment, by any department of the Government under such regulations as he may prescribe upon just compensation to the owners. The authority granted to the President, under this subsection, to cause the closing of any station or device and the removal therefrom of its apparatus and equipment, or to authorize the use or control of any station or device and/or its apparatus and equipment, may be exercised in the Canal Zone.

d. Upon proclamation by the President that there exists a state or threat of war involving the United States, the President, if he deems it necessary in the interest of the national security and defense, may, during a period ending not later than six months after the termination of such state or threat of war and not later than such earlier date as the Congress by concurrent resolution may designate, (1) suspend or amend the rules and regulations applicable to any or all facilities or stations for wire communication within the jurisdiction of the United States as prescribed by the Commission, (2) cause the closing of any facility or station for wire communication and the removal therefrom of its apparatus and equipment, or (3) authorize the use or control of any such facility or station and its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners.

e. The President shall ascertain the just compensation for such use or control and certify the amount ascertained to Congress for appropriation and payment to the person entitled thereto. If the amount so certified is unsatisfactory to the person entitled thereto, such person shall be paid only 75 per centum of the amount and shall be entitled to sue the United States to recover such further sum as added to such payment of 75 per centum will make such amount as will be just compensation for the use and control. Such suit shall be brought in the manner provided by paragraph 20 of section 41 of Title 28, or by section 250 of Title 28.

f. Nothing in c or d above shall be construed to amend, repeal, impair, or affect existing laws or powers of the States in relation to taxation or the lawful police regulations of the several States, except wherein such laws, powers, or regulations may affect the transmission of Government communications, or the issue of stocks and bonds by any communication system or systems.

g. Nothing in c or d above shall be construed to authorize the President to make any amendment to the rules and regulations of the Commission which the Commission would not be authorized by law to make; and nothing in d above shall be construed to authorize the President to take any action the force and effect of which shall continue beyond the date after which taking of such action would not have been authorized.

h. Any person who willfully does or causes or suffers to be done any act prohibited pursuant to the exercise of the President's authority under this paragraph, or who willfully fails to do any act which he is required to do pursuant to the exercise of the President's authority under this paragraph, or who willfully causes or suffers such failure, shall, upon conviction thereof, be punished for such offense by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both, and, if a firm partnership, association, or corporation, by fine of not more than \$5,000, except that any person who commits such an offense with intent to secure an advantage to any foreign nation, shall, upon conviction thereof, be punished by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

(See section 606, Act of June 19, 1934 (48 Stat. 1104), as amended; 47 U.S.C. 606.)

NOTE: In the interpretation of the foregoing statutory provisions, the date 25 July 1947 shall be deemed to be the date of the termination of any state of war heretofore declared by the Congress.

(See section 3, Joint Resolution of 25 July 1947 (61 Stat. 451).)

On 16 December 1950, the President declared that a national emergency existed.

(See Proc. No. 2914; 15 F. R. 9029; Sec. 1, AF Bul 55, 1950.)

SECTION E—OFFENSES AGAINST POSTAL SERVICE

27. Obstruction of Correspondence. Whoever takes any letter, postal card or package out of any post office or any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post office or authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence, or to pry into the business or secrets of another, or opens, secretes, embezzles, or destroys the same, shall be fined not more than \$2,000 or imprisoned not more than five years, or both. (See Act of June 25, 1948 (62 Stat. 778); 18 U.S.C. 1702.)

28. Theft or Receipt of Stolen Mail Matter Generally:

a. Whoever steals, takes, or abstracts, or by fraud or deception obtains, or attempts so to obtain, from or out of any mail, post office, or station thereof, letter box, mail receptacle, or any mail route or other authorized depository for mail matter or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or abstracts or removes from any such letter, package, bag, or mail any article or thing contained therein or secretes, embezzles, or destroys any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or

b. Whoever steals, takes, or abstracts, or by fraud or deception obtains any letter, postal card, package, bag, or mail, or any article or thing contained therein which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter; or

c. Whoever buys, receives, or conceals, or unlawfully has in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled or abstracted, as herein described, knowing the same to have been stolen, taken, embezzled or abstracted—

d. Shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

(See Act of June 25, 1948 (62 Stat. 779); 18 U.S.C. 1708.)

29. Letters and Writings as Nonmailable; Opening Letters:

a. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, in violation of sections 499, 506, 793, 794, 915, 954, 956, 957, 960, 964, 1017, 1542, 1543, 1544, or 2388 of title 18, United States Code, or which contains any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is nonmailable and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

b. Whoever uses or attempts to use the mails or Postal Service of the United States for the transmission of any matter declared by this paragraph to be nonmailable, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

c. No person other than a duly authorized employee of the Dead Letter Office, or other person upon a search warrant authorized by law, shall open any letter not addressed to himself.

(See Act of June 25, 1948 (62 Stat. 782); 18 U.S.C. 1717.)

30. Offenses Begun in One District and Completed in Another:

a. Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued or completed.

b. Any offense involving the use of the mails, or transportation in interstate or foreign commerce, is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce or mail matter moves.

(See Act of June 25, 1948 (62 Stat. 826); 18 U.S.C. 3237.)

SECTION F—TRADING WITH THE ENEMY ACT OF 1917

31. Acts Prohibited. It shall be unlawful:

a. For any person in the United States, except with the license of the President, granted to such person, or to the enemy, or ally of enemy, as provided in this Act, to trade, or attempt to trade, either directly or indirectly, with, to, or from, or for, or on account of, on behalf of, or for the benefit of, any other person, with knowledge or reasonable cause to believe that such other person is an enemy or ally of enemy, or is conducting or taking part in such trade, directly or indirectly, for, or on account of, or on behalf of, or for the benefit of, an enemy or ally of enemy.

b. For any person, except with the license of the President, to transport or attempt to transport into or from the United States, or for any owner, master, or other person in charge of a vessel of American registry to transport or attempt to transport from any place to any other place, any subject or citizen of an enemy or ally of enemy nation, with knowledge or reasonable cause to believe that the person transported or attempted to be transported is such subject or citizen.

c. For any person (other than a person in the service of the United States Government or of the Government of any nation, except that of an enemy or ally of enemy nation, and other than such persons or classes of persons as may be exempted hereunder by the President or by such person as he may direct), to send, or take out of, or bring into the United States, any letter or other writing or tangible form of communication, except in the regular course of the mail;

and it shall be unlawful for any person to send, take, or transmit out of the United States, any letter or other writing, book, map, plan, or other paper, picture, or any telegram, cablegram, or wireless message, or other form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy: *Provided, however,* that any person may send, take, or transmit out of the United States anything herein forbidden if he shall first submit the same to the President, or to such officer as the President may direct, and shall obtain the license or consent of the President, under such rules and regulations, and with such exemptions, as shall be prescribed by the President.

d. Whenever, during the present war, the President shall deem that the public safety demands it, he may cause to be censored under such rules and regulations as he may from time to time establish, communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country he may from time to time specify, or which may be carried by any vessel or other means of transportation touching at any port, place, or territory of the United States and bound to or from any foreign country. Any person who willfully evades or attempts to evade the submission of any such communication to such censorship or willfully uses or attempts to use any code or other device for the purpose of concealing from such censorship the intended meaning of such communication shall be punished as provided in Section 16 of this Act.

(See section 3, Act of October 6, 1917 (40 Stat. 412); 50 U.S.C. App. 3.)

