

● PSF

State Dept. Neutrality Plan I

CONTINUED

CONTROL OF VESSELS IN TERRITORIAL WATERS
OF THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, Under and by virtue of section 1 of the Act of Congress approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), it is provided, among other things, as follows:

"Section 1. Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof. * * *"

WHEREAS, I find that existing relations between

causes a threatened disturbance of the international relations of the United States,

AND, WHEREAS, It is essential in order to carry into effect the provisions of said Act, which are quoted herein, that the powers conferred therein upon the President and the Secretary of the Treasury be at this time exercised,

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the powers conferred upon me by the provisions of the said Act of Congress quoted herein, do hereby declare that a national emergency exists by reason of the aforesaid threatened disturbance of the international relations of the United States.

AND, The Secretary of the Treasury, therefore, if necessary in his opinion in order to secure any vessel, foreign or domestic, in the territorial waters of the United States, from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, is hereby granted my consent to take, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

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

DONE at the City of Washington this day of
August in the year
of our Lord nineteen
hundred and thirty nine
and of the Independence
of the United States
of America, the one
hundred and sixty-fourth

By the President:

Secretary of State.

(T.D.)
ANCHORAGE REGULATIONS

Regulations for the control of vessels in the territorial waters of the United States.

Approved by the President

TREASURY DEPARTMENT,
WASHINGTON, D. C.

To collectors of customs, and captains of ports and others concerned:

Section 1, title II, of the so-called espionage act, approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), provides in part as follows:

"Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof. * * *"

By a proclamation issued on the _____ day of August, 1939, the President declared a national emergency to exist by reason of a threatened disturbance of the international relations of the United States due to existing relations between

Pursuant to the authority contained in the above quoted act, the following rules and regulations are hereby promulgated:

(1) All existing rules and regulations governing anchorages and movements of vessels in the navigable waters of the United States established by lawful authority are hereby reaffirmed and continued in force during the period of the present emergency.

(2) The rules and regulations governing the anchorage of vessels herein reaffirmed or promulgated shall be enforced by the captain of the port, or where the port has no such officer, by the collector of customs of the district in which such port is located.

(3) The collector of customs, through the captain of the port or other agency acting for the collector, is hereby authorized to inspect and search at any time any vessel, foreign or domestic, or any person or package thereon, within the territorial waters of the United States, to place guards upon such vessels, and to remove therefrom any or all persons not specially authorized by him to go or to remain on board thereof.

(4) The collector of customs, through the captain of the port or other agency acting for the collector, is hereby directed, subject to the approval of the Secretary of the Treasury, to take full possession and control of any vessel, foreign or domestic, in the territorial waters of the United States, whenever it appears that such action is necessary in order to secure

such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States. Pending action by the Secretary of the Treasury, the collector of customs is authorized to detain any such vessel and is directed to communicate the facts by the most expeditious means available to the Secretary of the Treasury.

(5) The collector of customs shall refuse clearance to any vessel having on board inflammable and explosive articles so laden or stowed as to render the same unnecessarily dangerous to navigation, and may also refuse clearance to any vessel bound for a foreign port with any person on board, either as officer, member of the crew, or passenger, whose departure from the United States on such vessel has been determined by the action of the proper Federal authorities to be inimical to the interests of the United States in the present emergency.

(6) The Secretary of the Treasury may require all lighters, barges, tugs, motor boats, sailboats, and similar craft operating in the harbor or waters of any port of entry, to be especially licensed by the collector of customs for such purpose and may revoke any license so granted for any failure to comply with the anchorage or harbor regulations for such port, or to obey the

orders issued thereunder by any duly authorized officer, or for any act inimical to the interests of the United States in the present emergency.

Acting Secretary of the Treasury.

Approved:

FRANKLIN D. ROOSEVELT,
President.

Plan I-1-c

14

TELEGRAM

OFFICIAL BUSINESS—GOVERNMENT RATES

FROM _____

BUREAU _____

CHG. APPROPRIATION _____

U. S. GOVERNMENT PRINTING OFFICE: 1936

Collectors of Customs

(Send to all collectors on attached list)

By proclamation issued today pursuant Act June fifteen nineteen
seventeen United States Code title fifty section one nine one President
declared national emergency exists by reason threatened disturbance
international relations of United States due to existing relations
between
and consented to Secretary of Treasury taking possession and control
of any vessel foreign or domestic in territorial waters of United
States to secure observance of rights and obligations of United States
STOP You are directed immediately to detain comma intercept if under
way comma and retain custody of vessels of the states above named in
territorial waters within your jurisdiction except vessels of the naval
establishments of such states and other vessels of such states operating
for hostile or military purposes comma pending further department instructions.

