

PSF Congress, Message: National Defense

Subject File
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*Message
National Defense*

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WAR DEPARTMENT
WASHINGTON, D. C.

*PSF
Congress
Message:*

December 31, 1934. *National Def*
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OOD DIR. 5200.9 (9/27/88)

The President,
The White House.

Date- *8-19-70*

Dear Mr. President:

Signature: *JML*

I am returning herewith your memorandum of November 28, 1934, in which you directed an inter-departmental conference on the Hawaiian problems of defense as presented by Governor Poindexter's letter of November 15, 1934 and its enclosures.

The three points raised by Governor Poindexter's letter and its enclosures are the following:

- a) Control of Japanese fishing in the Territory.
- b) Control of amateur radio operators in the Territory.
- c) Necessary defense and Naval Base funds.

On the control of Japanese fishing, further study will be necessary. The Department of Commerce has kindly undertaken to draft legislation or other legal instruments for practical methods of control. These drafts will later be submitted to you, after consultation with the Departments you have named in your memorandum of November 28 and also with the Departments of State and Labor and the Federal Emergency Relief Administration.

The control of amateur radio operators in the Territory is about to be effected through the appointment by the Federal Communications Commission of a representative in the Territory. The War and Navy Departments are taking steps to provide temporary office space for this official until permanent arrangements can be made.

The approved projects of the War and Navy Departments for the defense of Oahu and for the necessary development of our Naval Base there will, it is now estimated, involve total funds

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to the amount of -

Date- 2-19-70

Army - \$64,966,213.00
Navy - 38,622,500.00

Signature- *W.D.*

The inter-departmental conference you directed considers, however, that of these total defense and Naval Base projects, the following are the most vital and should be pushed to completion as soon as practicable, preferably by the use of Public Works Administration funds, since the experience of the past years clearly shows that little or no progress can be made on them through Congressional appropriations:

War Department

- a) Airdrome and Air Depot on "Tracts A and B", including the purchase of the land, the condemnation of which comes before the Court on January 14, 1935, after preliminary hearings held December 10 and 12, 1934. The necessity for this development lies in the fact that it is essential to the establishment of the authorized Army Air Forces in Hawaii. Air units to be stationed on the new Airdrome are now being held in continental United States because of lack of airdrome facilities on Oahu.

Cost of land - - - - -	\$1,100,000.00
Leveling, draining and construction of Airdrome - -	14,354,337.00
Construction of Air Depot -	2,441,400.00
	<u>\$17,895,737.00</u>

(On recommendation from the office of The Attorney General, it is suggested that this total be allotted as a single item under a broad authorization such as "Acquisition and improvement of land and construction incident to the development of Army aviation in the Territory of Hawaii", - - - - - \$17,895,737.00)

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- b) Ammunition Storage Magazines at Aliamau.
The necessity for the completion of this project lies in the fact that storage space for 12,000,000 pounds of explosives of all kinds is required to provide for the defense of the Territory in war. At present a large proportion of the required ammunition is stored in continental United States, for lack of storage space on Oahu, and could probably not be shipped there should war occur. - - - - - \$1,580,000.00
- Total War Department \$19,475,737.00

Navy Department

Navy Yard, Pearl Harbor, Hawaii

1. Type "B" floating dry dock - - - - \$ 10,000,000.00
2. Dredging channel to continue 1,250,000.00
3. Improvement of harbor and channel 3,030,500.00
4. Mooring platforms and interrupted
quay walls - - - - - 2,203,000.00
5. Type "D" floating dry dock 750,000.00
6. Improvement of power plant and distri-
buting systems - - - - - 2,000,000.00

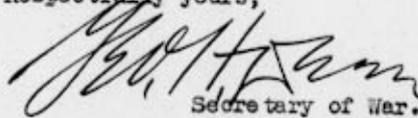
Naval Radio Station, Lualualei, Hawaii

7. Extension of radio facilities - - - 456,000.00

Fourteenth Naval District, Hawaii

8. Radio service building - - - - - 60,000.00
- Total Navy Department \$19,749,500.00

Respectfully yours,


Secretary of War.

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Date- 3-19-70

Signature- 

~~SECRET~~

THE WHITE HOUSE
WASHINGTON

Warm Springs, Ga.,
November 28, 1934.

MEMORANDUM FOR

THE SECRETARY OF WAR

I think there should be a confidential conference between the War Department, the Navy Department, the Department of Commerce and the Division of Territories and Island Possessions in regard to the Hawaiian problems of Defense raised by this file and the letter from Governor Poindexter.

Will you be good enough to undertake this and let me know the result?

F. D. R.

FDR

REC'D W.P.D. DEC 15 1934 3752-2

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JOSEPH BOYD POINDEXTER
GOVERNOR OF HAWAII

TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

~~CONFIDENTIAL~~

November 15
1934

The President
The White House
Washington, D. C.

S i r :

Recalling the conference which General Wells, Admiral Yarnell and I had with you the morning of your departure from Honolulu regarding the military situation in the Islands, and your desire for information concerning the same, I am enclosing memoranda prepared by General Wells, Admiral Yarnell and others covering the subjects discussed.

I am in accord with the recommendations contained in the memorandum furnished by General Wells and also those in the memorandum furnished by Admiral Yarnell, with the exception that I doubt the desirability of requiring the crews of all vessels operating out of an American port to be American citizens. Most of the fishermen working out of the ports of these Islands are alien Japanese and they would thereby be deprived of their means of livelihood, increasing very considerably the unemployment situation in Hawaii. I doubt if their exclusion from the fishing boats would in any way affect or improve the military situation. (See Paragraph 3 of Commander Leovy's statement, accompanying memorandum by Admiral Yarnell.)

Also it does not seem practical to require fishing vessels to obtain clearance papers on every trip of the fishing vessels from our ports. This also is the opinion of the Collector of Customs at Honolulu and Commander Leovy.

Your attention is also called to the recommendation of General Wells regarding supervision of the activities of amateur radio operators. This seems to me to be important, and his suggestion that an Army Officer be detailed, clothed with authority from the Department of Commerce, would be a happy solution of the problem.

The delay in forwarding the enclosed documents was due to the desire of the parties interested to hold conferences on the subject and our inability to get together promptly.

Respectfully

J. B. Poindexter
Governor of Hawaii

Enclosures.

REC'D W.P.D. DEC 13 1934

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HEADQUARTERS HAWAIIAN DEPARTMENT

OFFICE OF THE DEPARTMENT COMMANDER

FORT SHAFTER, T. H.

Date- 8-19-70

In reply refer to:

Signature-

August 3, 1934.

~~SECRET~~

Memorandum for: Governor Poindexter.

1. During The President's recent brief inspection of the military establishment on Oahu, he spoke of the importance of the Island in the general plan of National Defense, referred to several specific projects and on the occasion of his conference at his hotel with you, Admiral Yarnell and myself, he directed that the three of us prepare a statement of answers we had given to his inquiries and which would show in a concise manner the items of the Defense Project we considered of pressing need for regulation and for funds.

2. During the Review at Schofield Barracks, I informed The President that since the General Staff of the Army has been seriously building plans for the National Defense and particularly defense of the mainland, no study of or conclusions concerning the subject had or could be made without giving Hawaii and the Panama Canal conspicuous places among all considerations.

I said that beginning about thirteen (13) years ago the War Department had undertaken the preparation of "The Hawaiian Defense Project", which was a statement of the weapons, ammunition, storage, housing, airdromes and other installations costing money that were necessary for the Department Commander to effectively execute his "Plan of Defense."

I said that, in view of the fact that The President had announced his desire to put men to work on public projects and had indicated a preference for those projects that had received due consideration and were, within a brief time, ready to place under contract or to be executed by the method of "purchase and hire", it had been a matter of some surprise and great disappointment to me that the Army in Hawaii had received so little of the vast sums allotted by the Public Works Administration.

The President's comment to this was to the effect that in an affair of such magnitude it was inevitable that sums would be erroneously applied and even wasted and that his idea of caring for Hawaii's needs in this respect was to follow a scheme of systematic annual allotments over a period of years.

To this I agreed, with the statement that such a scheme was entirely in accord with the desires of the War Department which, however, in many year's effort had not been able to attain marked progress due to the limitations imposed by the Budget. I intended but could not get an opportunity to add that necessary expenditures for "The Hawaiian Defense Project" were of an extraordinary character, that they could not be financed within the sums annually appropriated which, for the most part, were furnished for the support of the living Army and which concerned the future little more than they did the past.

After at least thirteen (13) years of experience the little progress made discouraged the belief that the Defense Project would ever be realized through normal annual appropriations.