SECTION G—COORDINATION OF FEDERAL REPORTING SERVICES

32. Unlawful Disclosure of Information; Penalties; Release of Information to Other Agencies:

a. In the event that any information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law, (including penalties) which relate to the unlawful disclosure of any such information shall apply to the officers and employees of the agency to which such information is released to the same extent and in the same manner as such provisions apply to the *officers and employees of the agency which originally obtained such information; and the officers and employees of the agency to which the information is released shall in addition be subjected to the same provisions of law (including penalties) relating to the unlawful disclosure of*

such information as if the information had been collected directly by such agency.

b. Information obtained by a Federal agency from any person or persons may, pursuant to this paragraph, be released to any other Federal agency only if:

- (1) The information shall be released in the form of statistical totals or summaries; or
- (2) The information as supplied by persons to a Federal agency shall not, at the time of collection, have been declared by that agency or by any superior authority to be "Confidential"; or
- (3) The persons supplying the information shall consent to the release of it to a second agency by the agency to which the information was originally supplied; or
- (4) The Federal agency to which another Federal agency shall release the information has authority to collect the information itself and such authority is supported by legal provision for criminal penalties against persons failing to supply such information.

(See section 4, Act of December 24, 1942 (56 Stat. 1079); 5 U.S.C. 139b.)

SECTION H—OFFENSES AGAINST OPERATIONS OF GOVERNMENT

32. False Personation; Officer or Employee of United States. Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency, or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined not more than \$1,000 or imprisoned not more than three years, or both. (See Act of June 25, 1948 (62 Stat. 742); 18 U.S.C. 912.)

34. Embezzlement and Theft; Public Money, Property, or Records:

a. Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority sells, conveys, or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or

b. Whoever receives, conceals, or retains the same with intent to convert it to his use or gain,

knowing it to have been embezzled, stolen, purloined or converted

Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; but if the value of such property does not exceed the sum of \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

c. The word "value" means face, par, or market value, or cost price, either wholesale or retail, whichever is greater.

(See Act of June 25, 1948 (62 Stat. 725); 18 U.S.C. 641.)

d. A person charged with receiving or concealing stolen property may be tried either before or after the trial of the principal offender.

(See Act of June 25, 1948 (62 Stat. 831); 18 U.S.C. 3435.)

35. Malicious Mischief; Government Property or Contracts. Whoever willfully injures or commits any depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or any department or agency thereof, shall be punished as follows: If the damage to such property exceeds the sum of \$100, by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both, if the damage to such property does not exceed the sum of \$100, by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both. (See Act of June 25, 1948 (62 Stat. 764); 18 U.S.C. 1361.)

36. Sabotage; Fortifications, Harbor Defenses, or Defensive Sea Areas:

a. Whoever willfully trespasses upon, injures, or destroys any of the works or property or material of any submarine mine or torpedo or fortification or harbor defense system owned or constructed or in process of construction by the United States; or

b. Whoever willfully interferes with the operation or use of any such submarine mine, torpedo, fortification, or harbor defense system; or

c. Whoever knowingly, willfully, or wantonly violates any duly authorized and promulgated order or regulation of the President governing persons or vessels within the limits of defensive sea areas, which the President, for purposes of national defense, may from time to time establish by Executive order

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

(See Act of June 25, 1948 (62 Stat. 799); 18 U.S.C. 2152.)

37. Entering Military, Naval, or Coast Guard Property:

a. Whoever, within the jurisdiction of the United States, goes upon any military, naval, or Coast Guard reservation, post, fort, arsenal, yard, station, or installation, for any purposes prohibited by law or lawful regulation; or

b. Whoever reenters or is found within any such reservation, post, fort, arsenal, yard, station, or installation, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof

Shall be fined not more than \$500 or imprisoned not more than six months or both.

(See Act of June 25, 1948 (62 Stat. 765); 18 U.S.C. 1382.)

38. Restrictions in Military Areas and Zones. Whoever, contrary to the restrictions applicable thereto, enters, remains in, leaves, or commits any act in any military area or military zone prescribed under the authority of an Executive order of the President, by the Secretary of the Army, or by any military commander designated by the Secretary of the Army, shall, if it appears that he knew or should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be fined not more than \$5,000 or imprisoned not more than one year, or both. (See Act of June 25, 1948 (62 Stat. 765); 18 U.S.C. 1383.)

NOTE: Functions and powers provided herein are vested solely in the Secretary of the Army.

39. Security Regulations and Orders and Penalty for Violation Thereof:

a. Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated or approved by the Secretary of Defense, or by any military commander designated by the Secretary of Defense, or by the Director of the National Advisory Committee for Aeronautics, for the protection or security of military or naval aircraft, airports, airport facilities, vessels, harbors, ports, piers, waterfront facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which said Department consists, or any officer or employee of said Department or agency, or of the National Advisory Committee for Aeronautics or any officer or employee thereof, relating to fire hazards, fire protection, lighting, ma-

chinery, guard service, disrepair, disuse or other unsatisfactory conditions thereon, or the ingress thereto or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident or by enemy action, sabotage or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed \$5,000 or to imprisonment for not more than one year, or both. Every such regulation or order shall be posted in conspicuous and appropriate places. (See section 21, Subversive Activities Control Act of 1950, Act of September 23, 1950 (64 Stat. 1005); 50 U.S.C. 797 as amended by Communist Control Act of 1954, Act of August 24, 1954, Public Law 637—83rd Congress.)

b. The following is quoted from Department of Defense Directive No. 5200.8, dated 20 August 1954, signed by the Secretary of Defense:

AUTHORITY OF MILITARY COMMANDERS UNDER THE INTERNAL SECURITY ACT OF 1950 TO ISSUE SECURITY ORDERS AND REGULATIONS FOR THE PROTECTION OF PROPERTY OR PLACES UNDER THEIR COMMAND.

a. "The following military commanders are hereby designated as having the authority to promulgate the necessary regulations pursuant to *subparagraph a* above:

"Commanding officers of all military reservations, posts, camps, stations, or installations subject to the jurisdiction, administration, or in the custody of the Department of the Army; commanding officers of all naval ships, stations, activities and installations; and commanding officers of all Marine Corps posts, stations, and supply activities, subject to the jurisdiction, administration, or in the custody of the Department of the Navy; and commanders of major air commands, numbered air forces, air divisions, wings, groups and installations, subject to the jurisdiction, administration, or in the custody of the Department of the Air Force.

b. "Regulations promulgated by military commanders designated hereby shall be in accordance with policies and procedures relative thereto established by the Secretary of the Military Department concerned.

c. "Regulations issued pursuant hereto shall be posted in a conspicuous and appropriate place, and shall make appropriate citation of this designation and the Public Law under which the designation is made."

40. Possession of Property in Aid of Foreign Government:

a. Whoever, in aid of any foreign government, knowingly and willingly possesses or controls any property or papers used or designed or intended for use in violating any penal statute, or any of the rights or obligations of the United States under any treaty or the law of nations, shall be fined not more than \$1,000 or imprisoned not more than ten years, or both.

(See Act of June 25, 1948 (62 Stat. 745); 18 U.S.C. 957.)

b. The term "foreign government" as used in this paragraph includes any government, faction, or body of insurgents within a country with which the United States is at peace, irrespective of recognition by the United States.

(See Act of June 25, 1948 (62 Stat. 686); 18 U.S.C. 11.)

41. Robbery; Personal Property of the United States: Whoever robs another of any kind or description of personal property belonging to the United States, shall be imprisoned not more than fifteen years. (See Act of June 25, 1948 (62 Stat. 796); 18 U.S.C. 2112.)

42. Malicious Mischief; Communication Lines, Stations, or Systems. Whoever willfully or maliciously injures or destroys any of the works, property, or material of any radio, telegraph, telephone, or cable line, station, or system, or other means of communication, operated or controlled by the United States, whether constructed or in process of construction, or willfully or maliciously interferes in any way with the working or use of any such line, or system, or willfully or maliciously obstructs, hinders, or delays the transmission of any communication over any such line, or system, shall be fined not more than \$1,000 or imprisoned not more than three years, or both. (See Act of June 25, 1948 (62 Stat. 764); 18 U.S.C. 1362.)