Acting Secretary of the Treasury

Plan I-1-d

TELEGRAM

OFFICIAL BUSINESS—GOVERNMENT RATES

FROM _____

BUREAU _____

CHG. APPROPRIATION _____

U. S. GOVERNMENT PRINTING OFFICE: 1928

District Superintendents of Patrol Districts

(Send to all District Superintendents of Patrol Districts on
attached list)

By proclamation issued today pursuant Act June fifteen nineteen
seventeen United States Code title fifty section one nine one President
declared national emergency exists by reason threatened disturbance
international relations of United States due to existing relations
between
and consented to Secretary of Treasury taking possession and control
of any vessel foreign or domestic in territorial waters of United
States to secure observance of rights and obligations of United States
STOP You are directed immediately to contact collectors of customs
your district and cooperate fully in executing instructions sent
collectors today.

Acting Secretary of the Treasury

Plan I-1-e

14

TELEGRAM

OFFICIAL BUSINESS—GOVERNMENT RATES

FROM _____

BUREAU _____

CHG. APPROPRIATION _____

U. S. GOVERNMENT PRINTING OFFICE: 1938

Supervising Customs Agents

(Send to all Supervising Customs Agents on attached list)

By proclamation issued today pursuant Act June fifteen nineteen
seventeen United States Code title fifty section one nine one President
declared national emergency exists by reason threatened disturbance
international relations of United States due to existing relations
between
and consented to Secretary of Treasury taking possession and control
of any vessel foreign or domestic in territorial waters of United States
to secure observance of rights and obligations of United States STOP
You are directed immediately to contact collectors of customs your
district and cooperate fully in executing instructions sent collectors
today.

Acting Secretary of the Treasury

Plan I-1-f

TELEGRAM

OFFICIAL BUSINESS—GOVERNMENT RATES

FROM _____

BUREAU _____

CHG. APPROPRIATION _____

U. S. GOVERNMENT PRINTING OFFICE: 1944

U. S. COAST GUARD

DATE

From

COAST GUARD HEADQUARTERS

To (For Action)

ALL DISTRICT COMMANDERS AND CAPTAINS OF PORTS.

Unless Designated Otherwise Transmit this Dispatch as NITE

Mail to

Telephone to

Messenger to

OUTGOING HEADING

TEXT

BY PROCLAMATION ISSUED TODAY PURSUANT TO THE ACT OF JUNE FIFTEEN NINETEEN HUNDRED SEVENTEEN UNITED STATES CODE TITLE FIFTY SECTION ONE HUNDRED NINETYONE THE PRESIDENT DECLARED A NATIONAL EMERGENCY EXISTS BY REASON OF THREATENED DISTURBANCE OF INTERNATIONAL RELATIONS OF UNITED STATES DUE TO EXISTING RELATIONS BETWEEN

AND CONSENTED TO

SECRETARY OF TREASURY TAKING POSSESSION AND CONTROL OF ANY VESSEL FOREIGN OR DOMESTIC IN TERRITORIAL WATERS OF UNITED STATES TO SECURE OBSERVANCE OF RIGHTS AND OBLIGATIONS OF UNITED STATES PERIOD YOU ARE DIRECTED IMMEDIATELY TO CONTACT COLLECTORS OF CUSTOMS YOUR DISTRICT AND COOPERATE FULLY IN EXECUTING INSTRUCTIONS SENT COLLECTORS TODAY.

ACTING SECRETARY OF THE TREASURY

Operator's Record

Official Business

Initials "Releasing" Officer

CONTROL OF VESSELS IN TERRITORIAL WATERS
OF THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, Under and by virtue of section 1 of the Act of Congress approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), it is provided, among other things, as follows:

"Section 1. Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof. * * *"

WHEREAS, In a proclamation made by me on the day
of August, 1939, it was proclaimed that a state of war exists
between

WHEREAS, I find that the existence of such state of war causes a threatened disturbance of the international relations of the United States,

AND, WHEREAS, It is essential, in order to carry into effect the provisions of said Act, which are quoted herein, that the powers conferred therein upon the President and the Secretary of the Treasury be at this time exercised,

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the powers conferred upon me by the provisions of the said Act of Congress quoted herein, do hereby declare that a national emergency exists by reason of the aforesaid threatened disturbance of the international relations of the United States.

AND, The Secretary of the Treasury, therefore, if necessary in his opinion in order to secure any vessel, foreign or domestic, in the territorial waters of the United States, from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, is hereby granted my consent to take, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

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

DONE at the City of Washington this day of
August in the year -
of our Lord nineteen
hundred and thirty-nine
and of the Independence
of the United States
of America, the one
hundred and sixty-fourth.

By the President:

Secretary of State.

(T.D.)

ANCHORAGE REGULATIONS

Regulations for the control of vessels in the territorial waters of the United States.

Approved by the President

TREASURY DEPARTMENT,
WASHINGTON, D. C.

To collectors of customs, and captains of ports
and others concerned:

Section 1, title II, of the so-called espionage act, approved
June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), provides
in part as follows:

"Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof. * * *

By a proclamation issued on the _____ day of August, 1939,
the President declared a national emergency to exist by reason of a
threatened disturbance of the international relations of the United
States due to the existing state of war between

Pursuant to the authority contained in the above quoted act, the following rules and regulations are hereby promulgated:

(1) All existing rules and regulations governing anchorages and movements of vessels in the navigable waters of the United States established by lawful authority are hereby reaffirmed and continued in force during the period of the present emergency.