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I said that the present time, when large sums for Public Works were available and the unemployment problem was so pressing, seemed to be the appropriate one for accomplishing those projects which were in a state of readiness and which would eventually have to be done if the opinions of competent officers who had for many years studied the situation, were accepted. During our conference with The President he referred to the method followed in preparation of the Budget and said that if he could receive by the direct method he prescribed and while the incidents of his visit here were fresh in mind, a statement of important items, he would then be able to recall those items when they came before him through the Director of the Bureau of the Budget and with this information would be in a position to make correct decisions.

3. The President directed that a memorandum be sent to him direct by the Governor and added that he had no objection to copies of same going to the War and Navy Departments.

4. A Summary of Costs of the "Hawaiian Defense Project" is as follows:

: FUNDS NEEDED TO COMPLETE THE HAWAIIAN DEPARTMENT DEFENSE PROJECT :

1	2	3	4	5	6	7
ITEM	PROJECT	Priority	Estimated Cost	Allotted or expended.	Balance required to complete	REMARKS
1	:Aliamenu -Ammun- :ition Storage :Magazines : To increase :storage space by: :33 1/3%	: : : 1 : :	: : : 1,424,000.00 : : 480,000.00	: : : 424,000.00 : :	: : : 1,000,000.00 : : 480,000.00	: : :Original :Project : : :This increase :necessary to :safely store :total ammu- :tion reserves
2	:Tracts "A" & "B" : Airdrome : Acquisition of : Land : Construction : for Additional : Aviation Units : Air Depot	: : 2 : : : : :	: : : 2,012,838.00 : : 14,354,337.00 : : 2,441,400.00	: : : : : : :	: : : 2,012,838.00 : : 14,354,337.00 : : 2,441,400.00	: : :This airdrome :is needed to :provide facil- :ities for Avia- :tion units :which are part :of Garrison of :Hawaiian Dept/ :but which are :now on mainland :due to lack of :accommodat ions :here.
3	:Seacoast Forti- :fications	: : 3	: : 10,487,588.00	: :(a) 3,671,992.00	: : 6,815,596.00	
4	:Ammunition Re- :serve	: : 4	: : 17,174,462.00	: : 47,000.00	: : 17,127,462.00	

FUNDS NEEDED TO COMPLETE THE HAWAIIAN DEPARTMENT DEFENSE PROJECT (Cont'd)

ITEM	PROJECT	Priority	Estimated Cost	Allotted or expended	Balance required to complete	REMARKS
5	Tripler General Hospital	5	1,801,057.00		1,801,057.00	
6	Military Roads	6	2,273,000.00	(b) 460,000.00	1,813,000.00	
7	Housing & Storage - 64th Area, Ft. Shafter	(c) 7	2,828,820.00		2,828,820.00	Barracks are of wartime cantonment type in extremely poor condition.
8	Housing & Storage - Balance for Haw. Dept. (Less Air Depot now included with Tracts "A" & "B" above)	8	14,291,683.00		14,291,683.00	
TOTAL			\$69,569,205.00	\$4,602,992.00	\$64,966,213.00	

NOTES: (a) Includes \$2,000,000.00 P.W.A. funds allotted for Seacoast Fortifications.

(b) Road 256 - Schofield Barracks to Honouliuli - now being constructed from Federal Aid Funds.

(c) This is priority from Defense standpoint. Should have 1st priority in any allotment of housing funds.

5. With reference to the above list of priorities, The President expressed particular interest in Reserve Supplies and in facilities for storing them, and also in the proposed new airdrome for the better protection of Pearl Harbor.

It will be seen that both these projects are included in the above list. (Item 1 will complete plans for storage of Reserve Ammunition, and Items 7 and 8 storage of other supplies. Item 2 covers the Airdrome Project).

With particular reference to the Airdrome Project, The President, during his inspection of Ford Island on the afternoon he devoted to the Navy (at which I was not present but at which inspection the Army Air Officer, Colonel Brant, met The President and Admiral Yarnell) inquired of Colonel Brant why the Airdrome Project (acquisition and development of Tracts "A" and "B") had not gone forward. Colonel Brant informed him that the proceedings for condemnation of the land, now in the hands of the United States District Attorney, were in a status from which he believed they could be promptly terminated; that plans for the layout were in shape to begin preparation of the site and to initiate construction; but that the War Department had not been able to procure funds thru specific appropriations to cover the expense and that Department Headquarters was that day in receipt of information from the War Department to the effect that the Army would probably have to rely on the same method for procuring funds that had proven, in the past, barren of results - viz., specific appropriation

included in the Annual Appropriation Act for the support of the Army.

To this The President commented that he would get the money.

This, of course, was a most gratifying statement. It is assumed that The President had in mind an allotment from Public Works Administration Funds.

Reference has been made above to The President's plan for distributing the expense of completing the "Hawaiian Defense Project" by regular expenditure over a period of years. He did not mention the length of the period he had in mind, but assuming a five-year duration, which I believe to be reasonable and one in which the development could proceed in an orderly and systematic manner, the total of the project - viz., \$64,966,213 divided by 5 would amount to \$12,993,242 per year.

6. The matter of priorities is properly fixed by the War Department. High priorities have been given to items in which The President seems interested. I feel confident that the War Department would agree to modification of priorities to accord with his views.

My own recommendation for a first years allotment of \$12,993,242 which would meet these views would be as follows:-

To complete the Aliamanu Ammunition Storage	\$1,480,000.00
To acquire land for airdrome, including lease-holds (Tracts "A" & "B")	2,012,858.00
(This sum is less than 20% of the project)	
To begin construction of airdrome - grading, draining, preparation of site and erection of those installations most necessary for prompt use of airdrome	2,671,564.00
To complete housing and storage at Ft. Shafter and Department Headquarters.....	2,828,820.00
To continue other housing and storage.....	3,250,000.00
To install battery of 16" guns north shore of Oahu	750,000.00
TOTAL	\$12,993,242.00

7. The President, you will remember, wished to be reminded about the sampan situation. He thought that the matter of registering them and regulating their operation in Hawaiian waters, without new legislation, could be done through the Department of Commerce and stated that he would prefer doing it that way.

He also wished to take up with the Department of Commerce the advisability of sending a permanent representative of that Department for station in Honolulu to supervise the activities of Amateur Radio operators. I explained to him that this question had been submitted to the War Department with my recommendation to the same effect and with the suggestion that if such a permanent representative were not available, the Army would be glad to have one of its officers detailed as such representative, provided such officer were clothed with the authority of the Department of Commerce and not put in the anomalous position of regulating these activities by virtue of his position as an officer of the Army - a procedure I believe to be illegal

8. In view of the War Department's policy and instructions relative to secret documents, and the fact that the Projects set forth above is one so

held, I would ask that you preserve the secrecy of this memorandum when in accordance with The President's instructions you forward it to him with your own.



B. H. WELLS,
Major General,
Commanding.

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ODD DIR. 5200.9 (9/27/88)

Date- 5-19-70

Signature- *WD*

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DOD DIR. 5200.6 (8/27/58)

OFFICE OF THE COMMANDANT
FOURTEENTH NAVAL DISTRICT
AND
NAVY YARD, PEARL HARBOR, HAWAII

Date- 8-19-70

Signature- JVB

CONFIDENTIAL

August 1, 1934.

MEMORANDUM FOR THE GOVERNOR OF HAWAII

In compliance with the verbal order of the President to the Governor, the Commanding General, and the Commandant, 14th Naval District, to submit a joint memorandum directly to him outlining briefly the needs of the Territory from a defense standpoint, the following estimates of the sums required to make PEARL HARBOR a main Fleet Base capable of serving the entire Fleet to the maximum:-

1. Dredging Channel.....\$1,300,000.00
The above amount will be required to make a safe channel, 1000 feet wide from sea to Navy Yard. The above is in addition to that already underway.
2. Dredging Mooring Areas..... 4,800,000.00
This dredging is necessary in East, Middle, and West Lochs of Pearl Harbor and Water-town to provide mooring space for the vessels of the Fleet.
3. Fleet Moorings..... 4,200,000.00
The above sum is for "mooring platforms" enabling four vessels to be moored at each set of platforms. These are necessary as owing to limited space, vessels must be moored as compactly as possible.
4. Power Plant..... 2,000,000.00
The present power plant is 20 years old and is inadequate for the service that is required of it at the present time.
5. Docking Facilities.....12,800,000.00
The present large drydock has only 31½ feet over the sill which is about 10 feet less than it should be. There is also a marine railway of about 2500 tons capacity but it will not take the new destroyers on account of length.

CONFIDENTIAL

August 1, 1934

Adequate docking facilities are an absolute necessity in time of war.