43. Forgery; Military, Naval, or Official Passes. Whoever falsely makes, forges, counterfeits, alters, or tampers with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with intent to defraud uses or possesses any such pass or permit, or personates or falsely represents himself to be or not to be a person to whom such pass or permit has been duly issued, or willfully allows any other person to have or use any such pass or permit, issued for his use alone, shall be fined not more than \$2,000 or imprisoned not more than five years, or both. (See Act of June 25, 1948 (62 Stat. 712); 18 U.S.C. 499.)

SECTION I—FOREIGN AGENTS AND PROPAGANDA

44. Agents of Foreign Governments. Whoever, other than a diplomatic or consular officer or attache, acts in the United States as an agent of a foreign government without prior notification to the Secretary of State, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both. (See Act of June 25, 1948 (62 Stat. 743); 18 U.S.C. 951.)

SECTION J—OFFENSES AGAINST EXISTENCE OF GOVERNMENT

45. Private Correspondence With Foreign Governments. Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than \$5,000 or imprisoned not more than three years, or both. This paragraph shall not abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. (See Act of June 25, 1948 (62 Stat. 744); 18 U.S.C. 953.)

SECTION K—WILLFUL DESTRUCTION, ETC., OF WAR AND DEFENSE MATERIALS, PREMISES, AND UTILITIES

46. Definitions:

a. The words "war material" include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuffs, fuel, supplies, munitions, and all articles, parts or ingredients, intended for, adapted to, or suitable for the use of the United States or any associate nation, in connection with the conduct of war or defense activities.

b. The words "war premises" include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the

Armed Forces of the United States, or any associate nation.

c. The words "war utilities" include all railroads, railways, electric lines, roads of whatever description, any railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances thereof, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all air-conditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which air, water, or gas is being furnished, or may be furnished, to any war premises or to the Armed Forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures, and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply air, water, light, heat, power, or facilities of communication to any war premises or to the Armed Forces of the United States, or any associate nation.

d. The words "associate nation" mean any nation at war with any nation with which the United States is at war.

e. The words "national-defense material" include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuffs, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof intended for, adapted to, or suitable for the use of the United States in connection with the national defense or for use in or in connection with the producing, manufacturing, repairing, storing, mining, extracting, distributing, loading, unloading, or transporting of any of the materials or other articles hereinbefore mentioned or any part or ingredient thereof.

f. The words "national-defense premises" include all buildings, grounds, mines, or other places wherein such national-defense material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the Armed Forces of the United States.

g. The words "national-defense utilities" include all railroads, railways, electric lines, roads

of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances thereof, or any other means of transportation whatsoever, whereon or whereby such national-defense material, or any troops of the United States, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all air-conditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures, and buildings, whereby or in connection with which air, water, or gas may be furnished to any national-defense premises or to the Armed Forces of the United States, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply air, water, light, heat, power, or facilities of communication to any national-defense premises or to the Armed Forces of the United States.

(See Act of June 25, 1948 (62 Stat. 799); 18 U.S.C. 2155, as amended by Espionage and Sabotage Act of 1954, Act of September 3, 1954, Public Law 777—83rd Congress (68 Stat. 1216).)

47. Destruction of War Material, War Premises, or War Utilities. Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any war material, war premises, or war utilities, shall be fined not more than \$10,000 or imprisoned not more than thirty years, or both. (Act of June 25, 1948 (62 Stat. 799); 18 U.S.C. 2153 as amended by Espionage and Sabotage Act of 1954, Act of September 3, 1954, Public Law 777—83rd Congress (68 Stat. 1216).)

48. Production of Defective War Material, War Premises, or War Utilities. Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with,

or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully makes, constructs, or causes to be made or constructed in a defective manner, or attempts to make, construct, or cause to be made or constructed in a defective manner any war material, war premises, or war utilities, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, war premises, or war utilities, shall be fined not more than \$10,000 or imprisoned not more than thirty years, or both. (Act of June 25, 1948 (62 Stat. 799); 18 U.S.C. 2154, as amended by Espionage and Sabotage Act of 1954, Act of September 3, 1954, Public Law 777—83rd Congress (68 Stat. 1216).)

49. Destruction of National-Defense Materials, National-Defense Premises, or National-Defense Utilities. Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully injures, destroys, contaminates, or infects, or attempts to so injure, destroy, contaminate or infect any national-defense material, national-defense premises, or national-defense utilities, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. (Act of June 25, 1948 (62 Stat. 799); 18 U.S.C. 2155, as amended by Espionage and Sabotage Act of 1954, Act of September 3, 1954, Public Law 777—83rd Congress (68 Stat. 1216).)

50. Production of Defective National-Defense Material, National-Defense Premises, or National-Defense Utilities. Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully makes, constructs, or attempts to make or construct in a defective manner, any national-defense material, national-defense premises or national-defense utilities, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such national-defense material, national-defense premises or national-defense utilities, shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both. (Act of June 25, 1948 (62 Stat. 799); 18 U.S.C. 2156, as amended by Espionage and Sabotage Act of 1954, Act of September 3, 1954, Public Law 777—83rd Congress (68 Stat. 1216).)

51. Conspiracy To Violate Statutes Cited in Paragraphs 47, 48, 49, and 50. If two or more persons conspire to violate the Statutes cited in paragraphs 47, 48, 49, and 50, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such con-

spiracy shall be punished as provided in the Statutes cited in paragraphs 47, 48, 49, and 50. (Act of June 25, 1948 (68 Stat. 799); 18 U.S.C. 2153, 2154, 2155, and 2156, as amended by Espionage and Sabotage Act of 1954, Act of September 3, 1954, Public Law 777-83rd Congress (68 Stat. 1216).)

SECTION L—WAR OFFENSES

52. Aiding the Enemy. Any person who:

a. Aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things; or

b. Without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly

Shall suffer death or such other punishment as a court-martial or military commission may direct.

(See Uniform Code of Military Justice, Article 104.)

53. Spies. Any person who in time of war is found lurking as a spy or acting as a spy in or about any place, vessel, or aircraft, within the control or jurisdiction of any of the Armed Forces of the United States or in or about any shipyard, any manufacturing or industrial plant, or any place or institution engaged in work in aid of the prosecution of the war by the United States, or elsewhere, shall be tried by a general court-martial or by a military commission and on conviction shall be punished by death. (See Uniform Code of Military Justice, Article 106.)

SECTION M—MILITARY AREAS, ETC.

54. Executive Order 9066. The order reads as follows:

AUTHORIZING THE SECRETARY OF WAR TO PRESCRIBE MILITARY AREAS

WHEREAS the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense utilities as defined in section 4, act of April 20, 1918, 40 Stat. 533, as amended by the act of November 30, 1940, 54 Stat. 1220, and the act of August 21, 1941, 55 Stat. 655 (title 50, U.S.C., sec 104).

Now, THEREFORE, by virtue of the authority vested in me as President of the United States, and Commander-in-Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas

in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE
February 19, 1942
7 F. R. 1407

NOTE: Functions and powers provided herein are vested solely in the Secretary of the Army.

55. Executive Order 8972. The order reads as follows:

AUTHORIZING THE SECRETARY OF WAR AND THE SECRETARY OF THE NAVY TO ESTABLISH AND MAINTAIN MILITARY GUARDS AND PATROLS, AND TO TAKE OTHER APPROPRIATE MEASURES, TO PROTECT CERTAIN NATIONAL-DEFENSE MATERIAL, PREMISES, AND UTILITIES FROM INJURY OR DESTRUCTION

WHEREAS the United States is now at war; and
WHEREAS there exists a serious and immediate potential danger of sabotage to national-defense material, national-defense premises, and national-defense utilities which may menace our maximum productive effort; and

WHEREAS the Congress of the United States has in recent enactment recognized this danger by enjoining efforts to injure, interfere with, or obstruct the national defense, and providing severe penalties therefor; and

WHEREAS it is considered necessary in the interests of national defense that, in particular situations where hazardous, dangerous, or other unfavorable conditions may from time to time exist, special precautionary measures be taken by establishing and maintaining military guards and patrols or other appropriate means to protect from injury or destruction national-defense material, national-defense premises, and national-defense utilities:

Now, THEREFORE, by virtue of the authority vested in me as President of the United States, and Commander-in-Chief of the Army and Navy of the United States, I hereby authorize and direct the Secretary of War, whenever he deems such action to be necessary or desirable, and the Secretary of the Navy, whenever he deems such action to be necessary or desirable, to establish and maintain military guards and patrols, and to take other appropriate measures, to protect from injury or destruction national-defense material, national-defense premises, and national-defense utilities, as defined in the act of April 20, 1918, 40 Stat. 533, as amended by the act of November 30, 1940, 54 Stat. 1220, and the act of August 21, 1941, 55 Stat. 655.

