

MEMO ROUTING SLIP

80-5061

TO: General Corderman

The easy solution to the question of whether or not to permit declassification of the patent application on the 228 is to deny declassification. The issue is one that is not unique. What to do about atomic bombs, proximity fuses, 209's, and probably thousands of other items of equipment is claiming the attention of many people.

I've thought about this particular question for a long time and discussed it at length with Horton and Prehn. Prehn and Myers have written their opinions. Myers is now opposed to declassification. Prehn wants to reserve judgment. Horton is opposed.

But I'm inclined to declassify the equipment for several reasons:

1. It is understood by a great many Bell System repairmen.
2. The Bell System, if it desires to provide enciphered teletype service, may manufacture identical equipment with impunity until patents are issued or with its genius for getting around patents make minor changes and use an almost identical machine even if the 228 is patented.
3. The 228 is not our best cryptographic equipment.
4. Plans are already under way to supersede it.
5. The temptation to rest on our laurels will be less if we know that some of our important equipments are publicly used.
6. Like all other cryptographic equipment, the real security comes from the frequently changing key and keying element.

If, as I believe, the above argument is valid, then I believe that the inventors should receive patent protection and the right to exploit their invention.

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There is only one alternative and that is for the government to retain exclusive use of the device and to compensate the inventors. I cannot feel that compensation would ever be more than a hope.

I suggest that you conduct a discussion of the problem with Friedman, Rowlett, Myers, Prehn, Horton, me and such other people as may be able to contribute something to the solution.

(Chief Security Dir)

/s/ M. G. Jones, Colonel

25 Oct 1945

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