The above estimate provides for:-

1 Class A Floating Dock,	6,300,000
1 " B " "	5,400,000
1 " D " "	600,000
1 Marine Railway	400,000
1 extra caisson for pre- sent dock	100,000

- 6. Completing Industrial Shops.....\$2,000,000.00
This sum is necessary to bring the repair capacity of the Yard up to that necessary for the Fleet.
- 7. 150-Ton Floating Crane..... 600,000.00
A crane of this capacity of modern design is a necessity especially for handling guns and turrets.
- 8. Fleet Supply Depot..... 2,000,000.00
This provides for adequate supply of provisions and stores for the Fleet.
- 9. Waterfront Improvements..... 4,000,000.00
The principal items under this heading are:-
 - Additional piers east of Repair Basin 2,500,000
 - Additional piers, Sub.Base 1,000,000
 - Freight Wharf 225,000
 - Miscellaneous 275,000
- 10. Miscellaneous Items..... 4,200,000.00
 - These include cold storage plant 110,000
 - Paving & grading 200,000
 - Navy Yard Barracks 225,000
 - Air Base " 650,000
 - Airplane erection Shop 340,000
 - Air Base Administration Bldg. 100,000
 - Other items 2,575,000

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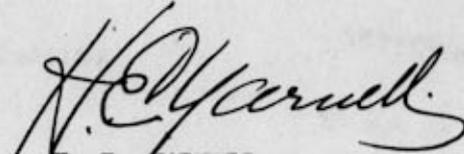
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Date- 8-12-70

Signature- *JWR*

TOTAL FOR ALL ITEMS.....\$37,900,000.00

It is assumed that the Governor will cover the alien sampan problem and the control of amateur radio stations, both of which are matters which should be under strict control and supervision by some authority in the Islands.



H. E. YARNELL,
Rear Admiral, U.S.Navy.

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DDO DIR. 5200.9 (9/27/88)

Date- 8-19-70

Signature- *JW*

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OFFICE OF THE COMMANDANT
FOURTEENTH NAVAL DISTRICT
AND
NAVY YARD, PEARL HARBOR, HAWAII

AB-2/ND14

22 August, 1934.

The Honorable Joseph B. Poindexter,
Governor of Hawaii,
Honolulu, T.H.

GOVERNOR'S OFFICE

1934 AUG 22 PM 12 29

Dear Sir:

ANS

1. The general subject of sampan fishing by Japanese aliens in the Territory of Hawaii is one that it is believed should be given serious consideration, in order to restrict as much as possible the movement of aliens within the Territorial waters of these Islands.

2. While it is not intended to prevent Japanese aliens from gaining a livelihood through the fishing industry, yet it is felt that some control must be exercised over them, in order that they may not be in a position to act as an observer or as an intelligence agent for their home government. It is felt that with the large number of sampans, many of which operate in distant waters (as far as the Midway Islands), it is necessary to keep a close check on their movements.

3. The "Nippu Jiji" of July 26, 1934, states, on page 25, column 2:

"At present there is a total of approximately 455 sampans in the Territory; a great majority of them is owned and operated by Japanese. There are about one thousand men of this nationality actively engaged in fishing; to this number may be added a small number of Hawaiian-born Japanese making their livelihood on the sea."

4. In analyzing the present sampan fishing industry, it can be seen that the following conditions exist in the fleet:

(a) Many of the sampans are large vessels (as much as 80 ft. in length) and are capable of extended cruises of as

much as 1,500 miles;

(b) Such vessels owned by aliens cannot be documented under the laws of the United States. The present law requires that a sampan be American-owned and American-built in order to be documented;

(c) There is no statutory provision prohibiting an alien-owned vessel, built in the United States or foreign-built, if less than five net tons, from engaging in the fishing business;

(d) The personnel of these sampans is under no supervision whatever as to their identity, or their ability to take charge of vessels on the high seas;

(e) Crews may be changed at any time without the knowledge or control of local authorities.

5. The undesirability of such a condition of affairs from the defense point of view of these Islands alone is self-evident. This alien-owned fleet furnishes means to the Japanese Secret Service to acquire first-hand information of every beach and inlet in the Hawaiian Islands. In time of war or an emergency, they can supply information by radio of the movements of our own vessels. They furnish an excellent means of landing large numbers of troops safely and expeditiously.

6. From a naval point of view it is considered that the following conditions should be brought about, by act of Congress, Executive Order, Department Regulation, or Territorial legislative action:

(a) No alien-owned vessel of any character should be permitted to operate commercially from a United States port as a base. Such a law should take effect, say, two (2) years after enactment, to furnish reasonable time for alien ownership to be disposed of. Close investigation and scrutiny by supervising officials would be required, in order to determine if the transfer were bona fide and in good faith;

(b) All vessels engaged in commercial pursuits, regardless of size, should be registered. At present the Territorial laws (Act 73, Session Laws of Hawaii, 1925) require all boats engaged in commercial fishing in Territorial waters to be licensed; that is, to pay a fee of twenty-five cents per foot, for power boats. This, however, does not have the effect of

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registering the sampans, giving the usual documentation data. It should also be noted that with the present Federal laws on the subject of determination of net tonnage, most of the sampans in use within the Territory fall within the classification of less than five tons, whereby they are not required to be registered, even though it is possible for them to do so, since they are American-owned;

✓ (c) The crews of all such vessels, including fishermen and other observers, should be American citizens. The crew list, drawn up before the departure of the sampans, should show the names of all personnel to be carried on board during the forthcoming voyage. Alien personnel should only be embarked under special permit from proper authority;

(d) Those in charge of such vessels must demonstrate, by examination, their ability to take charge on the high seas;

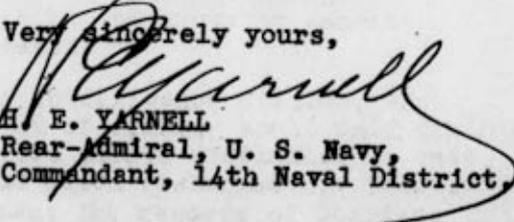
(e) Crew lists should show the names of each member of the crew and supernumeraries, and should give a description, including photograph and finger prints, of each individual;

(f) Changes in crews should be filed with the proper authority as soon as practicable after a change is made. If changes are made while on the fishing grounds, proper entry must be made in the log or on other pertinent papers, to show the reason for change of personnel and all details of the changes;

✓ (g) All fishing vessels must obtain clearance papers from proper authority before departing on a cruise beyond the immediate vicinity of the port of departure. This is required in order to insure that large sampans capable of cruising to distant points do not carry out missions other than fishing.

7. There is enclosed herewith a memorandum, prepared by Lieutenant-Commander T. M. Leovy, U. S. N., containing details as to laws, personnel, etc., of fishing sampans.

Very sincerely yours,


H. E. YARNELL
Rear-Admiral, U. S. Navy,
Commandant, 14th Naval District.

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OFFICE OF THE COMMANDANT
FOURTEENTH NAVAL DISTRICT
AND

Date- 8-19-70
Signature- YB

~~CONFIDENTIAL~~
CONFIDENTIAL

From: Intelligence Officer.
To : Commandant.

AUG 17 1934

Subject: Operation of Sampans by Japanese in Territorial Waters.

1. The operation of sampans in Territorial waters by Japanese racials, both aliens and citizens of the United States who may be loyal to their blood rather than to the United States, offers certain possibilities of aid to Japan in case of war with the United States.

2. Briefly the possibilities of such aid to Japan are:

- (a) In the furnishing to Japan from among such fishermen of a supply of pilots thoroughly qualified for the navigation of waters of the Territory.
- (b) In possibly enabling Japan to qualify her naval officers as pilots in the coastal waters of the Territory by:
 - (1) Having the same surreptitiously serve for a time on the fishing sampans of the Territory, or by
 - (2) Causing such officers to familiarize themselves with our coastal waters in voyages of such sampans while such officers are present on legal visits.
- (c) In direct service to the enemy by sampans in case of emergency.

3. In the opinion of the Intelligence Officer, the barring of aliens from the right of fishing would only diminish the potential supply of qualified pilots available, in case of emergency, to the enemy; The alien fisherman are practically all men of middle age or old men; the records of boarding visits made by the ITASCA indicate the majority of such aliens to be men of from 50 to 60 years who have been engaged in the business of fishing in Territorial waters for many years

~~CONFIDENTIAL~~

and are already thoroughly familiar with such waters. Barring of these men from fishing would undoubtedly create much ill-feeling, would alienate them if loyal, and possibly alienate citizen sons who could not be barred. Without going into the question of loyalty to the United States, in general, of United States citizens of Japanese blood, it is the opinion of the Intelligence Officer that sufficient pilots for enemy purposes could be obtained from among those United States citizens of Japanese blood, who would be loyal to their blood rather than to the United States.