This order shall not be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, Department of Justice, with respect to the investigation of alleged acts of sabotage.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE
December 12, 1941
6 F. R. 6420

SECTION N—LOYALTY AND SECURITY

56. Executive Order 10450, as Amended by Executive Orders 10491, 10531, 10548, and 10550. The order as amended reads as follows:

SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

WHEREAS the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

WHEREAS the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

Now, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including Section 1753 of the Revised Statutes of the United States (5 U.S.C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, *et seq.*); Section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U.S.C. 118 j); and the act of August 26, 1950, 64 Stat. 476 (5 U.S.C. 22-1 *et seq.*), and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

Section 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951, the provisions of that act shall apply to all other departments and agencies of the Government.

Sec. 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security.

Sec. 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be filled could bring about,

by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation), and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: *Provided*, that upon request of the head of the department or agency concerned, the Civil Service Commission may, in its discretion, authorize such less investigation as may meet the requirements of the national security with respect to per-diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investigation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full field investigation has been conducted: *Provided*, that a person occupying a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other provisions of this order: *And provided further*, that in case of emergency a sensitive position may be filled for a limited period by a person with respect to whom a full field pre-appointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

Sec. 4. The head of each department and agency shall review or cause to be reviewed, the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947, and, after such further investigation as may be appropriate, shall re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, such of those cases as have not been adjudicated

under a security standard commensurate with that established under this order.

Sec. 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representative who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, re-adjudicate, or cause to be re-adjudicated, in accordance with the said Act of August 26, 1950, the case of such officer or employee.

Sec. 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and, following such investigation and review as he deems necessary, the head of the department or agency concerned shall terminate the employment of such suspended officer or employee whenever he shall determine such termination necessary or advisable in the interests of the national security, in accordance with the said act of August 26, 1950.

Sec. 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or re-employed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which findings shall be made a part of the records of such department or agency: *Provided*, that no person whose employment has been terminated under such authority thereafter may be employed by any other department or agency except after a determination by the Civil Service Commission that such person is eligible for such employment.

Sec. 8. (a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent

with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the Government employment to the national security:

(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(iv) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(5) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks

to alter the form of government of the United States by unconstitutional means.

(6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

(7) Performing or attempting to perform his duties, or otherwise acting so as to serve the interests of another government in preference to the interests of the United States.

(8) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct.

(b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Civil Service Commission, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Commission. The Commission shall furnish a full investigative report to the department or agency concerned.

(c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Civil Service Commission, and other departments and agencies may use such facilities under agreement with the Commission.

(d) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in subdivisions (2) through (8) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

Sec. 9. (a) There shall be established and maintained in the Civil Service Commission a security-investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Commission under Executive Order No. 9835 of March 21, 1947, shall be made a part of the security-

investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

(b) The heads of all departments and agencies shall furnish promptly to the Civil Service Commission information appropriate for the establishment and maintenance of the security-investigations index.

(c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except, with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of August 26, 1950, as may be required for the efficient conduct of Government business.

Sec. 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

Sec. 11. On and after the effective date of this order the Loyalty Review Board established by Executive Order No. 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determinations favorable to the officer or employee concerned pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Civil Service Commission on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases

being heard by regional loyalty boards on such date shall be heard to conclusion, and the determination of the board shall be forwarded to the head of the department or agency concerned: *Provided*, that if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Civil Service Commission on such date shall be completed, and the reports thereon shall be made to the appropriate department or agency.

Sec. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked. For the purposes described in section 11 hereof the Loyalty Review Board and the regional loyalty boards of the Civil Service Commission shall continue to exist and function for a period of one hundred and twenty days from the effective date of this order, and the Department of Justice shall continue to furnish the information described in paragraph 3 of Part III of the said Executive Order No. 9835, but directly to the head of each department and agency.

Sec. 13. The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee-security program.

Sec. 14. (a) The Civil Service Commission, with the continuing advice and collaboration of representatives of such departments and agencies as the National Security Council may designate shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

(1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of, or directly or indirectly weaken, the national security.

(2) Tendencies in such programs to deny to individual employees fair, impartial, and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Civil Service Commission shall report to the National Security Council, at least semi-annually, on the results of such study, shall recommend means to correct any such deficiencies or tendencies, and shall inform the National Security Council immediately of any deficiency which is deemed to be of major importance.

(b) All departments and agencies of the Government are directed to cooperate with the Civil Service Commission to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.

(c) To assist the Civil Service Commission in discharging its responsibilities under this order, the head of each department and agency shall, as soon as possible and in no event later than ninety days after receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of this order, advise the Commission as to the action taken with respect to such officer or employee. The information furnished by the heads of departments and agencies pursuant to this section shall be included in the reports which the Civil Service Commission is required to submit to the National Security Council in accordance with subsection (a) of this section. Such reports shall set forth any deficiencies on the part of the heads of departments and agencies in taking timely action under this order, and shall mention specifically any instances of noncompliance with this subsection.

Sec. 15. This order shall become effective thirty days after the date hereof.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE
27 April 1953
18 F. R. 2489

57. Presidential Directive of 13 March 1948. The directive reads as follows:

(CONFIDENTIAL STATUS OF EMPLOYEE LOYALTY RECORDS) MEMORANDUM TO ALL OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH OF THE GOVERNMENT

The efficient and just administration of the Employee Loyalty Program, under Executive Order No. 9835 of March 21, 1947, requires that reports, records, and files relative to the program be preserved in strict confidence. This is necessary in the interest of our national security and welfare, to preserve the confidential character and sources of information furnished, and to protect Government personnel against the dissemination of unfounded or disproved allegations. It is necessary also in order to insure the fair and just disposition of loyalty cases.

For these reasons, and in accordance with the long-established policy that reports rendered by the Federal Bureau of Investigation and other investigative agencies of the Executive Branch are to be regarded as confidential, all reports, records, and files relative to the loyalty of employees or prospective employees (including re-

ports of such investigative agencies), shall be maintained in confidence, and shall not be transmitted or disclosed except as required in the efficient conduct of business.

Any subpoena or demand or request for information, reports, or files of the nature described, received from sources other than those persons in the Executive Branch of the Government who are entitled thereto by reason of their official duties, shall be respectfully declined, on the basis of this directive, and the subpoena or demand or other request shall be referred to the Office of the President for such response as the President may determine to be in the public interest in the particular case. There shall be no relaxation of the provisions of this directive except with my express authority.

This directive shall be published in the *Federal Register*.

HARRY S. TRUMAN.

THE WHITE HOUSE
March 13, 1948
13 F. R. 1359

This Presidential directive has been relaxed as follows:

"Hereafter, no information regarding individual loyalty or security cases shall be provided in response to inquiries from outside the Executive Branch unless such inquiries are made in writing. Where proper inquiries are made in writing, replies will be confined to two categories of information as follows: (1) If an employee has been separated on loyalty grounds, advice to that effect may be given in response to a specific request for information concerning the particular individual; and (2) if an employee has been separated as a security risk, replies to specific requests for information about that individual may state only that he was separated for reasons relating to suitability for employment in the particular agency. No information shall be supplied as to any specific intermediate steps, proceedings, transcripts of hearings, or actions taken in processing an individual under loyalty or security programs.

