

DEPARTMENT OF DEFENSE
ARMED FORCES SECURITY AGENCY
WASHINGTON 25, D. C.~~SECRET~~
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IN REPLY REFER TO

AFSA-03A5/ILP
15 June 1950MEMORANDUM THRU TECHNICAL DIRECTOR, OFFICE OF RESEARCH AND DEVELOPMENT *JLL*FOR: THE CHIEF, OFFICE OF RESEARCH AND DEVELOPMENT *Ⓢ*

SUBJECT: JAG (Army) Conference Relative to Inventions of William F. Friedman

1. Until January, 1950, the rights of Government-employed inventors in their inventions - as opposed to the rights of the Government - were fixed in general by custom and judicial decision. Although a few governmental organizations had special (more restrictive) policies, notably the Department of Agriculture and the National Bureau of Standards, the general rule was that the Government took free licenses to practice the inventions made by its employees, and the inventors retained title and commercial rights therein.

2. While in the Office of the Chief Signal Officer, the patent policy of which was the general rule above-mentioned, several inventions were made by Mr. William F. Friedman (either solely or in collaboration with others). The most significant of these were embodied in equipments known as SIGABA, SIGCUM, and SIGFOY. These inventions (with others by the same and other inventors) were considered classified to a degree which would not permit the issue of patents, and the result was that domestic and foreign commercial promotion became impossible.

3. Mr. Friedman has long felt that this situation discriminated unfairly against inventors of cryptologic and other highly-classified equipment and has made several attempts to modify it and to have one of his applications (SIGCUM) declassified so that a patent might issue. He has not so far been successful although the Director of Intelligence has taken a position generally favorable to such Government inventors (see Inclosure 1).

4. It was with this general background that the JAG (Department of the Army) called a meeting on 8 June 1950; the purpose was to consider the possibilities of compensating Mr. Friedman for loss of commercial rights, domestic and foreign, suffered as a result of the classification of his inventions.

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29 April 1946

MEMORANDUM FOR THE CHIEF, ARMY SECURITY AGENCY:

SUBJECT: Release of Cryptographic Principles.

1. The following policy is announced to be effective immediately:

a. Cryptographic principles or devices developed by officers, enlisted men, or civilians employed in any War Department Agency, or patents or patent applications on such principles or devices which are owned by, assigned to, or licensed for use of the War Department will not be released for use of foreign governments or for foreign or domestic commercial or private use until such time as necessary information is available and a procedure established in the Army Security Agency whereby information which is cryptographed by means of such principles or devices can be cryptanalyzed and read under any and all circumstances.

b. Where it is in the interest of the Government of the United States that an employee have no patent rights in cryptographic principles or devices to dispose of, and for the Government to own the entire interest for security reasons throughout any foreseeable future; and where discovery or invention of cryptographic principles or devices has been made by a civilian employee and does not relate to a matter as to which the employee was specifically directed to experiment with a view to suggesting improvements nor was produced as a result of any specific employment or contract to invent a specific device or article; and where an application for patent on such principles or devices has been filed with an assignment-in-trust to the Government for the purpose of maintaining such application in secrecy, the Military Intelligence Division will support, subject to the availability of appropriations, any reasonable request for purchase of all commercially exploitable reversionary rights of the inventor in the patent application.

/s/ CARTER W. CLARKE
Colonel, GSC
Acting Deputy, A. C. of S., G-2

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JAG (Army) Conference Relative to Inventions of William F. Friedman

5. Present were:

| | | |
|----------------|--|---|
| Mr. Fischer | } representing Mr. Friedman | |
| Mr. Panzer | | |
| Major Smith | | } of Intelligence Division |
| Major Mills | | |
| Mr. Galleher | | } of the Office of the Judge Advocate General |
| Mr. Stauffer | | |
| Mr. Glassman | | |
| Mr. Saragovitz | } of the Office of the Chief Signal Officer. | |

6. Following a brief account by Major Mills of Mr. Friedman's military and civilian service, the meeting was turned over to Mr. Fischer who immediately disclaimed for Mr. Friedman any intention of prosecuting any formal suit against the Government for compensation or damages resulting from the treatment of any of his patents and applications. In brief, he asked that an attempt be made to obtain before-hand approval by the Department of Defense of a private bill for special compensation; he mentioned two precedents for such a private bill, namely: one relating to Wilson (Navy Department), 1935, and the other relating to Gresham and Driscoll (Navy Department), 1937.

7. Major Mills was uncertain whether the Department of the Army or the Department of Defense could, with propriety, commit itself in advance in such a matter, but suggested that Mr. Fischer supply for study a draft of a proposed bill, a brief in support of the desired action, and complete citations for the two precedents above-indicated.

8. Mr. Fischer agreed to supply the requested documents within approximately two weeks, and the meeting was closed.


HENRY B. STAUFFER
Chief, AFSA-03A5

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