4. Though the apparent possibility of naval officers being dropped off Japanese ships to serve for a time on our Territorial sampans is always in mind, no authentic information of any such operation has ever reached Intelligence.

5. As to visiting officers being taken through Territorial waters on sampans: A number of Japanese liners regularly make Honolulu and Hilo; the Japanese Government tankers stop at either Hilo or Honolulu on their voyages between Japan and California; the Merchant Marine Officers' and Fishery training ships make Honolulu and Hilo regularly, there are always officers and sailors of the Merchant Marine and Navy touring the Islands by automobile and there is nothing to prevent their making sampan voyages ostensibly for pleasure or to view the Islands.

6. The records of the U.S. Customs Office show "X" numbers issued to "fishing" boats as follows:

OAHU

<u>Length</u>	<u>Japanese</u>	<u>Non-Japanese</u>
16 - 25 feet	110	64
26 - 35 feet	138	24
36 - 45 feet	31	11
46 - 55 feet	23	8
56 - 65 feet	21	4
66 -	10	2
	<u>333</u>	<u>113</u>

OUT-LYING ISLANDS

<u>Length</u>	<u>Japanese</u>	<u>Non-Japanese</u>
16 - 25 feet	59	17
26 - 35 feet	135	20
36 - 45 feet	14	3
46 - 55 feet	7	1
56 - 65 feet	6	1
66 -	3	0
	<u>224</u>	<u>42</u>

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	<u>Japanese</u>	<u>Non-Japanese</u>
Fishing sampans	557	155
Non-fishing sampans	72	353
Grand totals		

7. The Territorial laws (Act 73, Session Laws of Hawaii, 1925) require all boats engaged in commercial fishing in Territorial waters to be licensed - fee \$1.00 for rowboats, 25¢ per foot for power boats. The Territorial records show licenses issued under this act as follows:

Nationality & Race of Owner	: Sampan:	Schooner:	Outboard: Motor :	Dory:	Total
Americans (Cits)	: 5 :	1 :	2 :	:	8
Chinese (Cits & Aliens)	: 4 :	:	7 :	:	11
Filipinos	: 4 :	:	11 :	:	15
Germans (Cits)	: 1 :	:	1 :	:	2
Hawaiians (Cits)	: 21 :	:	13 :	:	34
Japanese (Aliens)	: 344 :	:	34 :	:	378
Japanese (Cits)	: 53 :	:	10 :	:	63
Puerto Ricans (Cits)	: 3 :	:	:	:	3
Portuguese (Cits)	: 7 :	:	3 :	:	10
Korean	: :	:	1 :	:	1
Attached to fishing schooner	: :	:	:	3 :	3
<u>Totals</u>	: 442 :	1 :	82 :	3 :	528

8. The Territorial laws for the licensing of commercial fishermen (Act 187, Session Laws of Hawaii, 1929, provide:

- (1) For individual fishing licenses, issued on application, giving name, residence, and description of applicant. Fee - for citizens, nothing; for aliens, \$5.00
- (2) For "employers' fishing permits" authorizing employers, persons, farms or corporations, engaged in fishing for profit, to hire at any one time a certain maximum number of non-citizens to fish or assist in fishing upon a showing that the hire of such persons is reasonably required. A fee of \$5.00 is charged for each, and a brass tag is issued for each, of the number of employees so authorized to be hired at any one time. One brass tag must be carried by each employee when engaged in fishing for such employer. Such tags are not individual to the employee and confer no right of fishing except in the employ of such employer. They are required only for

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non-citizen employees and there is no similar provision for citizen employees. As no person can fish commercially without license or permit, it would appear that all citizens are required by law to have individual fishing licenses, mentioned in sub-paragraph 1 of this paragraph, and to obviate such necessity employees' tags are issued for employment of citizens not having individual license, but without charge, except ten cents per tag.

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Aliens

Individual

Filipinos	2
Japanese	246
	<u>248</u>

248

Employees

Filipinos	80
Japanese	302
	<u>382</u>

382

Total number of Japanese racial licensed deep-sea fishermen - 735.

The above includes only the licenses and permits for deep-sea and off-shore fishing empowered sampans. It does not include permits and licenses for fishing from rowboats and outboard motor boats, reef fishing, net fishing, etc. The total fishing licenses of all kinds issued by the Territory follows:

LICENSED COMMERCIAL FISHERMEN INCLUDING OFF-SHORE AND ALONG-SHORE - TERRITORY OF HAWAII 1934.

<u>Race and Nationality</u>	<u>Total</u>
Americans	25
Chinese*	37
Chinese#	45
Filipinos*	459
Filipinos#	1
Germans*	2
Germans#	2
Hawaiian	361
Japanese*	880
Japanese#	263
Korean*	5
Korean#	1
Portuguese	24
Puerto Ricans	2
Total	<u>2107</u>

* - Alien
- Citizen

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10. The laws of United States (Federal) pertaining to the fishing trade and providing for the registration and enrollment of vessels and licensing of vessels for the coastal and fishing trades are all found under Title 46 - Shipping - of the Code of Laws of the United States. Briefly the pertinent provisions are:

- (a) Provisions for the registration of vessels limiting registration to vessels belonging wholly to citizens of the United States or to corporations organized under the laws of the United States, or a state thereof, the president and managing directors of which corporations are citizens of the United States. Section 11, Chapter 2, Title 46.
- (b) The "Regulation of Vessels in Domestic Commerce", Chapter 12 of the same title, providing for the enrolling and licensing of vessels for domestic commerce and fishing trade. The provisions contained therein, though not as concise as those of registration, carry also the requirement of citizen ownership of vessels engaged in the fishery.

"Section 251. VESSELS OF UNITED STATES.- Vessels of twenty tons and upward, enrolled in pursuance of this chapter, and having a license in force, or vessels of less than twenty tons, which although not enrolled, have a license in force, as required by this chapter, and no others, shall be deemed vessels of the United States entitled to the privileges of vessels employed in the coasting trade or fisheries. (R.S. 4311).

"Section 252. VESSELS WHICH MAY BE ENROLLED.- In order for the enrollment of any vessel, she shall possess the same qualifications, and the same requirements in all respects shall be complied with, as are required before registering a vessel; *****

- (c) The provisions for admeasurement of vessels - sections 71 and 77 of the same chapter. Paragraph (g) under DEDUCTIONS of section 77 being of particular importance.
- (d) The provisions for tonnage dues, section 121 et sec, Chapter 4 of the same title.

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- (c) The pertinent penal provisions are as follows:

"319. FINE FOR TRADING WITHOUT LICENSE. - Every vessel of twenty tons or upwards, entitled to be documented as a vessel of the United States, other than registered vessels found trading between districts and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed, and every vessel of less than twenty tons and not less than five tons burden found trading or carrying on the fishery as aforesaid without a license obtained as provided by this chapter, shall be liable to a fine of \$30 at every port of arrival without such enrollment or license. But if the license shall have expired while the vessel was at sea, and there shall have been no opportunity to renew such license, then said fine of \$30 shall not be incurred. (June 19, 1886, c. 421, Par. 7, 24, Stat. 81.).

From analysis of section 319 it appears that alien owned vessels of over twenty tons, being "NOT entitled to be documented as vessels of the United States" are excluded from its provisions; no such exemptions are, however, given for vessels of five to twenty tons.

11. While the above provisions have been cited as pertinent to this subject, as a matter of fact, by a recent ruling of the local Customs officials, which appears to be borne out by the law, they are inapplicable unless amended as hereinafter suggested, in paragraph 13.

12. Recently Commander Baylis, commanding officer of the Coast Guard Cutter Itasca, arrested two vessels, the X-225, a diesel driven sampan 78 feet in length, and the X-671, 64 feet in length, charging them under the provisions of said section 319, above cited, with engaging in fishery in the United States without being enrolled and licensed. Both cases were dismissed by the Customs Office on the grounds that the boats admeasured but 3 and 2 net tons respectively. The approximate pertinent figures were as follows:

Gross tonnage		39 tons
Deductions		
Crews space	4.3	
Bozn's and After Crews Space	2.9	
Machinery spaces (actual measurement	16.3	
plus 75%	12.2	
	<u>28.5</u>	<u>35.7</u>
		3.3 tons net.

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The joker is seen to lie in the provision of Title 46 - Shipping - Section 77, paragraph (g) of the deductions reading:

*77 TONNAGE.