"There is no objection to making available the names of all members of an agency loyalty board, but it is entirely improper to divulge the members who sat on particular cases.

"No exception shall be made to the above stated policy unless the agency head determines that it would be clearly in the public interest to make specified information available, as in instances where the employee involved properly asks that such action be taken for his own protection. In all such cases, the requested information shall be released only after obtaining the approval of my office."

Extracts from President's letter to Secretary of State, dated 3 April 1952.

58. An Act to Protect the National Security of the United States, and for Other Purposes.
The act reads as follows:

a. Notwithstanding the provisions of section 6 of the act of August 24, 1912 (37 Stat. 555, as amended; 5 U.S.C. 652), or the provisions of any other law, the Secretary of State; Secretary of Commerce; Attorney General; the Secretary of Defense; the Secretary of the Army; the Secretary of the Navy; the Secretary of the Air Force; the Secretary of the Treasury; Atomic Energy Commission; the Chairman, National Security Resources Board; or the Director, National Advisory Committee for Aeronautics, may, in his absolute discretion and when deemed necessary in the interest of national security, suspend, without pay, any civilian officer or employee of the Department of State (including the Foreign Service of the United States), Department of Commerce, Department of Justice, Department of Defense, Department of the Army, Department of Navy, Department of the Air Force, Atomic Energy Commission, National Security Resources Board, or National Advisory Committee for Aeronautics, respectively, or of their several field services: *Provided*, that to the extent that such agency head determines that the interests of the national security permit, the employee concerned shall be notified of the reasons for his suspension and within 30 days after such notification any such person shall have an opportunity to submit any statements or affidavits to the official designated by the head of the agency concerned to show why he should be reinstated or restored to duty. The agency head concerned may, following such investigation and review as he deems necessary, terminate the employment of such suspended civilian officer or employee whenever he shall determine such termination necessary or advisable in the interest of the national security of the United States, and such determination by the agency head concerned shall be conclusive and final: *Provided further*, that any employee having a permanent or indefinite appointment, and having completed his probationary or trial period, who is a citizen of the United States whose employment is suspended under the authority of this act, shall be given after his suspension and before his employment is terminated under the authority of this act:

- (1) A written statement within 30 days after his suspension of the charges against him, which shall be subject to amendment within 30 days thereafter and which shall be stated as specifically as security considerations permit;

- (2) An opportunity within 30 days thereafter (plus an additional 30 days if the charges are amended) to answer such charges and to submit affidavits;
- (3) A hearing, at the employee's request, by a duly constituted agency authority for this purpose;
- (4) A review of his case by the agency head, or some official designated by him, before a decision adverse to the employee is made final; and
- (5) A written statement of the decision of the agency head:

Provided further, that any person whose employment is so suspended or terminated under the authority of this act may, in the discretion of the agency head concerned, be reinstated or restored to duty, and if so reinstated or restored shall be allowed compensation for all or any part of the period of such suspension or termination in an amount not to exceed the difference between the amount such person would normally have earned during the period of such suspension or termination, at the rate he was receiving on the date of suspension or termination, as appropriate, and the interim net earnings of such person: *Provided further*, that the termination of employment herein provided shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government: *Provided further*, that the head of any department or agency considering the appointment of any person whose employment has been terminated under the provisions of this act may make such appointment only after consultation with the Civil Service Commission, which agency shall have the authority at the written request of either the head of such agency or such employee to determine whether any such person is eligible for employment by any other agency or department of the Government.

b. Nothing contained in this act impairs the powers vested in the Atomic Energy Commission by the Atomic Energy Act of 1946 or the requirements of section 12 of that act that adequate provision be made for administrative review of any determination to dismiss any employee of said Commission. (Note: Atomic Energy Act of 1946 has been amended by the Atomic Energy Act of 1954.)

c. The provisions of this act apply to such other departments and agencies of the Government as the President may, from time to time, deem necessary in the best interests of national security. If any departments or agencies are included by the President, he shall so report to the Committees on the Armed Services of the Congress.

d. Section 3 of the Act of December 17, 1942 (56 Stat. 1053), and section 104 of the act of July 20, 1949 (PL 179, 81st Cong.), and section 630 of the act of October 29, 1949 (PL 434, 81st Cong.), are hereby repealed.
(See 64 Stat. 476; 5 U.S.C., 22-1-22-3.)

59. Executive Order 10501. The order reads as follows:

SAFEGUARDING OFFICIAL INFORMATION IN THE INTERESTS OF THE DEFENSE OF THE UNITED STATES

WHEREAS it is essential that the citizens of the United States be informed concerning the activities of their government; and

WHEREAS the interests of national defense require the preservation of the ability of the United States to protect and defend itself against all hostile or destructive action by covert or overt means, including espionage as well as military action; and

WHEREAS it is essential that certain official information affecting the national defense be protected uniformly against unauthorized disclosure:

Now, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

Section 1. Classification Categories. Official information which requires protection in the interests of national defense shall be limited to three categories of classification, which in descending order of importance shall carry one of the following designations: TOP SECRET, SECRET, or CONFIDENTIAL. No other designation shall be used to classify defense information, including military information, as requiring protection in the interests of national defense, except as expressly provided by statute. These categories are defined as follows:

(a) **TOP SECRET.** Except as may be expressly provided by statute, the use of the classification TOP SECRET shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The TOP SECRET classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or

intelligence operations, or scientific or technological developments vital to the national defense.

(b) **SECRET.** Except as may be expressly provided by statute, the use of the classification SECRET shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations.

(c) **CONFIDENTIAL.** Except as may be expressly provided by statute, the use of the classification CONFIDENTIAL shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the nation.

Sec. 2. Limitation of Authority to Classify. The authority to classify defense information or material under this order shall be limited in the departments and agencies of the executive branch as hereinafter specified. Departments and agencies subject to the specified limitations shall be designated by the President:

(a) In those departments and agencies having no direct responsibility for national defense there shall be no authority for original classification of information or material under this order.

(b) In those departments and agencies having partial but not primary responsibility for matters pertaining to national defense the authority for original classification of information or material under this order shall be exercised only by the head of the department or agency, without delegation.

(c) In those departments and agencies not affected by the provisions of subsection (a) and (b), above, the authority for original classification of information or material under this order shall be exercised only by responsible officers or employees, who shall be specifically designated for this purpose. Heads of such departments and agencies shall limit the delegation of authority to classify as severely as is consistent with the orderly and expeditious transaction of Government business.

Sec. 3. Classification. Persons designated to have authority for original classification of information or material which requires protection

in the interests of national defense under this order shall be held responsible for its proper classification in accordance with the definitions of the three categories in section 1, hereof. Unnecessary classification and over-classification shall be scrupulously avoided. The following special rules shall be observed in classification of defense information or material:

(a) *Documents in General.* Documents shall be classified according to their own content and not necessarily according to their relationship to other documents. References to classified material which do not reveal classified defense information shall not be classified.

(b) *Physically Connected Documents.* The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. Documents separated from the file or group shall be handled in accordance with their individual defense classification.

(c) *Multiple Classification.* A document, product, or substance shall bear a classification at least as high as that of its highest classified component. The document, product, or substance shall bear only one over-all classification, notwithstanding that pages, paragraphs, sections, or components thereof bear different classifications.

(d) *Transmittal Letters.* A letter transmitting defense information shall be classified at least as high as its highest classified enclosure.

(e) *Information Originated by a Foreign Government or Organization.* Defense information of a classified nature furnished to the United States by a foreign government or international organization shall be assigned a classification which will assure a degree of protection equivalent to or greater than that required by the government or international organization which furnished the information.

