

December 2, 1939

[National Maritime Control Board]

1258

FDR Speech File

The President after consultation with the Secretary of State this morning released the following statement:

The American Government and the American people have for some time pursued a policy of wholeheartedly condemning the unprovoked bombing and machine-gunning of civilian populations from the air. This Government ^{- to the end that further bombing shall not be given material encouragement,} ~~therefore~~ hopes, in the light of recent recurrence of such acts, that American manufacturers and exporters of airplanes ^{and} aeronautical equipment will bear this fact in mind ^{before} negotiating contracts for the exportation of these articles.

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FOR THE PRESS

IMMEDIATE RELEASE

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"This government hopes, to the end that such unprovoked bombing shall not be given material encouragement in the light of recent recurrence of such acts, that American manufacturers and exporters of airplanes, aeronautical equipment and materials essential to airplane manufacture, will bear this fact in mind before negotiating contracts for the exportation of these articles to nations obviously guilty of such unprovoked bombing."

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Third Annual Report *of the* **National Munitions Control Board**

For the Year Ended November 30, 1938

THIRD
ANNUAL REPORT OF THE NATIONAL
MUNITIONS CONTROL BOARD

LETTER
FROM
THE CHAIRMAN
NATIONAL MUNITIONS CONTROL BOARD
TRANSMITTING
THE THIRD ANNUAL REPORT OF THE NATIONAL MUNI-
TIONS CONTROL BOARD COVERING THE YEAR
ENDING NOVEMBER 30, 1938



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States to such foreign state, or to any neutral state for transshipment to, or for the use of, such foreign state.

"(d) The President shall, from time to time by proclamation, definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this section. The arms, ammunition, and implements of war so enumerated shall include those enumerated in the President's proclamation Numbered 2163, of April 10, 1936, but shall not include raw materials or any other articles or materials not of the same general character as those enumerated in the said proclamation, and in the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva June 17, 1925.

"(e) Whoever, in violation of any of the provisions of this Act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than \$10,000, or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the Act approved June 15, 1917 (40 Stat. 223-225; U. S. C., 1934 ed., title 22, secs. 238-245).

"(f) In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this Act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

"(g) Whenever, in the judgment of the President, the conditions which have caused him to issue any proclamation under the authority of this section have ceased to exist, he shall revoke the same, and the provisions of this section shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed, or forfeitures incurred, prior to such revocation."

Pursuant to the provisions of subsections (c) and (d) of this section, the President, on May 1, 1937, issued a proclamation as follows:

"BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

"A PROCLAMATION

"WHEREAS section 1 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled 'Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war', approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

"'Whenever the President shall find that a state of civil strife exists in a foreign state and that such civil strife is of a magnitude or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States

to such foreign state would threaten or endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to such foreign state, or to any neutral state for transshipment to, or for the use of, such foreign state.'

"AND WHEREAS it is further provided by section 1 of the said joint resolution that

"The President shall, from time to time by proclamation, definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this section. The arms, ammunition, and implements of war so enumerated shall include those enumerated in the President's proclamation Numbered 2163, of April 10, 1936, but shall not include raw materials or any other articles or materials not of the same general character as those enumerated in the said proclamation, and in the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva June 17, 1925."

"AND WHEREAS it is further provided by section 1 of the said joint resolution that

"Whoever, in violation of any of the provisions of this Act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than \$10,000, or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the Act approved June 15, 1917 (40 Stat. 223-225; U. S. C., 1934 ed., title 22, secs. 238-245)."

"AND WHEREAS it is further provided by section 1 of the said joint resolution that

"In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this Act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States."

"AND WHEREAS it is further provided by section 11 of the said joint resolution that

"The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this Act; and he may exercise any power or authority conferred on him by this Act through such officer or officers, or agency or agencies, as he shall direct."

"NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of civil strife unhappily exists in Spain and that such civil strife is of a magnitude and is being conducted under such

conditions that the export of arms, ammunition, or implements of war from the United States to Spain would threaten and endanger the peace of the United States, and I do hereby admonish all citizens of the United States, or any of its possessions, and all persons residing or being within the territory or jurisdiction of the United States, or its possessions, to abstain from every violation of the provisions of the joint resolution above set forth, hereby made effective and applicable to the export of arms, ammunition, or implements of war from any place in the United States to Spain or to any other state for transshipment to, or for the use of, Spain.