(g)***** But if the actual machinery space is so large as to amount in the case of paddle vessels to 30 per centum or above, and in the case of screw vessels to 20 per centum or above of the gross tonnage of the ship, the deduction shall consist of 37 per centum of the gross tonnage of the ship in the case of a paddle vessel and 32 per centum of the gross tonnage in the case of a screw vessel; or if the owner prefers there shall be deducted from the gross tonnage of the vessel of the space or spaces actually occupied by or required to be inclosed for the proper working of the boilers and machinery, including the trunk shaft or alley in screw steamers, with the addition in the case of vessels propeller with paddle wheels of 50 per centum, and in the case of vessels propelled by screws of 75 per centum of the tonnage of such space.

According to the above provision it will be seen that the 75 per centum of the machinery space allowed as a deduction in addition to the actual machinery space is a direct deduction applicable to the actual net tonnage which may very easily give a minus net tonnage. In the case of the sampan whose measurements are given above, the actual net tonnage was 15.5 tons. As this sampan was one of the largest of the fleet it can readily be seen that all the vessels of the local sampan fleet are legally ratable as small boats and below the cognizance of the Federal statute relating to registration, enrollment, and licensing, and the penalty for engaging in fishing unless so enrolled or licensed.

13. It is recommended that the Federal statute for admeasurement be amended to allow as a deduction for propelling machinery space only the actual space used or required to be used for such purpose.

14. As the fishing sampans are not compelled by any law to clear and it is not deemed practicable to require that such vessels clear each time that they leave port, the only method by which the observance of the law can be checked is by boarding. This boarding is done by the Coast Guard service. As there is

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no crew list nor other record on board any of the sampans by which a boarding officer can check the crew, it is the practice of the Coast Guard Cutter Itasca to cause the boarding officer to take a statement from each man on board, whose identity is not known, giving his name, age, and residence. This statement is sent to the Immigration Office for a check as to the man's right to be in the Territory. Such check, however, is necessarily an after act and it would appear that its purpose can easily be evaded.

15. As the Territory exercises jurisdiction over commercial fishing in its waters and has provided for the licensing of both boats and persons, the necessary restrictions can possibly be accomplished by the enactment of Territorial laws.

The simplest manner of obtaining a check on the personnel of the commercial fishing sampans would appear to be by requiring a crew list to be kept on board and that each person on board have with him at all times, when on a sampan on commercial fishing voyage, an individual permit to fish, bearing his name, residence, photograph and fingerprint record. The enforcement of such law would involve the Coast Guard service in the enforcement of Territorial laws, but the enactment of such a law by the Territory and modification of its present fishing license acts to provide for such individual licenses in place of the present permits and brass tags, would be extremely simple and would be the thing least likely to cause international complications.

16. Further restrictions, if advisable, could be accomplished by:

Amending the act providing for the licensing of boats (Act 73, Session Laws of Hawaii, 1925) to provide that no license to fish will be issued to any boat not wholly owned by citizens of the United States or corporation organized under the laws of a territory or a state of the United States and of which corporation all directors are citizens of the United States;

That no person shall be permitted on board any vessel while such vessel is on a fishing voyage or engaged in fishing in Territorial waters unless such person is licensed to fish under the

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laws of the Territory, excepting persons taken on board in rescue of them from perils of the sea.

17. In connection with this last provision, it would be necessary to amend the act providing for the licensing of fishermen (Act 187, Session Laws of Hawaii, 1929) to eliminate the issuing of licenses to aliens and provide that no person not a citizen of the United States shall engage in fishing from boats in the waters of the Territory of Hawaii.

T. M. KOVY
T. M. KOVY

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800 DIR. 5200.9 (9/27/58)

Date- 5-19-70

Signature- *JW*



COAST GUARD CUTTER

ITASCA

TREASURY DEPARTMENT

UNITED STATES COAST GUARD

Honolulu, T. H.,
10 August, 1934.Honorable Joseph B. Poindexter,
Governor of Hawaii,
Honolulu, T. H.

Sir:-

The following information regarding undocumented vessels, alien owned, operating in the Territory of Hawaii is prepared in reply to a verbal request by Commander R. F. McConnell, U. S. Navy:

Your attention is invited to the following references:

- (a) U.S.C. Title 46 - Chapter 12, Regulations of Vessels in Domestic Commerce.
- (b) Navigation Laws of the United States - Parts I, II and IV.
- (c) U. S. Customs Regulations, 1931 - Chapter II.
- (d) Regulations of Motor Boats - Department of Commerce Circular No. 236 (inclosed).
- (e) Numbering and Recording undocumented Vessels, Department of Commerce Circular No. 278 (inclosed).

Some of the correspondence regarding this matter is quoted in order to help you in your study of the subject: May 17th, 1932.

"Every undocumented vessel, operated in whole or in part by machinery, owned by aliens, or citizens and kept in the United States and found on the navigable waters thereof *** shall be numbered. Such number shall be not less than 3 inches in size and shall be painted or attached to each side of the bow of the vessel in such manner and color as to be distinctly visible and legible".

"While Article 90 states that "All motor boats of 5 net tons and over engaged in trade must be documented ***, inasmuch, as the documentation of vessels requires the oath of citizenship, it is evident that foreign vessels are not included."

10 August, 1934.

" Article 75, Customs Regulations 1931, provides a penalty of \$30.00 for every vessel of 5 net tons or over, entitled to be documented, carrying on the fisheries, without being enrolled or licensed. The matter of penalizing alien-owned vessels under this article was taken up with the Secretary of Commerce in 1921. No reply was received and in 1925 the matter was again referred to the Secretary. Reply was then made that the matter had been presented to Congress but that no action had been taken which would provide a workable penalty on said vessels."

"The documentation of alien-owned crafts in the waters of Hawaii engaged in the fishing trade, it would seem is regulated by the above mentioned articles."

JEANNETTE A. HYDE,
Collector of Customs.

22 August, 1932.

" There are many American built, alien owned sampans over five net tons in the waters of Hawaii engaged in the fishing trade, and not documented. This matter was taken up with the Collector of Customs, Honolulu, as in my opinion they are operating contrary to law in competition with, and a discrimination against American owned vessels of the same type and size required to be documented".

"In boarding these vessels it is impossible, in many cases, to ascertain the master's name, the owner's name, or any information regarding the vessel, as they apparently do not speak or understand English. The only mark of identification may be a number issued by the Collector for undocumented vessels; even though the vessels, in many cases, are close to twenty tons".

"Upon the return of this vessel to Honolulu it is my intention to board and check up sampans for opium smugglers, aliens, and other violations".

"An interpretation of the law is requested regarding the documents the vessels in question should carry, if permitted to operate at all while alien owned".

J. S. BAYLIS.

10 August, 1934.

10 October, 1932.

"As stated in reference (a), reference (b) was transmitted to the Department of Commerce and, under date of 7 October, 1932 (187312-N), the Assistant Director, Bureau of Navigation and Steamboat Inspection, Department of Commerce, Washington, D. C., advised Headquarters, in part, as follows:

f "Vessels owned by aliens cannot be documented under the laws of the United States. Undocumented vessels owned in the United States whether by citizens or aliens and found on navigable waters thereof, must be numbered, except public vessels and vessels not exceeding 16 feet in length temporarily equipped with detachable motors?"

f "There is no statutory provisions prohibiting an alien-owned vessel built in the United States from engaging in the fishing business".

L. C. COVELL,
Acting.

24 August, 1933.

"It is requested that Headquarters take up with the Immigration officials the feasibility of issuing a Seaman's Certificate or other certificate of identification to fishermen and crews of sampans operating in Hawaiian waters".

"The Sampans are operated in most cases by alien Japanese and there is apparently no record of the number in the country illegally".

"This matter was taken up with the District Director of Immigration in Honolulu, the Naval Intelligence Officer of the District being present, and he seemed anxious to cooperate but was not in a position at that time to handle the amount of clerical work involved if we brought in any number of sampans for identification?"

"The issuance of a Seaman's Certificate would greatly facilitate our work in boarding and also furnish considerable information of military value.

J. S. BAYLIS.

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United States Coast Guard Cutter ITASCA

10 August, 1934.

10 October, 1932.

"As stated in reference (a), reference (b) was transmitted to the Department of Commerce and, under date of 7 October, 1932 (187313-N), the Assistant Director, Bureau of Navigation and Steamboat Inspection, Department of Commerce, Washington, advised Headquarters, in part, as follows:

"Seamen's identification certificates issued by collectors of customs under the direction of the Secretary of Commerce, can be obtained only by seamen who are citizens of the United States or by aliens who have filed declarations of intention to become citizens and who can meet the other requirements of Section 1 of the Act of May 9, 1918, U.S.C., Title 8, Section 376. There is no provision of law, however, making it compulsory on a seaman to obtain such certificate?"