Sec. 4. Declassification, Downgrading, or Upgrading. Heads of departments or agencies originating classified material shall designate persons to be responsible for continuing review of such classified material for the purpose of declassifying or downgrading it whenever national defense considerations permit, and for receiving requests for such review from all sources. Formal procedures shall be established to provide specific means for prompt review of classified material and its declassification or downgrading in order to preserve the effectiveness and integrity of the classification system and to eliminate accumulation of classified material which no longer requires protection in the defense interest. The following special rules shall be observed with respect to changes of classification of defense material:

(a) *Automatic Changes.* To the fullest extent practicable, the classifying authority shall indicate on the material (except telegrams) at the time of original classification that after a specified event or date, or upon removal of classified enclosures, the material will be downgraded or declassified.

(b) *Non-Automatic Changes.* The persons designated to receive requests for review of classified material may downgrade or declassify such material when circumstances no longer warrant its retention in its original classification provided the consent of the appropriate classifying authority has been obtained. The downgrading or declassification of extracts from or paraphrases of classified documents shall also require the consent of the appropriate classifying authority unless the agency making such extracts knows positively that they warrant a classification lower than that of the document from which extracted, or that they are not classified.

(c) *Material Officially Transferred.* In the case of material transferred by or pursuant to statute or Executive order from one department or agency to another for the latter's use and as part of its official files or property, as distinguished from transfers merely for purposes of storage, the receiving department or agency shall be deemed to be the classifying authority for all purposes under this order, including declassification and downgrading.

(d) *Material Not Officially Transferred.* When any department or agency has in its possession any classified material which has become five years old, and it appears (1) that such material originated in an agency which has since become defunct and whose files and other property have not been officially transferred to another department or agency within the meaning of subsection (c), above, or (2) that it is impossible for the possessing department or agency to identify the originating agency, and (3) a review of the material indicates that it should be downgraded or declassified, the said possessing department or agency shall have power to declassify or downgrade such material. If it appears probable that another department or agency may have a substantial interest in whether the classification of any particular information should be maintained, the possessing department or agency shall not exercise the power conferred upon it by this subsection, except with the consent of the other department or agency, until thirty days after it has notified such other department or agency of the nature of the material and of its intention to declassify or downgrade the same. During such thirty-day period the other department or agency may, if it so desires, express its objections to declassifying or

downgrading the particular material, but the power to make the ultimate decision shall reside in the possessing department or agency.

(e) *Classified Telegrams.* Such telegrams shall not be referred to, extracted from, paraphrased, downgraded, declassified, or disseminated, except in accordance with special regulations issued by the head of the originating department or agency. Classified telegrams transmitted over cryptographic systems shall be handled in accordance with the regulations of the transmitting department or agency.

(f) *Downgrading.* If the recipient of classified material believes that it has been classified too highly, he may make a request to the reviewing official who may downgrade or declassify the material after obtaining the consent of the appropriate classifying authority.

(g) *Upgrading.* If the recipient of unclassified material believes that it should be classified, or if the recipient of classified material believes that its classification is not sufficiently protective, it shall be safeguarded in accordance with the classification deemed appropriate and a request made to the reviewing official, who may classify the material or upgrade the classification after obtaining the consent of the appropriate classifying authority.

(h) *Notification of Change in Classification.* The reviewing official taking action to declassify, downgrade, or upgrade classified material shall notify all addressees to whom the material was originally transmitted.

Sec. 5. Marking of Classified Material. After a determination of the proper defense classification to be assigned has been made in accordance with the provisions of this order, the classified material shall be marked as follows:

(a) *Bound Documents.* The assigned defense classification on bound documents, such as books or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stamped on the outside of the front cover, on the title page, on the first page, on the back page and on the outside of the back cover. In each case the markings shall be applied to the top and bottom of the page or cover.

(b) *Unbound Documents.* The assigned defense classification on unbound documents, such as letters, memoranda, reports, telegrams, and other similar documents, the pages of which are not permanently and securely fastened together, shall be conspicuously marked or stamped at the top and bottom of each page, in such manner that the marking will be clearly visible when the pages are clipped or stapled together.

(c) *Charts, Maps, and Drawings.* Classified charts, maps, and drawings shall carry the defense classification marking under the legend, title block, or scale in such manner that it will be reproduced on all copies made therefrom. Such classification shall also be marked at the top and bottom in each instance.

(d) *Photographs, Films and Recordings.* Classified photographs, films, and recordings, and their containers, shall be conspicuously and appropriately marked with the assigned defense classification.

(e) *Products or Substances.* The assigned defense classification shall be conspicuously marked on classified products or substances, if possible, and on their containers, if possible, or, if the article or container cannot be marked, written notification of such classification shall be furnished to recipients of such products or substances.

(f) *Reproductions.* All copies of reproductions of classified material shall be appropriately marked or stamped in the same manner as the original thereof.

(g) *Unclassified Material.* Normally, unclassified material shall not be marked or stamped *Unclassified* unless it is essential to convey to a recipient of such material that it has been examined specifically with a view to imposing a defense classification and has been determined not to require such classification.

(h) *Change or Removal of Classification.* Whenever classified material is declassified, downgraded, or upgraded, the material shall be marked or stamped in a prominent place to reflect the change in classification, the authority for the action, the date of action, and the identity of the person or unit taking the action. In addition, the old classification marking shall be cancelled and the new classification (if any) substituted therefor. *Automatic* change in classification shall be indicated by the appropriate classifying authority through marking or stamping in a prominent place to reflect information specified in subsection 4(a) hereof.

(i) *Material Furnished Persons not in the Executive Branch of the Government.* When classified material affecting the national defense is furnished authorized persons, in or out of Federal service, other than those in the executive branch, the following notation, in addition to the assigned classification marking, shall whenever practicable be placed on the material, on its container, or on the written notification of its assigned classification:

This material contains information affecting the national defense of the United States

within the meaning of the espionage laws, Title 18, U.S.C., Secs. 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law.

Use of alternative marking concerning "Restricted Data" as defined by the Atomic Energy Act is authorized when appropriate.

Sec. 6. Custody and Safekeeping. The possession or use of classified defense information or material shall be limited to locations where facilities for secure storage or protection thereof are available by means of which unauthorized persons are prevented from gaining access thereto. Whenever such information or material is not under the personal supervision of its custodian, whether during or outside of working hours, the following physical or mechanical means shall be taken to protect it:

(a) *Storage of Top Secret Material.* Top Secret defense material shall be protected in storage by the most secure facilities possible. Normally it will be stored in a safe or a safe-type steel file container having a three-position, dial-type, combination lock, and being of such weight, size, construction, or installation as to minimize the possibility of surreptitious entry, physical theft, damage by fire, or tampering. The head of a department or agency may approve other storage facilities for this material which offer comparable or better protection, such as an alarmed area, a vault, a secure vault-type room, or an area under close surveillance of an armed guard.

(b) *Secret and Confidential Material.* These categories of defense material may be stored in a manner authorized for Top Secret material, or in metal file cabinets equipped with steel lockbar and an approved three combination dial-type padlock from which the manufacturer's identification numbers have been obliterated, or in comparably secure facilities approved by the head of the department or agency.

(c) *Other Classified Material.* Heads of departments and agencies shall prescribe such protective facilities as may be necessary in their departments or agencies for material originating under statutory provisions requiring protection of certain information.

(d) *Changes of Lock Combinations.* Combinations on locks of safe-keeping equipment shall be changed, only by persons having appropriate security clearance, whenever such equipment is placed in use after procurement from the manufacturer or other sources, whenever a person knowing the combination is transferred from the office to which the equipment is assigned,

or whenever the combination has been subjected to compromise, and at least once every year. Knowledge of combinations shall be limited to the minimum number of persons necessary for operating purposes. Records of combinations shall be classified no lower than the highest category of classified defense material authorized for storage in the safekeeping equipment concerned.