(2) The rules and regulations governing the anchorage of vessels herein reaffirmed or promulgated shall be enforced by the captain of the port, or where the port has no such officer, by the collector of customs of the district in which such port is located.

(3) The collector of customs, through the captain of the port or other agency acting for the collector, is hereby authorized to inspect and search at any time any vessel, foreign or domestic, or any person or package thereon, within the territorial waters of the United States, to place guards upon such vessels, and to remove therefrom any or all persons not specially authorized by him to go or to remain on board thereof.

(4) The collector of customs, through the captain of the port or other agency acting for the collector, is hereby directed, subject to the approval of the Secretary of the Treasury, to take full possession and control of any vessel, foreign or domestic, in the territorial waters of the United States, whenever it appears that such action is necessary in order to secure

such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States. Pending action by the Secretary of the Treasury, the collector of customs is authorized to detain any such vessel and is directed to communicate the facts by the most expeditious means available to the Secretary of the Treasury.

(5) The collector of customs shall refuse clearance to any vessel having on board inflammable and explosive articles so laden or stowed as to render the same unnecessarily dangerous to navigation, and may also refuse clearance to any vessel bound for a foreign port with any person on board, either as officer, member of the crew, or passenger, whose departure from the United States on such vessel has been determined by the action of the proper Federal authorities to be inimical to the interests of the United States in the present emergency.

(6) The Secretary of the Treasury may require all lighters, barges, tugs, motor boats, sailboats, and similar craft operating in the harbor or waters of any port of entry, to be especially licensed by the collector of customs for such purpose and may revoke any license so granted for any failure to comply with the anchorage or harbor regulations for such port, or to obey the

orders issued thereunder by any duly authorized officer, or for
any act inimical to the interests of the United States in the
present emergency.

Acting Secretary of the Treasury.

Approved:

FRANKLIN D. ROOSEVELT,
President.

TELEGRAM

OFFICIAL BUSINESS—GOVERNMENT RATES

FROM _____

BUREAU _____

CHG. APPROPRIATION _____

U. S. GOVERNMENT PRINTING OFFICE: 1926

Collector of Customs

(Send to all collectors on attached list)

Expanded districts

By proclamation issued today pursuant Act June fifteen nineteen seventeen United States Code title fifty section one nine one President declared national emergency exists by reason threatened disturbance international relations of United States due to existence of state of war between and consented to Secretary of Treasury taking possession and control of any vessel foreign or domestic in territorial waters of United States to secure observance of rights and obligations of United States STOP You are directed immediately to detain comma intercept if under way comma and retain custody of vessels of the belligerent states above named in territorial waters within your jurisdiction except vessels of the naval establishments of belligerent powers, and other vessels of such belligerent powers operating for hostile or military purposes comma pending further Department instructions.

Acting Secretary of the Treasury

TELEGRAM

OFFICIAL BUSINESS—GOVERNMENT RATES

FROM _____

BUREAU _____

CHG. APPROPRIATION _____

District Superintendents of Patrol Districts

(Send to all District Superintendents of Patrol Districts on attached list)

By proclamation issued today pursuant Act June fifteen nineteen seventeen United States Code title fifty section one nine one President declared national emergency exists by reason threatened disturbance international relations of United States due to existence of state of war between

and consented to Secretary of Treasury taking possession and control of any vessel foreign or domestic in territorial waters of United States to secure observance of rights and obligations of United States STOP You are directed immediately to contact collectors of customs your district and cooperate fully in executing instructions sent collectors today

Acting Secretary of the Treasury

TELEGRAM

OFFICIAL BUSINESS—GOVERNMENT RATES

FROM _____

BUREAU _____

CHG. APPROPRIATION _____

U. S. GOVERNMENT PRINTING OFFICE: 1934

Supervising Customs Agents

(Send to all Supervising Customs Agents on attached list)

By proclamation issued today pursuant Act June fifteen nineteen
seventeen United States Code title fifty section one nine one President
declared national emergency exists by reason threatened disturbance
international relations of United States due to existence of state of
war between
and consented to Secretary of Treasury taking possession and control of
any vessel foreign or domestic in territorial waters of United States
to secure observance of rights and obligations of United States STOP
You are directed immediately to contact collectors of customs your
district and cooperate fully in executing instructions sent collectors
today

Acting Secretary of the Treasury

U. S. COAST GUARD

OFFICIAL DISPATCH

TRANSMIT

DATE

FROM

COAST GUARD HEADQUARTERS

TO (FOR ACTION)

ALL DISTRICT COMMANDERS AND CAPTAINS OF PORTS

UNLESS DESIGNATED OTHERWISE TRANSMIT THIS DISPATCH AS NITE.