L. C. COVELL,
Acting.

It is believed it was the intention originally to exempt only small vessels from documentation but through the wide scope of deductions allowed for propelling power, Part II, reference (b), some of the sampans in the Territory are about eighty (80) feet long and only register two to three tons net, but at the same time have space for carrying fish, ice, etc., far exceeding that.

Briefly what is needed is a law requiring all vessels of a certain length, say forty feet and over, or over a certain gross tonnage, to be owned by citizens of the United States, to be documented, showing owner, operator and trade; and vessels not documented to be given a certificate by the Collector of Customs giving a number, home port, owner, operator and trade.

For the protection of life and property all operators of motor propelled boats should be duly licensed after passing an examination in the Rules of the Road, operation, etc.

In the enforcement of Immigration Laws, boarding officers would find it very helpful if all aliens in the Territory were required to carry a Seamen's or other certificate issued by the Immigration Service.

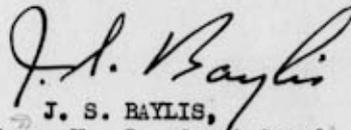
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United States Coast Guard Cutter ITASCA

10 August, 1934.

It is suggested that all interested Federal and Territorial officers be called in conference, at an early date, to discuss this very important matter and recommend legislation necessary.

Respectfully,



J. S. BAYLIS,
Commander, U. S. Coast Guard,
Commanding USCGC ITASCA.

Ba.



TREASURY DEPARTMENT

UNITED STATES CUSTOMS SERVICE

HONOLULU, HAWAII

August 7th, 1934

OFFICE OF THE COLLECTOR
DISTRICT No. 32
ADDRESS ALL COMMUNICATIONS FOR
THIS OFFICE TO THE COLLECTOR
AND QUOTE FILE NO.

GOVERNOR
1934 AUG 8

ANS

Honorable Joseph B. Poindexter,
Governor of Hawaii,
Honolulu, Hawaii.

Sir:

In line with our conversation of yesterday, relative to fishing boats in this District, I am submitting herewith for your information, the number of recorded motor boats and documented vessels and the necessary requirements pertaining thereto, also samples of records used and copies of Department of Commerce Circulars Nos. 236 and 278:

1297 Recorded Motor Boats
70 Documented Vessels

Recorded vessels include American-owned vessels in trade under 5 net tons, yachts, and alien-owned vessels regardless of tonnage. Vessels owned by aliens may not be documented.

Documented vessels include American-owned vessels of 5 net tons or over and American-owned yachts of 16 gross tons or over. The tonnage is arrived at by admeasurement.

The following equipment is required:

- CLASS ONE - (Less than 26 feet):
Running lights at night.
(Combination light forward and white light aft).
Whistle.
Life preservers.
Approved fire extinguisher.
Two copies Pilot Rules.
Letter of Award.
Anchor lights at night.

- CLASS TWO - (26 feet to 65 feet):
Running lights at night.
(White lights forward and aft and colored side lights).

Honorable Joseph B. Poindexter,
Governor of Hawaii,
Honolulu, Hawaii

Page #2

8/7/34

Whistle, bell and foghorn.
Life preservers.
Approved fire extinguisher.
Two copies Pilot Rules.
Letter of Award.
Anchor lights at night.

If carrying passengers for hire, both classes require a licensed operator.

Vessels above 15 gross tons, carrying freight or passengers for hire, must be inspected by the U. S. Steamboat Inspectors, and carry such crew and equipment as is designated in the certificate of inspection. The certificate of inspection must be on board while the vessel is being navigated.

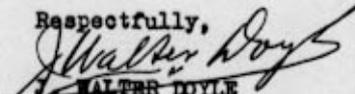
✓ All recorded vessels must carry on both bows, the Federal Identification Number. No other numbers are permitted thereon.

All documented vessels must have the official number and net tonnage permanently marked on the main beam. The name of every documented vessel in trade must appear on both sides of her bow, and the name and hailing port on the stern. Documented yachts are required to have their names and hailing ports placed on some conspicuous part of their hulls.

Upon receipt of notice of violation by the U.S.Coast Guard, or Customs Inspectors and Guards Office, penalties are assessed except for minor infractions, for instance- where federal identification number is not legible. In the latter instance, the owner of the boat is notified, warned, and asked to report the matter when corrected. If no report is made within a reasonable length of time, penalty is assessed.

Protests against penalties filed by the owners are forwarded to the Secretary of Commerce and upon receipt of his decision, the owners are notified. If protests are not filed, nor penalty paid within a reasonable length of time, the fine case is referred to the United States District Attorney, for action.

Respectfully,


WALTER DOYLE
Collector of Customs

Incls.

REGULATION OF MOTOR BOATS

DEPARTMENT OF COMMERCE
OFFICE OF THE SECRETARY
WASHINGTON

DEPARTMENT CIRCULAR No. 236

SIXTEENTH EDITION

BUREAU OF NAVIGATION
AND
STEAMBOAT INSPECTION SERVICE

MAY 16, 1933.

To collectors of customs, supervising and local inspectors, Steamboat Inspection Service, and others concerned:
Your attention is invited to the following act of Congress, approved June 9, 1910:

An Act To amend laws for preventing collisions of vessels and to regulate equipment of certain motor boats on the navigable waters of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the words "motor boat" where used in this Act shall include every vessel propelled by machinery and not more than sixty-five feet in length except tug boats and tow boats propelled by steam. The length shall be measured from end to end over the deck, excluding sheer: *Provided*, That the engine, boiler, or other operating machinery shall be subject to inspection by the local inspectors of steam vessels, and to their approval of the design thereof, on all said motor boats, which are more than forty feet in length, and which are propelled by machinery driven by steam.

SEC. 2. That motor boats subject to the provisions of this Act shall be divided into classes as follows:

Class one. Less than twenty-six feet in length.

Class two. Twenty-six feet or over and less than forty feet in length.

Class three. Forty feet or over and not more than sixty-five feet in length.

SEC. 3. That every motor boat in all weathers from sunset to sunrise shall carry the following lights, and during such time no other lights which may be mistaken for those prescribed shall be exhibited.

(a) Every motor boat of class one shall carry the following lights:

First. A white light aft to show all around the horizon.

Second. A combined lantern in the fore part of the vessel and lower than the white light aft showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(b) Every motor boat of classes two and three shall carry the following lights:

First. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side. The glass or lens shall be of not less than the following dimensions:

Class two. Nineteen square inches.

Class three. Thirty-one square inches.

Second. A white light aft to show all around the horizon.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The glasses or lenses in the said side lights shall be of not less than the following dimensions on motor boats of—

Class two. Sixteen square inches.

Class three. Twenty-five square inches.

On and after July first, nineteen hundred and eleven, all glasses or lenses prescribed by paragraph (b) of section three shall be fresnel or fluted. The said lights shall be fitted with inboard screens of sufficient height and so set as to prevent these lights from being seen across the bow and shall be of not less than the following dimensions on motor boats of—

Class two. Eighteen inches long.

Class three. Twenty-four inches long:

Provided, That motor boats as defined in this Act, when propelled by sail and machinery or under sail alone shall carry the colored lights suitably screened but not the white lights prescribed by this section.

SEC. 4. (a) Every motor boat under the provisions of this Act shall be provided with a whistle or other sound-producing mechanical appliance capable of producing a blast of two seconds or more in duration, and in the case of such boats so provided a blast of at least two seconds shall be deemed a prolonged blast within the meaning of the law.

(b) Every motor boat of class two or three shall carry an efficient foghorn.

(c) Every motor boat of class two or three shall be provided with an efficient bell, which shall be not less than eight inches across the mouth, on board of vessels of class three.

SEC. 5. That every motor boat subject to any of the provisions of this Act, and also all vessels propelled by machinery other than by steam more than sixty-five feet in length, shall carry either life preservers, or life belts, or buoyant cushions, or ring buoys or other device, to be prescribed by the Secretary of Commerce, sufficient to sustain afloat every person on board and so placed as to be readily accessible. All motor boats

carrying passengers for hire shall carry one life preserver of the sort prescribed by the regulations of the board of supervising inspectors for every passenger carried, and no such boat while so carrying passengers for hire shall be operated or navigated except in charge of a person duly licensed for such service by the local board of inspectors. No examination shall be required as the condition of obtaining such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked, the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation: *Provided*, That motor boats shall not be required to carry licensed officers except as required in this Act.

Sec. 6. That every motor boat and also every vessel propelled by machinery other than by steam, more than sixty-five feet in length, shall carry ready for immediate use the means of promptly and effectually extinguishing burning gasoline.

Sec. 7. That a fine not exceeding one hundred dollars may be imposed for any violation of this Act. The motor boat shall be liable for the said penalty and may be seized and proceeded against, by way of libel, in the district court of the United States for any district within which such vessel may be found.