(e) *Custodian's Responsibilities.* Custodians of classified defense material shall be responsible for providing the best possible protection and accountability for such material at all times and particularly for securely locking classified material in approved safekeeping equipment whenever it is not in use or under direct supervision of authorized employees. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified defense information or material by sight or sound, and classified information shall not be discussed with or in the presence of unauthorized persons.

(f) *Telephone Conversations.* Defense information classified in the three categories under the provisions of this order shall not be revealed in telephone conversations, except as may be authorized under section 8 hereof with respect to the transmission of Secret and Confidential material over certain military communications circuits.

(g) *Loss or Subjection to Compromise.* Any person in the executive branch who has knowledge of the loss or possible subjection to compromise of classified defense information shall promptly report the circumstances to a designated official of his agency, and the latter shall take appropriate action forthwith, including advice to the originating department or agency.

Sec. 7. Accountability and Dissemination. Knowledge or possession of classified defense information shall be permitted only to persons whose official duties require such access in the interest of promoting national defense and only if they have been determined to be trustworthy. Proper control of dissemination of classified defense information shall be maintained at all times, including good accountability records of classified defense information documents, and severe limitation on the number of such documents originated as well as the number of copies thereof reproduced. The number of copies of classified defense information documents shall be kept to a minimum to decrease the risk of compromise of the information contained in such documents and the financial burden on the Government in protecting such documents. The following special rules shall be observed in connection with accountability for and dissemination of defense information or material:

(a) *Accountability Procedures.* Heads of departments and agencies shall prescribe such accountability procedures as are necessary to control effectively the dissemination of classified defense information, with particularly severe control on material classified Top Secret under this order. Top Secret Control Officers shall be designated, as required, to receive, maintain accountability registers of, and dispatch Top Secret material.

(b) *Dissemination Outside the Executive Branch.* Classified defense information shall not be disseminated outside the executive branch except under conditions and through channels authorized by the head of the disseminating department or agency, even though the person or agency to which dissemination of such information is proposed to be made may have been solely or partly responsible for its production.

(c) *Information Originating in Another Department or Agency.* Except as otherwise provided by section 102 of the National Security Act of July 26, 1947, c. 343, 61 Stat. 498, as amended, 50 U.S.C. sec. 403, classified defense information originating in another department or agency shall not be disseminated outside the receiving department or agency without the consent of the originating department or agency. Documents and material containing defense information which are classified Top Secret or Secret shall not be reproduced without the consent of the originating department or agency.

Sec. 8. Transmission. For transmission outside of a department or agency, classified defense material of the three categories originated under the provisions of this order shall be prepared and transmitted as follows:

(a) *Preparation for Transmission.* Such material shall be enclosed in opaque inner and outer covers. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address. The outer cover shall be sealed and addressed with no indication of the classification of its contents. A receipt form shall be attached to or enclosed in the inner cover, except that Confidential material shall require a receipt only if the sender deems it necessary. The receipt form shall identify the addressee, addressee, and the document, but shall contain no classified information. It shall be signed by the proper recipient and returned to the sender.

(b) *Transmitting Top Secret Material.* The transmission of Top Secret material shall be effected preferably by direct contact of officials concerned, or, alternatively, by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially

created for that purpose, or by electric means in encrypted form; or in the case of information transmitted by the Federal Bureau of Investigation, such means of transmission may be used as are currently approved by the Director, Federal Bureau of Investigation, unless express reservation to the contrary is made in exceptional cases by the originating agency.

(c) *Transmitting Secret Material.* Secret material shall be transmitted within the continental United States by one of the means established for Top Secret material, by an authorized courier, by United States registered mail, or by protected commercial express, air or surface. Secret material may be transmitted outside the continental limits of the United States by one of the means established for Top Secret material, by commanders or masters of vessels of United States registry, or by United States Post Office registered mail through Army, Navy, or Air Force postal facilities, provided that the material does not at any time pass out of United States Government control and does not pass through a foreign postal system. Secret material may, however, be transmitted between United States Government and/or Canadian Government installations in continental United States, Canada, and Alaska by United States and Canadian registered mail with registered mail receipt. In an emergency, Secret material may also be transmitted over military communications circuits in accordance with regulations promulgated for such purpose by the Secretary of Defense.

(d) *Transmitting Confidential Material.* Confidential defense material shall be transmitted within the United States by one of the means established for higher classifications, by registered mail, or by express or freight under such specific conditions as may be prescribed by the head of the department or agency concerned. Outside the continental United States, Confidential defense material shall be transmitted in the same manner as authorized for higher classifications.

(e) *Within an Agency.* Preparation of classified defense material for transmission, and transmission of it, within a department or agency shall be governed by regulations, issued by the head of the department or agency, insuring a degree of security equivalent to that outlined above for transmission outside a department or agency.

Sec. 9. Disposal and Destruction. Documentary record material made or received by a department or agency in connection with transaction of public business and preserved as evidence of the organization, functions, policies, operations, decisions, procedures or other activities of any department or agency of the Government,

or because of the informational value of the data contained therein may be destroyed only in accordance with the act of July 7, 1943, c. 192, 57 Stat. 380, as amended, 44 U.S.C. 366-380. Non-record classified material, consisting of extra copies and duplicates including shorthand notes, preliminary drafts, used carbon paper, and other material of similar temporary nature, may be destroyed, under procedures established by the head of the department or agency which meet the following requirements, as soon as it has served its purpose:

(a) *Methods of Destruction.* Classified defense material shall be destroyed by burning in the presence of an appropriate official or by other methods authorized by the head of an agency provided the resulting destruction is equally complete.

(b) *Records of Destruction.* Appropriate accountability records maintained in the department or agency shall reflect the destruction of classified defense material.

Sec. 10. Orientation and Inspection. To promote the basic purposes of this order, heads of those departments and agencies originating or handling classified defense information shall designate experienced persons to coordinate and supervise the activities applicable to their departments or agencies under this order. Persons so designated shall maintain active training and orientation programs for employees concerned with classified defense information to impress each such employee with his individual responsibility for exercising vigilance and care in complying with the provisions of this order. Such persons shall be authorized on behalf of the heads of the departments and agencies to establish adequate and active inspection programs to the end that the provisions of this order are administered effectively.

Sec. 11. Interpretation of Regulations by the Attorney General. The Attorney General, upon request of the head of a department or agency or his duly designated representative, shall personally or through authorized representatives of the Department of Justice render an interpretation of these regulations in connection with any problems arising out of their administration.

Sec. 12. Statutory Requirements. Nothing in this order shall be construed to authorize the dissemination, handling or transmission of classified information contrary to the provisions of any statute.

Sec. 13. "Restricted Data" as Defined in the Atomic Energy Act. Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 1, 1946, as

amended. "Restricted Data" as defined by the said act shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1946, as amended, and the regulations of the Atomic Energy Commission. (Note: The Atomic Energy Act of 1946 has been amended by the Atomic Energy Act of 1954.)

Sec. 14. Combat Operations. The provisions of this order with regard to dissemination, transmission, or safekeeping of classified defense information or material may be so modified in connection with combat or combat-related operations as the Secretary of Defense may by regulations prescribe.

Sec. 15. Exceptional Cases. When, in an exceptional case, a person or agency not authorized to classify defense information originates information which is believed to require classification, such person or agency shall protect that information in the manner prescribed by this order for that category of classified defense information into which it is believed to fall, and shall transmit the information forthwith, under appropriate safeguards, to the department, agency, or person having both the authority to classify information and a direct official interest in the information (preferably, that department, agency or person to which the information would be transmitted in the ordinary course of business), with a request that such department, agency or person classify the information.

Sec. 16. Review to Insure That Information is Not Improperly Withheld Hereunder. The President shall designate a member of his staff who shall receive, consider, and take action upon suggestions or complaints from non-Governmental sources relating to the operation of this order.