TO (FOR INFORMATION)

CODE

CIPHER

ACKNOWLEDGE

PRIORITY

ROUTINE

ACKNOWLEDGE

PRIORITY

ROUTINE

MAIL TO

TELEPHONE TO

MESSENGER TO

OUTGOING HEADING

TEXT

BY PROCLAMATION ISSUED TODAY PURSUANT ACT JUNE FIFTEEN NINETEEN SEVENTEEN UNITED STATES CODE TITLE FIFTY SECTION ONE NINE ONE PRESIDENT DECLARED NATIONAL EMERGENCY EXISTS BY REASON THREATENED DISTURBANCE INTERNATIONAL RELATIONS OF UNITED STATES DUE TO EXISTENCE OF STATE OF WAR BETWEEN

AND CONSENTED TO SECRETARY OF TREASURY TAKING POSSESSION AND CONTROL OF ANY VESSEL FOREIGN OR DOMESTIC IN TERRITORIAL WATERS OF UNITED STATES TO SECURE OBSERVANCE OF RIGHTS AND OBLIGATIONS OF UNITED STATES STOP YOU ARE DIRECTED IMMEDIATELY TO CONTACT COLLECTORS OF CUSTOMS YOUR DISTRICT AND COOPERATE FULLY IN EXECUTING INSTRUCTIONS SENT COLLECTORS TODAY

ACTING SECRETARY

DOCUMENTS RELATING TO NEUTRALITY

1. General proclamation relating to neutrality.
2. Executive order prescribing regulations governing the enforcement of the neutrality of the United States.
3. Proclamation prescribing regulations concerning neutrality in the Canal Zone.
4. Executive Order - Prescribing regulations governing the passage and control of vessels through the Panama Canal in any war in which the United States is neutral.
5. Proclamation relating to the Export of arms, ammunition, and implements of war, under section 1 of the Joint Resolution of May 1, 1937.
6. Supplement to the pamphlet "International Traffic in Arms--Laws and Regulations administered by the Secretary of State", et cetera.
7. Regulations under section 9 (travel) of the Joint Resolution of Congress approved May 1, 1937.
8. Proclamation concerning aircraft.
9. Executive order prescribing regulations governing the enforcement of neutrality in connection with aircraft.
10. Proclamation concerning communications.
11. Executive order prescribing regulations governing the enforcement of neutrality in connection with communications.
12. Draft of proposed law regarding control of communications in time of war and neutrality.

Consult
Sec. Redley
before issue

To be
held -
1936
later

DOCUMENTS RELATING TO NEUTRALITY

1. General proclamation relating to neutrality.
2. Executive order prescribing regulations governing the enforcement of the neutrality of the United States.
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11. Executive order prescribing regulations governing the enforcement of neutrality in connection with communications.
12. Draft of proposed law regarding control of communications in time of war and neutrality.

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES
IN THE WAR BETWEEN AND .

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS a state of war unhappily exists between
and ;

AND WHEREAS the United States is on terms of
friendship and amity with the contending powers, and
with the persons inhabiting their several dominions;

AND WHEREAS there are nationals of the United
States residing within the territories or dominions
of each of the said belligerents, and carrying on
commerce, trade, or other business or pursuits therein;

AND WHEREAS there are nationals of each of the
said belligerents residing within the territory or
jurisdiction of the United States, and carrying on
commerce, trade, or other business or pursuits therein;

AND WHEREAS the laws and treaties of the United
States, without interfering with the free expression
of opinion and sympathy, nevertheless impose upon
all persons who may be within their territory and
jurisdiction the duty of an impartial neutrality dur-
ing the existence of the contest;

AND WHEREAS it is the duty of a neutral government not to permit or suffer the making of its territory or territorial waters subservient to the purposes of war;

NOW, THEREFORE, I,
President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that by certain provisions of the act approved on the 4th day of March, A.D. 1909, commonly known as the "Penal Code of the United States" and of the act approved on the 15th day of June, A.D. 1917, the following acts are forbidden to be done, under severe penalties, within the territory and jurisdiction of the United States, to wit:

1. Accepting and exercising a commission to serve one of the said belligerents by land or by sea against an opposing belligerent.
2. Enlisting or entering into the service of a belligerent as a soldier, or as a marine, or seaman on board of any ship of war, letter of marque, or privateer.

3. Hiring or retaining another person to enlist or enter himself in the service of a belligerent as a soldier, or as a marine, or seaman on board of any ship of war, letter of marque, or privateer.

4. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be enlisted as aforesaid.

5. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be entered into service as aforesaid.