"And I do hereby declare and proclaim that the articles listed below shall be considered arms, ammunition, and implements of war for the purposes of section 1 of the said joint resolution of Congress:

"Category I

"(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

"(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons;

"(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

"(4) Ammunition in excess of caliber .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above;

"(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;

"(6) Tanks, military armored vehicles, and armored trains.

"Category II

"Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate for such vessels.

"Category III

"(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below;

"(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

"Category IV

"(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

"(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

"Category V

"(1) Aircrafts, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in Category III;

"(2) Propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units;

"(3) Aircraft engines, unassembled, assembled, or dismantled.

"Category VI"

- "(1) Livens projectors and flame throwers;
- "(2) a. Mustard gas (dichlorethyl sulphide);
b. Lewisite (chlorvinylidichlorarsine and dichlordivinyl-chlorarsine);
c. Methylidichlorarsine;
d. Diphenylchlorarsine;
e. Diphenylcyanarsine;
f. Diphenylaminochlorarsine;
g. Phenylidichlorarsine;
h. Ethyldichlorarsine;
i. Phenylidibromarsine;
j. Ethyldibromarsine;
k. Phosgene;
l. Monochloromethylchlorformate;
m. Trichlormethylchlorformate (diphosgene);
n. Dichlorodimethyl Ether;
o. Dibromodimethyl Ether;
p. Cyanogen Chloride;
q. Ethylbromacetate;
r. Ethylbromocetate;
s. Brombenzylcyanide;
t. Bromacetone;
u. Brommethyl ethyl ketone.

"Category VII"

- "(1) Propellant powders;
- "(2) High explosives as follows:
 - a. Nitrocellulose having a nitrogen content of more than 12%;
 - b. Trinitrotoluene;
 - c. Trinitroxylene;
 - d. Tetryl (trinitrophenol methyl nitramine or tetra-nitro methylaniline);
 - e. Picric acid;
 - f. Ammonium picrate;
 - g. Trinitroanisole;
 - h. Trinitronaphthalene;
 - i. Tetranitronaphthalene;
 - j. Hexanitrodiphenylamine;
 - k. Pentaserythritetetrinitrate (Penthrite or Pentrite);
 - l. Trimethylenetrinitramine (Hexogen or T₄);
 - m. Potassium nitrate powders (black saltpeter powder);
 - n. Sodium nitrate powders (black soda powder);
 - o. Amatol (mixture of ammonium nitrate and trinitrotoluene);
 - p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);
 - q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

"And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in

preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

"And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

"IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

"DONE at the city of Washington this first day of May, in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-first.

(SEAL)

"By the President:

"CORDELL HULL

"Secretary of State."

"FRANKLIN D ROOSEVELT

No export licenses will be issued for shipments destined to Spain of any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937.

By virtue of the power delegated to the Secretary of State by this proclamation of May 1, 1937, to promulgate such rules and regulations not inconsistent with law as may be necessary to carry out any of the provisions of the joint resolution of Congress approved May 1, 1937, as made effective by this proclamation, the Secretary of State may require exporters of any of the arms, ammunition, or implements of war enumerated in the proclamation to present convincing evidence that they are not destined to Spain and may refuse to issue an export license for the same until such convincing evidence has been presented to him.

Section 6 of the joint resolution of Congress approved May 1, 1937, reads as follows:

"SEC. 6. (a) Whenever the President shall have issued a proclamation under the authority of section 1 of this Act, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel to carry any arms, ammunition, or implements of war to any belligerent state, or to any state wherein civil strife exists, named in such proclamation, or to any neutral state for transhipment to, or for the use of, any such belligerent state or any such state wherein civil strife exists.

"(b) Whoever, in violation of the provisions of this section, shall take, or attempt to take, or shall authorize, hire, or solicit another to take, any American vessel carrying such cargo out of port or from the jurisdiction of the United States shall be fined not more than \$10,000, or imprisoned not more than five years, or both; and, in addition, such vessel, and her tackle, apparel, furniture, and equipment, and the arms, ammunition, and implements of war on board, shall be forfeited to the United States."

Section 10 of the same joint resolution reads as follows:

"SEC. 10. Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel engaged in

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CHAPTER VI

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ADVANTAGES OF THE SYSTEM OF ARMS EXPORT LICENSES

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The system of export licenses for arms, ammunition, and implements of war established by section 2 of the joint resolution of August 31, 1935, and amended and extended by section 5 of the joint resolution of May 1, 1937, has continued to be of great value to the executive branch of the Government in enabling it to enforce efficiently the restrictions on the exportation of those articles which have been in effect during the 12 months covered by this report. The fact that the exportation of arms, ammunition, and implements of war is subject to license at all times and that the United States customs authorities therefore habitually supervise strictly the exportation of these articles renders more certain and thorough the enforcement of embargoes imposed on such exportations from time to time and of other special restrictions on exportation imposed under existing laws.