Sec. 17. Review to Insure Safeguarding of Classified Defense Information. The National Security Council shall conduct a continuing review of the implementation of this order to insure that classified defense information is properly safeguarded, in conformity herewith.

Sec. 18. Review Within Departments and Agencies. The head of each department and agency shall designate a member or members of his staff who shall conduct a continuing review of the implementation of this order within the department or agency concerned to insure that no information is withheld hereunder which the people of the United States have a right to know, and to insure that classified defense information is properly safeguarded in conformity herewith.

Sec. 19. Revocation of Executive Order No. 10290. Executive Order No. 10290 of September 24, 1951 is revoked as of the effective date of this order.

Sec. 20. Effective Date. This order shall become effective on December 15, 1953.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE,
November 5, 1953.

SECTION O—MISCELLANEOUS ACTS

60. Eligibility for Award of Contract Restricted to Citizens; Employment of Aliens.

Only citizens of the United States, and corporations of which not less than three-fourths of the capital stock is owned by citizens of the United States, and of which the members of the boards of directors are citizens of the United States, and having manufacturing plants located within the continental limits of the United States shall be eligible to be awarded any contract under this section to furnish or construct aircraft, aircraft parts, or aeronautical accessories for the United States Government, except that a domestic corporation whose stock shall be listed on a stock exchange shall not be barred by the provisions of this section unless and until foreign ownership or control of a majority of its stock shall be known to the Secretary of War or the Secretary of the Navy, as the case may be, and no aliens employed by a contractor for furnishing or constructing aircraft, or aircraft parts, or aeronautical accessories for the United States shall be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials without the written consent beforehand of the Secretary of the Department concerned. (See section 10(j), Act of July 2, 1926, Air Corps Act (44 Stat. 787), as amended; 10 U.S.C. 310(j).)

61. Diplomatic Codes and Correspondence.

Whoever, by virtue of his employment by the United States, obtains from another or has or has had custody of or access to, any official diplomatic code or any matter prepared in any such code, or which purports to have been prepared in any such code, and without authorization or competent authority, wilfully publishes or furnishes to another any such code or matter, or any matter which was obtained while in the process of transmission between any foreign government and its diplomatic mission in the United States, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. (See Act of June 25, 1948 (62 Stat. 743); 18 U.S.C. 952.)

62. Special Provisions Regarding Military Secrets:

a. A license will not be issued by the Secretary of State authorizing the exportation of any

arms, ammunition, or implements of war considered by the Secretary of the Army or by the Secretary of the Navy as instruments or appliances included among the articles covered by those terms as used in sections 1 and 2, title I, of the Act of June 15, 1917 (40 Stat. 217-218; 50 U.S.C. 31-32; 50 U.S.C. 31 now covered by 18 U.S.C. 793, and 50 U.S.C. 32 by 18 U.S.C. 794) if, in their opinion, they involve military secrets of interest to the national defense. The articles which may be so considered are articles falling within one of the following categories:

- (1) Articles, the whole or any features of which have been or are being developed or manufactured by or for the Department of the Army or the Navy Department or with the participation of either of those Departments; and
- (2) Articles, the whole or any features of which have been used by the Department of the Army or the Navy Department or which either Department has contracted to procure.

b. Included among articles developed by or for the Department of the Army or the Navy Department are articles the development of which has been contracted for by either of those Departments, or which have been developed in accordance with Army or Navy specifications and submitted to either Department for evaluation for procurement.

c. Prospective exporters of articles falling within the categories set out above which may possibly involve military secrets of interest to the national defense, or persons desirous of transmitting abroad information concerning such articles, should communicate with the Secretary of State in advance of the proposed transaction in order that he may be in a position to ascertain for the interested person whether or not military secrets are, in fact, involved therein. The articles upon which a determination is requested should be designated clearly and specifically, the type and model designations being included. Where applicable, Army or Navy drawing numbers should be given, or detailed plans and specifications submitted.

(See sections 78.1-78.3, Ch. I, Title 22, Code of Federal Regulations.)

63. Withholding Certain Patents in the Interest of National Security:

a. Whenever publication or disclosure by the grant of a patent on an invention in which the Government has a property interest might, in the opinion of the head of the interested Government agency, be detrimental to the national se-

curity, the Commissioner (of Patents) upon being so notified shall order that the invention be kept secret and shall withhold the grant of a patent therefor under the conditions set forth hereinafter.

b. Whenever the publication or disclosure of an invention by the granting of a patent, in which the Government does not have a property interest, might, in the opinion of the Commissioner be detrimental to the national security, he shall make the application for patent in which such invention is disclosed available for inspection to the Atomic Energy Commission, the Secretary of Defense, and the chief officer of any other department or agency of the Government designated by the President as a defense agency for the United States.

c. Each individual to whom the application is disclosed shall sign a dated acknowledgment thereof, which acknowledgment shall be entered in the file of the application. If, in the opinion of the Atomic Energy Commission, the Secretary of a Defense Department, or the chief officer of another department or agency so designated, the publication or disclosure of the invention by the granting of a patent therefor would be detrimental to the national security, the Atomic Energy Commission, the Secretary of a Defense Department, or such other chief officer shall notify the Commissioner and the Commissioner shall order that the invention be kept secret and shall withhold the grant of a patent for such period as the national interest requires, and notify the applicant thereof. Upon proper showing by the head of the department or agency who caused the secrecy order to be issued that the examination of the application might jeopardize the national interest, the Commissioner shall thereupon maintain the application in a sealed condition and notify the applicant thereof. The owner of an application which has been placed under a secrecy order shall have a right to appeal from the order to the Secretary of Commerce under rules prescribed by him.

d. An invention shall not be ordered kept secret and the grant of a patent withheld for a period of not more than one year. The Commissioner shall renew the order at the end thereof, or at the end of any renewal period, for additional periods of one year upon notification by the head of the department or the chief officer of the agency who caused the order to be issued that an affirmative determination has been made that the national interest continues so to require. An order in effect, or issued, during a time when the United States is at war, shall remain in effect for the duration of hostilities and one year following cessation of hostilities. An order in ef-

fect, or issued, during a national emergency declared by the President shall remain in effect for the duration of the national emergency and six months thereafter. The Commissioner may rescind any order upon notification by the heads of the departments and the chief officers of the agencies who caused the order to be issued that the publication or disclosure of the invention is no longer deemed detrimental to the national security.

(See Act of July 19, 1952 (66 Stat. 805); 35 U.S.C. 181.)

64. Patents and Inventions Pertaining to Military Utilization of Atomic Energy:

a. No patent shall hereafter be granted for any invention or discovery which is useful solely in the utilization of special nuclear material or atomic energy in an atomic weapon. Any patent granted for any such invention or discovery is hereby revoked, and just compensation shall be made therefor.

b. No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the utilization of special nuclear material or atomic energy in atomic weapons. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

c. Any person who has made or hereafter makes any invention or discovery useful (1) in the production or utilization of special nuclear material or atomic energy; (2) in the utilization of special nuclear material in an atomic weapon; or (3) in the utilization of atomic energy in an atomic weapon, shall file with the Commission a report containing a complete description thereof unless such invention or discovery is described in an application for a patent filed with the Commissioner of Patents by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before whichever of the following is the later; either the ninetieth day after completion of such invention or discovery; or the ninetieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization.

d. The Commissioner of Patents shall notify the Commission of all applications for patents heretofore or hereafter filed which, in his opinion, disclose inventions or discoveries re-

quired to be reported under paragraph c, and shall provide the Commission access to all such applications.

(Section 151 Atomic Energy Act of 1954, Act of August 30, 1954 (68 Stat. 943), Public Law 703—83rd Congress.)

BY ORDER OF THE SECRETARY OF THE AIR FORCE:

OFFICIAL:

E. E. TORO
Colonel, USAF
Air Adjutant General

N. F. TWINING
Chief of Staff, United States Air Force

DISTRIBUTION:

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