6. Retaining another person to go beyond the limits or jurisdiction of the United States to be enlisted as aforesaid.

7. Retaining another person to go beyond the limits or jurisdiction of the United States with intent to be entered into service as aforesaid. (But the said act of the 4th day of March, A.D. 1909, as amended by the act of the 15th day of June, A.D. 1917, is not to be construed to extend to a citizen or subject of a belligerent who, being transiently within the jurisdiction of the United States, shall, on board of any ship of war, which, at the time of its arrival within the jurisdiction of the United States, was fitted and equipped as such ship of war, enlist or enter himself or hire or retain another subject or citizen of the same belligerent,

who is transiently within the jurisdiction of the United States, to enlist or enter himself to serve such belligerent on board such ship of war, if the United States shall then be at peace with such belligerent.)

8. Fitting out and arming, or attempting to fit out and arm, or procuring to be fitted out and armed, or knowingly being concerned in the furnishing, fitting out, or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of one of the said belligerents to cruise, or commit hostilities against the subjects, citizens, or property of an opposing belligerent.

9. Issuing or delivering a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid.

10. Increasing or augmenting, or procuring to be increased or augmented, or knowingly being concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which at the time of her arrival within the jurisdiction of the United States was a ship of war, cruiser, or armed vessel in the service of a belligerent, or belonging to a national thereof, by adding to the number of guns of such vessel, or by changing

those on board of her for guns of a larger caliber, or by the addition thereto of any equipment solely applicable to war.

11. Knowingly beginning or setting on foot or providing or preparing a means for or furnishing the money for, or taking part in, any military or naval expedition or enterprise to be carried on from the territory or jurisdiction of the United States against the territory or dominion of a belligerent.

12. Despatching from the United States, or any place subject to the jurisdiction thereof, any vessel, domestic or foreign, which is about to carry to a warship, tender, or supply ship of a belligerent any fuel, arms, ammunition, men, supplies, despatches, or information shipped or received on board within the jurisdiction of the United States.

13. Despatching from the United States, or any place subject to the jurisdiction thereof, any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the jurisdiction of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, and which is to be employed to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of a belligerent nation,

or which will be sold or delivered to a belligerent nation, or to an agent, officer, or citizen thereof, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

14. Despatching from the United States, or any place subject to the jurisdiction thereof, any vessel built, armed, or equipped as a ship of war, or converted from a private vessel into a ship of war (other than one which has entered the jurisdiction of the United States as a public vessel), with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to any agent, officer, or citizen of such nation, or where there is reasonable cause to believe that the said vessel shall or will be employed in the service of such belligerent nation after its departure from the jurisdiction of the United States.

15. Taking, or attempting or conspiring to take, or authorizing the taking of any vessel out of port or from the jurisdiction of the United States in violation of the said act of the 15th day of June, A.D. 1917, as set forth in the preceding paragraphs numbered 11 to 14 inclusive.

16. Leaving or attempting to leave the jurisdiction of the United States by a person belonging to

and so long as this proclamation shall be in effect, no ship of war or privateer of any belligerent shall be permitted to make use of any port, harbor, roadstead, or waters subject to the jurisdiction of the United States as a station or place of resort for any warlike purpose or for the purpose of obtaining warlike equipment; no privateer of a belligerent shall be permitted to depart from any port, harbor, roadstead, or waters subject to the jurisdiction of the United States; and no ship of war of a belligerent shall be permitted to sail out of or leave any port, harbor, roadstead, or waters subject to the jurisdiction of the United States from which a vessel of an opposing belligerent (whether the same shall be a ship of war or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last mentioned vessel beyond the jurisdiction of the United States.

If any ship of war of a belligerent shall, after the time this notification takes effect, be found in, or shall enter any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, such vessel shall not be permitted to remain in such port, harbor, roadstead, or waters more than twenty-four hours, except in case of stress of weather, or for delay in receiving supplies or repairs, or when

detained by the United States; in any of which cases the authorities of the port, or of the nearest port (as the case may be), shall require her to put to sea as soon as the cause of the delay is at an end, unless within the preceding twenty-four hours a vessel, whether ship of war or merchant ship of an opposing belligerent, shall have departed therefrom, in which case the time limited for the departure of such ship of war shall be extended so far as may be necessary to secure an interval of not less than twenty-four hours between such departure and that of any ship of war or merchant ship of an opposing belligerent which may have previously quit the same port, harbor, roadstead, or waters.

Vessels used exclusively for scientific, religious, or philanthropic purposes are exempted from the foregoing provisions as to the length of time ships of war may remain in the ports, harbors, roadsteads, or waters subject to the jurisdiction of the United States.

The maximum number of ships of war belonging to a belligerent and its allies which may be in one of the ports, harbors, or roadsteads subject to the jurisdiction of the United States simultaneously shall be three.

When ships of war of opposing belligerents are

present simultaneously in the same port, harbor, roadstead, or waters, subject to the jurisdiction of the United States, the one entering first shall depart first, unless she is in such condition as to warrant extending her stay. In any case the ship which arrived later has the right to notify the other through the competent local authority that within twenty-four hours she will leave such port, harbor, roadstead, or waters, the one first entering, however, having the right to depart within that time. If the one first entering leaves, the notifying ship must observe the prescribed interval of twenty-four hours. If a delay beyond twenty-four hours from the time of arrival is granted, the termination of the cause of delay will be considered the time of arrival in deciding the right of priority in departing.