The system of export licenses, moreover, enables the executive branch of the Government to observe closely the effect of policies which it may adopt in regard to the exportation of arms, ammunition, and implements of war, such as that which it pursued on and after June 11, 1938, of discouraging the export of aircraft, aircraft armament, aircraft engines, aircraft parts, aircraft accessories, aerial bombs and torpedoes to countries the armed forces of which are engaged in the bombing of civilian populations from the air. This policy was first expressed by the Secretary of State in a press conference on June 11, 1938. At this conference the Secretary declared that he had made repeated public statements condemning the bombing of civilian populations. He said that he was continuing to maintain that position and to declare to everybody that this Government does condemn the bombing of civilian populations or its material encouragement. He declared that he was saying this abroad and saying it at home to the American people and especially to the manufacturers of bombing planes.

In furtherance of this policy, the Department of State on July 1, 1938, addressed to all manufacturers and exporters of aircraft and aircraft parts, registered with the Secretary of State pursuant to the provisions of section 5 of the joint resolution of Congress approved May 1, 1937, a circular letter which read as follows:

"As some misunderstanding appears to have arisen as to the purport of the statement made by the Secretary of State in his press conference on June 11 in regard to bombing civilian populations from the air, I am addressing this letter in regard to the matter to all persons and companies registered as manufacturers or exporters of airplanes or aeronautical equipment.

"In view of the fact that the Secretary's statement definitely condemned bombing of civilian populations from the air, it should be clear to all concerned that the Government of the United States is strongly opposed to the sale of airplanes or aeronautical equipment

which would materially aid or encourage that practice in any countries in any part of the world. Therefore, in view of this policy, the Department would with great regret issue any licenses authorizing exportation, direct or indirect, of any aircraft, aircraft armament, aircraft engines, aircraft parts, aircraft accessories, aerial bombs or torpedoes to countries the armed forces of which are making use of airplanes for attack upon civilian populations.

"Should any manufacturer or exporter have already entered into contractual obligations, of which he finds it impossible to divest himself, to sell or export airplanes or aeronautical equipment, for which licenses have been issued or for which he has heretofore intended to apply for licenses, to any country which is engaged in bombing civilian populations from the air, it is suggested that he may wish to inform the Department of the terms of that contract before applying for licenses to export pursuant to it or before exporting under licenses already issued."

It may be added that American manufacturers and exporters of aircraft, aircraft armament, aircraft engines, aircraft parts, aircraft accessories, aerial bombs or torpedoes, with only one outstanding exception, have conformed to this policy and that by the date of this report applications for license to export these articles and materials to countries the armed forces of which are engaged in the bombing of civilian populations from the air had virtually ceased to be presented to the Secretary of State.

During the entire period covered by this report the exportation of arms to Spain has been prohibited by a joint resolution of Congress. It is the belief of the Board that no arms exported from the United States subsequent to January 8, 1937, have reached the rebel forces in Spain. There have, however, been a few cases of illegal exportation of arms to that part of Spain under the control of the Government. These cases are described in the following chapter. Numerous efforts since January 8, 1937, to export arms to third countries with the intention of ultimate transshipment to Spain in violation of United States law have been frustrated by the operation of the export licensing system instituted by the Neutrality Act.

Throughout the entire period covered by this report, special restrictions continued to be in effect in respect to the exportation of arms to China, Cuba, Honduras, and Nicaragua. A statement of these restrictions is to be found under Part VI of the pamphlet *International Traffic in Arms*, which is quoted in chapter II of this report.

Another marked benefit of the system of export licenses has been that the United States Government is now in possession of complete and current information in regard to the exact quantities of arms, ammunition, and implements of war which leave the country, the country of destination of each shipment, and the identity of the exporters. The Secretary of State continues to release each month to the press a summary of the export and import licenses which have been issued. Since June 1938, moreover, he has included in these summaries information in regard to actual exports of arms, ammunition, and implements of war made under export licenses which he has previously issued. Copies of these summaries are made available not only to the press and to the Government departments but are distributed to interested persons throughout the country.