Sec. 8. That the Secretary of Commerce shall make such regulations as may be necessary to secure the proper execution of this Act by collectors of customs and other officers of the Government. And the Secretary of the Department of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture relating to motor boats except for failure to observe the provisions of section six of this Act.

Sec. 9. That all laws and parts of laws only in so far as they are in conflict herewith are hereby repealed: *Provided*, That nothing in this Act shall be deemed to alter or amend acts of Congress embodying or revising international rules for preventing collisions at sea.

Sec. 10. That this Act shall take effect on and after thirty days after its approval.

REGULATIONS

1. All violations of the above act must be reported to the Department of Commerce (Bureau of Navigation) through collectors of customs regardless of mitigating circumstances, as authority to mitigate and remit the penalties under the laws mentioned is vested solely in the Secretary of Commerce.

2. The act defines the words "motor boat" (i. e., the class of vessels subject to its requirements) as including every vessel propelled by machinery and not more than 65 feet in length, except tugboats and towboats propelled by steam. The term, therefore, includes boats temporarily or permanently equipped with detachable motors, and such vessels, when so equipped, are subject to this act.

LIGHTS

3. The lights provided for in section 3 of the act above are *running lights* for motor boats subject to the provisions of the act in lieu of the lights prescribed, respectively, by article 2 of the act approved June 7, 1897 (covering certain harbors, rivers, and inland waters of the United States); rule 3 of the act approved February 8, 1895 (covering the Great Lakes and their connecting and tributary waters); and rules 3, 5, 6, and 7 of section 4233 of the Revised Statutes (covering western rivers). The penalty for failure to carry such lights is a fine not exceeding \$100.

4. The lights provided for in section 3 are not in conflict with the anchor lights, lights for pilot and fishing vessels, and other lights provided in the acts above cited.

Collectors of customs and others will observe that the penalties for violations of existing laws not in conflict with this act remain unchanged.

5. Motor boats of class 1 which do not carry the two-color combination light forward, but have the red and green side lights separated, should carry also a white bow light (in addition to the white after light which must be carried on all classes of motor boats). It is desired, however, that class 1 motor boats comply strictly with the requirements of section 3 as regards the kinds of lights to be used.

6. No penalty is incurred by motor boats for a failure to carry lights between the hours of sunrise and sunset.

7. If a motor boat, through temporary disablement of the machinery or lack of gasoline, or for any other reason, finds it necessary to proceed under sail, in whole or in part, the white lights should be extinguished and she should proceed with her colored lights only. This does not convert a motor boat into a sailboat, however, and all other motor-boat equipment should be carried.

8. The aft light should be higher and so placed as to form a range with the forward light, and should be clear of house awnings and other obstructions.

9. The law does not specify the size of lights to be carried on motor boats of class 1. Such lights should be large enough, however, to accomplish the purpose intended, and it is suggested that the illuminated portion of such lights or lenses should not be less than 3 inches in diameter.

WHISTLE, FOG HORN, AND BELL

10. No size or style of whistle, fog horn, or bell (except the bell for class 3) is prescribed, provided it is available and sufficient for the use for which it is intended. The word "efficient" must be taken in its ordinary sense, considered with reference to the object intended by the provisions in which the word appears, namely, the production of certain signals.

11. A mouth whistle capable of producing a blast of two seconds or more in duration which can be heard for at least one-half a mile has been held to be in compliance with the law.

12. Fog horns can not take the place of whistles on motor boats of classes 2 and 3.

LIFE PRESERVERS AND LIFE-SAVING DEVICES

ON MOTOR BOATS NOT CARRYING PASSENGERS FOR HIRE

13. Every motor boat not carrying passengers for hire must have life preservers or life belts or buoyant cushions or ring buoys or other device, which should be of types sufficient to sustain afloat every person on board. This includes members of the crew, children, and babies. If practicable, the purchaser should consult qualified persons before purchasing life-saving devices. In any event he should satisfy himself that such devices are composed of material known to be suitable for the purpose intended.

In addition the department authorizes life preservers and buoyant cushions for motor boats not carrying passengers for hire under the following conditions: Each life preserver or buoyant cushion shall be capable of sustaining afloat for a continuous period of 24 hours an attached weight so arranged that whether the said weight be submerged or not there shall be a direct downward gravitation pull upon such life preserver or cushion of at least 20 pounds. If a buoyant cushion is furnished for more than one person, its capacity must be proportionately greater.

No such life preservers or buoyant cushions stuffed or filled with granulated cork or other loose granulated material and no pneumatic life preservers or cushions will be approved.

Planks, gratings, floorings, oars, corks on ropes or fish nets, empty kegs or casks, wooden boxes, small boats in tow, etc., are not approved as substitutes for life preservers, life belts, buoyant cushions, or ring buoys, but wooden life floats made of light buoyant wood may be used, the dimensions of each of which shall be not less than 4 feet in length, 12 inches in width, and $1\frac{1}{4}$ inches in thickness, and shall not exceed 25 pounds in weight. The float may be made in one or two pieces. If made in two pieces, they shall be securely attached together with wooden dowels. No metal shall be used in the construction of the float. It shall be provided with two handholes, one at each side, midway in the length, which handholes shall be cut through the float and be not less than 6 inches in length and 2 inches in width, with a margin of at least 1 inch at the edge of the float. Wooden life floats made of balsa wood properly encysted and treated may be used, which floats shall be not less than 3 feet in length, $11\frac{1}{2}$ inches in width, and 2 inches in thickness. Life floats already installed on motor boats and constructed in accordance with previous regulations may continue to be used.

ON MOTOR BOATS CARRYING PASSENGERS FOR HIRE

Motor boats carrying passengers for hire shall carry one life preserver of the sort prescribed by the Board of Supervising Inspectors for every passenger carried, and the person in charge must be duly licensed.

Motor boats hired at launch liveries and operated by the liveryman or his employee are construed as carrying passengers for hire; but if the motor boat is operated by the hirer himself, it is not considered a carriage of passengers for hire even though he may take other persons on board, provided, of course, he does not receive compensation for carrying these other persons.

FIRE-EXTINGUISHING APPARATUS

14. Fire extinguishers of a type approved by the department must be carried on all motor boats when being navigated. The following fire extinguishers, which are either of the carbon-dioxide, carbon-tetrachloride, or foam types, have demonstrated a capacity for extinguishing burning gasoline and are approved by the department. The name of the company for which approved and the capacity of each fire extinguisher are stated. Where the kind of fire extinguisher is not stated, it is of the carbon-tetrachloride type.

Ajax No. 3 (1 quart), Ajax Fire Engine Works, Brooklyn, N. Y.; The Reddy fire extinguishers, carbon dioxide (1 and $1\frac{1}{2}$ quarts), W. D. Allen Co., Chicago, Ill.; Alfite system (carbon dioxide), Alfite type 15 carbon dioxide, Alfite System Mobile Type, Childs' Model A (1 quart), Childs' Model B (1 quart), CT (1 quart), Fire Gun No. 0 (1 quart), Fire Gun No. 1 (1 quart), Fire Gun No. 2 ($1\frac{1}{2}$ quarts), Firefly (1 quart), Foamite, Type CA ($2\frac{1}{2}$ gallons, foam type), Foamite Type U. S. No. 2 ($2\frac{1}{2}$ gallons, foam type), Foamite Type U. S. No. 5 (4 gallons, foam type), Foamite foam generator using an approved dry chemical mixture, portable type, with not over 150 feet of $2\frac{1}{2}$ -inch discharge hose and $1\frac{1}{4}$ -inch nozzle, La France (1 and $1\frac{1}{2}$ quarts), La France Foam Type ($2\frac{1}{2}$ gallons), La France No. 3 (1 quart), La France No. 4 (1 quart), La France No. 5 ($1\frac{1}{2}$ quarts), La France No. 6 (1 quart), One Quart (1 quart), American-La France & Foamite Corporation, Elmira, N. Y.; Bear (1 and $1\frac{1}{2}$ quarts), The American Rubber Manufacturing Co., San Francisco and Los Angeles, Calif.; Fofire (1 and $1\frac{1}{2}$ quarts), Fomon continuous foam generator using an approved dry chemical mixture, portable type, with not over 150 feet of $2\frac{1}{2}$ -inch discharge hose and $1\frac{1}{4}$ -inch nozzle, American Fomon Co. (Inc.), Philadelphia, Pa.; Badger's No. 1 (1 quart), Badger, $2\frac{1}{2}$ -gallons, foam type, Badger Fire Extinguisher Co., Boston, Mass.; Boyce Fire Syphon, Model B (1 and $1\frac{1}{2}$ quarts), Boyce & Veeder Co. (Inc.), factory, Dayton, Ohio, general office, Long Island City, N. Y.; Buffalo ($2\frac{1}{2}$ gallons, foam type), Buffalo Appliance Corporation, Buffalo, N. Y.; Buffalo No. 2 (1 quart), Buffalo No. 3 (1 quart), Buffalo No. 4 ($1\frac{1}{2}$ quarts), Niagara (1 and $1\frac{1}{2}$ quarts), Buffalo Chemical Fire Extinguisher Co., Buffalo, N. Y.; C-O Two carbon dioxide system, C-O Two Fire Equipment Co., New York, N. Y.; Columbia, foam type ($2\frac{1}{2}$ gallons), Columbia Fire Defense Corporation, New York, N. Y.; Chief Croker (1 quart), Croker National Fire Prevention Engineering Co., New York, N. Y.; Fyre-Frees, Type A (hand portable, carbon dioxide), Fyre-Frees Corporation, New York, N. Y.; Dayton (1 and $1\frac{1}{2}$ quarts), Foam Fyr-Fyter ($2\frac{1}{2}$ gallons, foam type), Fyr-Fyter, Super Model (1 and $1\frac{1}{2}$ quarts), New Super Fyr-Fyter (1 quart), Fyr-Fyter Co., Dayton, Ohio; Floafome ($2\frac{1}{2}$ gallons, foam type), General Manufacturing Co., St. Louis, Mo.;