Vessels of a belligerent shall not be permitted to depart successively from any port, harbor, roadstead, or waters subject to the jurisdiction of the United States at such intervals as will delay the departure of a ship of war of an opposing belligerent from such ports, harbors, roadsteads, or waters for more than twenty-four hours beyond her desired time of sailing. If, however, the departure of several ships of war and merchant ships of opposing belligerents from the same port, harbor, roadstead,

or waters is involved, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the vessels of the opposing belligerents, and to cause the least detention consistent with the objects of this proclamation.

All belligerent vessels shall refrain from use of their radio and signal apparatus while in the harbors, ports, roadsteads, or waters subject to the jurisdiction of the United States, except for calls of distress and communications connected with safe navigation or arrangements for the arrival of the vessel within, or departure from, such harbors, ports, roadsteads, or waters, or passage through such waters; provided that such communications will not be of direct material aid to the belligerent in the conduct of military operations against an opposing belligerent. The radio of belligerent merchant vessels may be sealed by the authorities of the United States, and such seals shall not be broken within the jurisdiction of the United States except by proper authority of the United States.

No ship of war of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, to take in any supplies except provisions and such other things as may be requisite for the

subsistence of her crew in amounts necessary to bring such supplies to her peace standard, and except such fuel, lubricants, and feed water only as may be sufficient, with that already on board, to carry such vessel, if without any sail power, to the nearest port of her own country; or in case a vessel is rigged to go under sail, and may also be propelled by machinery, then half the quantity of fuel, lubricants, and feed water which she would be entitled to have on board, if dependent upon propelling machinery alone, and no fuel, lubricants, or feed water shall be again supplied to any such ship of war in the same or any other port, harbor, roadstead, or waters subject to the jurisdiction of the United States until after the expiration of three months from the time when such fuel, lubricants and feed water may have been last supplied to her within waters subject to the jurisdiction of the United States. The amounts of fuel, lubricants, and feed water allowable under the above provisions shall be based on the economical speed of the vessel, plus an allowance of thirty per centum for eventualities.

No ship of war of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, to make repairs beyond those that are essential

to render the vessel seaworthy and which in no degree constitute an increase in her military strength. Repairs shall be made without delay. Damages which are found to have been produced by the enemy's fire shall in no case be repaired.

No ship of war of a belligerent shall effect repairs or receive fuel, lubricants, feed water, or provisions within the jurisdiction of the United States without written authorization of the proper authorities of the United States. Before such authorization will be issued, the commander of the vessel shall furnish to such authorities a written declaration, duly signed by such commander, stating the date, port, and amounts of supplies last received in the jurisdiction of the United States, the amounts of fuel, lubricants, feed water, and provisions on board, the port to which the vessel is proceeding, the economical speed of the vessel, the rate of consumption of fuel, lubricants, and feed water at such speed, and the amount of each class of supplies desired. If repairs are desired, a similar declaration shall be furnished stating the cause of the damage and the nature of the repairs. In either case, a certificate shall be included to the effect that the desired services are in accord with the rules of the United States in that behalf.

No agency of the United States Government shall, directly or indirectly, provide supplies nor effect repairs to a belligerent ship of war.

No vessel of a belligerent shall exercise the right of search within the waters under the jurisdiction of the United States, nor shall prizes be taken by belligerent vessels within such waters. Subject to any applicable treaty provisions in force, prizes captured by belligerent vessels shall not enter any port, harbor, roadstead, or waters under the jurisdiction of the United States except in case of unseaworthiness, stress of weather, or want of fuel or provisions; when the cause has disappeared, the prize must leave immediately, and if a prize captured by a belligerent vessel enters any port, harbor, roadstead, or waters subject to the jurisdiction of the United States for any other reason than on account of unseaworthiness, stress of weather, or want of fuel or provisions, or fails to leave as soon as the circumstances which justified the entrance are at an end, the prize with its officers and crew will be released and the prize crew will be interned. A belligerent Prize Court can not be set up on territory subject to the jurisdiction of the United States or on a vessel in the ports, harbors, roadsteads, or waters subject to the jurisdiction of the United States.

The provisions of this proclamation pertaining to ships of war shall apply equally to any vessel operating under public control for hostile or military purposes.

AND I do further declare and proclaim that the statutes and the treaties of the United States and the law of nations alike require that ~~no~~ person, within the territory and jurisdiction of the United States, shall take part, directly or indirectly, in the said war, but shall remain at peace with all of the said belligerents, and shall maintain a strict and impartial neutrality.

AND I do further declare and proclaim that the provisions of this proclamation shall apply to the Canal Zone except in so far as such provisions may be specifically modified by a proclamation or proclamations issued for the Canal Zone.

AND I do hereby enjoin all nationals of the United States, and all persons residing or being within the territory or jurisdiction of the United States, to observe the laws thereof, and to commit no act contrary to the provisions of the said statutes or treaties or in violation of the law of nations in that behalf.

