



REF ID:A101270

DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON 25, D. C.

31 AUG 1951

JAGP

SUBJECT: Proposed Bill for the Relief of Mr. William F. Friedman and
Potential Claim - Cryptographic Inventions

TO: Director, Armed Forces Security Agency
Washington 25, D. C.

Referring to letter from this office dated 29 August 1951
subject as above, there are enclosed herewith for your information
copies of letters dated 27 August 1951 from Mr. Friedman's attorney,
Mr. Henry G. Fischer, and of the response of this office thereto of
even date herewith.

FOR THE JUDGE ADVOCATE GENERAL:

A handwritten signature in black ink, appearing to read "Willard J. Hodges, Jr.", written in a cursive style.

WILLARD J. HODGES, JR.
Lieutenant Colonel, JAGC
Chief, Patents Division

2 Incl

1. Copy ltr 27 Aug 51
2. Copy ltr even date to Mr. Fischer

FISCHER, WILLIS AND PANZER

Washington 6, D. C.

August 27, 1951

Willard J. Hodges, Jr.
Lieutenant Colonel, JAGC
Chief, Patents Division
Department of the Army
The Pentagon
Washington, D. C.

Re: Proposed Bill for the relief of
Mr. William F. Friedman

Dear Colonel Hodges:

Thank you for your letter of August 9, 1951 concerning the proposed bill for the relief of Mr. William F. Friedman. In that letter you recite the course of our previous correspondence and conferences over the period of the last year and a half designed on our part to present the matter to the Department of Defense in full and to invite an expression of the Department as to whether it had any objection to the introduction of the bill to the Congress for consideration on its merits. As you know, we took this time and made this effort because the matter involved, in our view, important questions affecting the national interests. At the request of the Department, we submitted all the information available to us on the matter and we have no doubt that your letter is based upon full consideration of that information and all the information which is solely under the control of the Department. As we understand the substance of your letter, the Department does not desire to express its views on any phase of the proposed bill to us but will undertake to present a report based upon a full and complete consideration of all the facts and circumstances of that upon call from the interested committees of Congress when the bill is introduced.

We would like to take the opportunity here to correct an apparent misunderstanding as to the basis of the relief we seek. In your letter you state it as your impression that "Mr. Friedman's request for compensation as covered by the proposed bill is predicated upon the alleged damages suffered. . . with respect to such rights as he may still have in the inventions in question, as a result of the placement of the inventions under secrecy restrictions".

As a matter of fact, it is not Mr. Friedman's rights which are the primary basis of the request for relief; it is the equitable considerations in his case (set out in our memorandum of August 21, 1950) on which the request is principally founded. As we said on pages 8 - 10 of that memorandum, we do believe that Mr. Friedman has such legal rights, but a monetary sum determined in accordance with any legal measure of damages could reach a magnitude far beyond the range and purpose of the relief we seek. Instead, as we pointed out, the figure of \$100,000 will be submitted to the Congress as a sum Mr. Friedman can reasonably request in the light of the equitable considerations here involved.

COPY

Colonel Willard J. Hodges, Jr. - August 27, 1951

The equitable considerations involved in this case are fully set out in the memorandum. It is enough to restate here that Mr. Friedman devoted a lifetime to work which culminated in discoveries and inventions of incalculable value in the national interests. This work involved such responsibility, stress and secrecy, that it has unfavorably affected his health, his personal life and his opportunities to engage elsewhere in his profession and has made his livelihood increasingly precarious. These and other equitable considerations spelled out in the memorandum form the fundamental basis of the request which will be made to the Congress for Mr. Friedman's relief.

We hope we have been more successful here than we have previously been, in spelling out the true nature of the relief being sought.

Sincerely yours,

(Signed) Henry G. Fischer

HGF/rl

COPY

81 AUG 1951

Mr. Henry G. Fischer
c/o Fischer, Willis and Panzer
Dupont Circle Building
Washington 6, D. C.

Re: Proposed Bill for the Relief of
Mr. William F. Friedman

Dear Mr. Fischer:

Receipt is acknowledged of your letter of 27 August 1951 with regard to the proposed bill for the relief of Mr. William F. Friedman.

It is desired to inform you that, in considering this matter and determining the position of the Department of Defense with respect thereto, as set forth in the letter from this office dated 9 August 1951, full consideration was given to all aspects of the matter, including not only such legal rights as Mr. Friedman might have in the premises, but also all of the equitable considerations involved in the matter.

Similar consideration will be given to all facts and circumstances in the case in any report which may be made by the Department of Defense with respect to the proposed bill in the event it is presented to the Congress.

Sincerely yours,

Signed

WILLARD J. HODGES, JR.
Lieutenant Colonel, JAGC
Chief, Patents Division