Queen No. 2 (1 quart), Harker Manufacturing Co., Cincinnati, Ohio; J-M (1 quart), H. W. Johns-Manville Co., New York, N. Y.; Lux Junior (7½-pound portable), Lux Standard (15-pound portable), Lux system, yacht type (carbon dioxide), Lux carbon dioxide type hose reel, Walter Kidde & Co. (Inc.), New York, N. Y.; Kar-bo-lene (2 quarts), Presto (1 quart), Frothex (2½ gallons, foam type), Knight & Thomas (Inc.), Boston, Mass.; Miller Peerless (1 and 1½ quarts), Miller Peerless Manufacturing Co., Chicago, Ill.; National (1 quart), National Foam System (Inc.), Philadelphia, Pa.; Phlister Foam (2½ gallons, foam type), The Phlister Manufacturing Co., Cincinnati, Ohio; Phomene (2½ gallons, foam type), Pyrene Manufacturing Co., Newark, N. J.; Pyrene (1 and 1½ quarts), Fastfome, foam type (2½ gallons), Pyrene Manufacturing Co., New York, N. Y.; Stempel (2½ gallons, foam type), Robinson Fire Apparatus Manufacturing Co., St. Louis, Mo.; Security (1 quart), A. C. Rowe & Son, New York, N. Y.; Defender (1 and 1½ quarts), Schwartz Bros., Philadelphia, Pa.; Aristocrat (2½ gallons, foam type), M. L. Snyder & Son, Philadelphia, Pa.; The Stempel (1 and 1½ quarts), The Stempel Fire Extinguisher Manufacturing Co., St. Louis, Mo.; the Weldon Fireout (1 quart), Weldon Manufacturing Co., Grand Rapids, Mich.; and the Woodhouse, foam type, Woodhouse Manufacturing Co., New York, N. Y.

Salt and sand as a means of extinguishing burning gasoline are no longer approved.

LICENSED OFFICERS, AND INSPECTION

15. In lieu of the inspection of steam vessels now provided by sections 4417, 4418, and 4426, Revised Statutes, it is now required that, after due inspection or personal observation, the design of the engine, boiler, or other operating machinery of motor boats more than 40 feet in length and not more than 65 feet in length, propelled by machinery driven by steam, shall be approved by the local inspectors.

All steam vessels more than 65 feet in length are subject to inspection as heretofore.

Motor boats propelled otherwise than by steam of above 15 gross tons carrying freight or passengers for hire, but not engaged in fishing as a regular business, are subject to inspection whether under or over 65 feet in length.

The only officer required to be carried on motor boats within the contemplation of the act of June 9, 1910, is the licensed operator provided for in the act.

DOCUMENTS AND NAME

16. All motor boats of 5 net tons or over engaged in trade must be documented; that is to say, licensed by the collectors of customs. Vessels under 5 net tons are not documented in any case. The license of the vessel obtained from the collector of customs (designated a document) is additional to and must not be confounded with the license required for the operator of a motor boat.

Documented vessels must have name and home port on stern and name on each bow. Tonnage measurement is necessary only in case of vessels requiring to be documented.

17. Motor boats are required to have on board two copies of the pilot rules to be observed by them, which will be furnished by collectors of customs and local inspectors, Steamboat Inspection Service, on request. Copies of this circular should be inserted therein.

Tabulated statement of equipment required

	Carrying passengers for hire				Not carrying passengers for hire			
	Sec. 3	Sec. 4	Sec. 5	Sec. 6	Sec. 3	Sec. 4	Sec. 5	Sec. 6
Class 1.....	Combination light forward and aft. White light aft.	Whistle.....	Life preservers. Licensed operator.	Approved fire extinguishers.	Combination light forward. White light aft.	Whistle.....	Life preservers or life-saving devices prescribed by act.	Approved fire extinguishers.
Class 2.....	White lights forward and aft and colored side lights, all with Fresnel or fluted lenses.	Whistle, bell, and fog horn.	Same as class 1.	Same as class 1.	White lights forward and aft and colored side lights, all with Fresnel or fluted lenses.	Whistle, bell, and fog horn.	Same as class 1.	Same as class 1.
Class 3.....	Same as class 2.	Same as class 2.	Same as class 1.	Same as class 1.	Same as class 2.	Same as class 2.	Same as class 1.	Same as class 1.

CLARENCE M. YOUNG,
Acting Secretary of Commerce.

NUMBERING AND RECORDING UNDOCUMENTED VESSELS

DEPARTMENT OF COMMERCE
OFFICE OF THE SECRETARY
WASHINGTON

DEPARTMENT CIRCULAR No. 278
THIRD EDITION¹

BUREAU OF NAVIGATION AND
STEAMBOAT INSPECTION

NOVEMBER 21, 1932.

TO COLLECTORS OF CUSTOMS AND OTHERS CONCERNED:

Your attention is invited to the following act: "To require numbering and recording of undocumented vessels," approved June 7, 1918:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That every undocumented vessel, operated in whole or in part by machinery, owned in the United States and found on the navigable waters thereof, except public vessels, and vessels not exceeding sixteen feet in length measured from end to end over the deck excluding sheer, temporarily equipped with detachable motors, shall be numbered. Such numbers shall be not less in size than three inches and painted or attached to each bow of the vessel in such manner and color as to be distinctly visible and legible.

Sec. 2. That the said numbers, on application of the owner or master, shall be awarded by the collector of customs of the district in which the vessel is owned and a record thereof kept in the customhouse of the district in which the owner or managing owner resides. No numbers not so awarded shall be carried on the bows of such vessel.

Sec. 3. That notice of destruction or abandonment of such vessels or change in their ownership shall be furnished within ten days by the owners to the collectors of customs of the districts where such numbers were awarded. Such vessel sold into another customs district may be numbered anew in the latter district.

Sec. 4. That the penalty for violation of any provisions of this act shall be \$10, for which the vessel shall be liable and may be seized and proceeded against in the district court of the United States in any district in which such vessel may be found. Such penalty on application may be mitigated or remitted by the Secretary of Commerce.

Sec. 5. That the Secretary of Commerce shall make such regulations as may be necessary to secure proper execution of this act by collectors of customs and other officers of the Government.

Sec. 6. That this act shall take effect six months after its passage.

REGULATIONS

1. Application for numbers will be made by the owner or master to the collector of customs of the district in which the owner resides. The owner will then receive full instructions as to the number awarded, how it is to be placed on the vessel, etc.

2. In the case of power tenders for a boat which is itself numbered under this act, the tenders will take the same number as the parent boat. Tenders of documented boats will take a separate number for each power tender.

3. This law does not amend section 14 of the act of March 4, 1915, requiring the marking of lifeboats.

4. All undocumented vessels coming within the purview of the act that are equipped with permanently fixed engines must be numbered whether over or under 16 feet in length. The exception in section 1 in favor of "Vessels not exceeding 16 feet in length measured from end to end over the deck excluding sheer, temporarily equipped with detachable motors" is held to apply only to such boats as rowboats and canoes designed and intended for the use of oars or paddles as the ordinary means of propulsion. Boats designed for the use of detachable motors as the ordinary means of propulsion are held to be subject to the act even if under 16 feet in length.

ROY D. CHAPIN, *Secretary.*

¹The second edition of this circular was issued January 30, 1932, and is entirely superseded by this edition.