AND I do hereby give notice that all nationals of the United States and others who may claim the protection of this government, who may misconduct

2

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE
ENFORCEMENT OF THE NEUTRALITY OF THE
UNITED STATES

WHEREAS, under the treaties of the United States and the law of nations, it is the duty of the United States, in any war in which the United States is a neutral, not to permit the commission of unneutral acts within the jurisdiction of the United States;

AND WHEREAS, a proclamation was issued by me on the _____ day of _____ declaring the neutrality of the United States of America in the war now existing between _____ and _____ :

NOW, THEREFORE, in order to make more effective the enforcement of the provisions of said treaties, law of nations, and proclamation, I hereby prescribe that, during said war, the departments and independent offices and establishments of the United States Government shall have the following duties to perform in enforcing the neutrality of the United States, which duties shall be in addition to the duties now prescribed, or hereafter prescribed, by law, or by other executive order or regulation not in conflict herewith, for the departments and independent offices and establishments of the United States Government:

1. War Department: Enforcement of the neutrality of the United States as prescribed in the above mentioned proclamation so far as concerns the military land forces of neutral and belligerent powers, except as provided in paragraphs numbered 2b and 4 hereof.
2. Navy Department: Enforcement of the neutrality of the United States as prescribed in the above mentioned proclamation, (a) so far as concerns vessels of the naval establishments of neutral and belligerent powers and vessels of belligerent powers operating for hostile or military purposes, except as provided in paragraph numbered 4 hereof; (b) enforcement of the neutrality of the United States as prescribed in said proclamation in outlying possessions under the jurisdiction of the Navy Department; (c) in the Philippine Islands, enforcement of the neutrality of the United States as respects all vessels as prescribed in said proclamation, with the special cooperation of the Department of State and the Department of the Interior.
3. Treasury Department and Commerce Department: (Under such further division of responsibility as the Secretary of the Treasury and the Secretary of Commerce may mutually agree upon) Enforcement of the neutrality of the United States as prescribed in the above mentioned proclamation so far as concerns all vessels except those referred to in paragraph numbered 2 hereof, with the special cooperation of the Department of the Interior in the territories and outlying possessions where the Treasury Department and the Commerce Department are required by law to carry out their respective functions, and except in the Philippine Islands, the Canal Zone, and the outlying possessions under the jurisdiction of the Navy Department.

4. Governor

4. Governor of the Panama Canal: Enforcement within the Canal Zone of the neutrality of the United States as prescribed in the above mentioned proclamation, and administrative action in connection therewith. The military and naval forces stationed in the Canal Zone shall give him such assistance for this purpose as he may request. If an officer of the Army shall be designated to assume authority and jurisdiction over the operation of the Panama Canal as provided in Section 8 of Title 2 of the Canal Zone Code, such officer of the Army shall thereafter have the duties above assigned to the Governor of the Panama Canal.

5. Department of Justice: Enforcement of the neutrality of the United States as prescribed in the above mentioned proclamation, not especially delegated to other departments, independent offices and establishments of the United States Government, and prosecution of violations of the neutrality of the United States.

6. All Departments and Independent Offices and Establishments of the United States: Enforcement of neutrality in connection with their own activities, furnishing information to, and assisting all other departments and independent offices and establishments of the United States Government in connection with the duties herein assigned; and issuing rules and regulations necessary for carrying out the duties herein assigned.

THE WHITE HOUSE,

, 1939.

apply to the total time such ship of war may remain in all the waters of the Canal Zone, except that the time required to transit the Canal shall be in addition to the prescribed twenty-four hours. Such transit shall be effected with the least possible delay in accordance with the Canal regulations in force, and only with such intermission as may result from the necessities of the service.

2. The maximum number of ships of war belonging to a belligerent and its allies which may be simultaneously in either terminal port and the terminal waters adjacent to such port shall be three. The maximum number of such vessels in all the waters of the Canal Zone simultaneously, including those in transit through the Canal, shall be six.

3. Belligerent ships of war, not carrying aircraft, departing from the jurisdiction of the Canal Zone from one of the terminal ports shall not be required to observe the prescribed interval of time between such departure and the departure from such jurisdiction of a vessel of an opposing belligerent from the other terminal port.

4. The time of original arrival of vessels within the jurisdiction of the Canal Zone, whether or not they transit the Canal, shall be used as the time of arrival in deciding the right of priority, between vessels of opposing belligerents, in departing from the jurisdiction of the Canal Zone.

5. If a belligerent ship of war which has left the waters of the Canal Zone, whether she has transitted the Canal or not, returns within a period of one week after her departure, she shall lose all right of priority in departure from the Canal Zone, or in passage through the Canal, over vessels of an opposing belligerent which may enter those waters after her return and before the expiration of one week subsequent to her previous departure. In any such case, the time of departure of a vessel which has so returned shall be fixed by the Canal authorities, who may in so doing consider the wishes of the commander or master of a vessel or vessels of an opposing belligerent then present within the waters of the Canal Zone.

6. If it is wholly impossible, as determined by the Governor of the Panama Canal, for a belligerent ship of war to effect repairs through, or to obtain fuel, lubricants, feed water, and provisions from, a private contractor within the Canal Zone or the Republic of Panama, the agencies of the United States administered by the Canal authorities may, in order to facilitate the operation of the Canal or its appurtenances, effect such repairs and furnish such supplies in accordance with the Canal regulations in force, but when repairs and supplies are so obtained they shall be limited to such repairs

and such amounts of fuel, lubricants, feed water, and provisions, with that already on board, as may be necessary to enable the vessel to proceed to the nearest accessible port, not an enemy port, in the general direction of her voyage, at which she can obtain further repairs or supplies necessary for the continuation of the voyage. The amounts of fuel, lubricants, feed water, and provisions so received shall be deducted from the amounts otherwise allowed in ports, harbors, roadsteads, and waters subject to the jurisdiction of the United States, including the Canal Zone, during any time within a period of three months thereafter. No public vessel of a belligerent shall receive fuel or lubricants while within the territorial waters of the Canal Zone except under written authorization of the Canal Authorities, specifying the amount of fuel and lubricants which may be received. Moreover, the repair facilities and docks belonging to the United States and administered by the Canal Authorities shall not be used by a public vessel of a belligerent, except when necessary in case of actual distress, and then only upon the order of the Canal Authorities, and only to the degree necessary to render the vessel sea-worthy. Any work authorized shall be done with the least possible delay.

7. In the Canal Zone, prizes shall be in all

respects subject to the same rules as ships of war of the belligerents.

AND I do further declare and proclaim that, from and after the day of instant, the following additional provisions shall be effective in the Canal Zone:

1. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the Canal Zone, except when required by the Canal authorities, or in case of accidental hindrance of the transit. In such cases the Canal authorities shall be the judges of the necessity, and the transit shall be resumed with all dispatch.

2. No belligerent aircraft shall be navigated into, within, or through the air spaces above the territory or waters of the Canal Zone.

3. The enforcement of neutrality of the United States within the Canal Zone and administrative action in connection therewith shall be the responsibility of the Governor of the Panama Canal; and the military and naval forces stationed in the Canal Zone shall give him such assistance for this purpose as he may request; provided that, if an officer of the Army is designated to assume authority and jurisdiction over the operation of the Panama Canal as provided in Section 8 of Title 2 of the Canal Zone Code, such officer of the Army shall thereafter have such responsibility.

AND I do further declare and proclaim that the provisions of this proclamation and the provisions of the proclamation of the day of instant are in addition to the "Rules and Regulations for the Operation and Navigation of the Panama Canal and Approaches Thereto, including all Waters under its jurisdiction" prescribed by Executive Order No. 4314, of September 25, 1925, as amended.

This proclamation shall continue in full force and effect unless and until modified, revoked, or otherwise terminated pursuant to law.

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

DONE at the city of Washington this day

of , in the

year of our Lord

nineteen hundred

and thirty-nine,

and of the

Independence

of the United

States of America

the one hundred and

sixty-fourth.

By the President:

Secretary of State.

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE
PASSAGE AND CONTROL OF VESSELS THROUGH THE PANAMA
CANAL IN ANY WAR IN WHICH THE UNITED STATES IS
NEUTRAL

WHEREAS the treaties of the United States, in any war in which the United States is a neutral, impose on the United States certain obligations to both neutral and belligerent nations;

AND WHEREAS the treaties of the United States, in any war in which the United States is a neutral, require that the United States exert all the vigilance within their power to carry out their obligations as a neutral;

AND WHEREAS treaties of the United States require that the Panama Canal shall be free and open, on terms of entire equality, to the vessels of commerce and of war of all nations observing the rules laid down in Article 3 of the so-called Hay-Pauncefote treaty concluded between the United States and Great Britain, November 18, 1901;

NOW, THEREFORE, by virtue of the authority vested in me by section 5 of the Panama Canal Act, approved August 24, 1912 (ch. 390, sec. 5, 37 Stat. 562), as amended by the act of July 5, 1932 (ch. 425,

47 Stat. 578), I hereby prescribe the following regulations governing the passage and control of vessels through the Panama Canal or any part thereof, including the locks and approaches thereto, in any war in which the United States is a neutral;

1. Whenever considered necessary, in the opinion of the Governor of the Panama Canal, to prevent damage or injury to vessels or to prevent damage or injury to the Canal or its appurtenances, or to secure the observance of the rules, regulations, rights, or obligations of the United States, the Canal authorities may at any time, as a condition precedent to transit of the Canal, inspect any vessel, belligerent or neutral, other than a public vessel, including its crew and cargo, and, for and during the passage through the Canal, place armed guards thereon, and take full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by the Canal authorities to go or remain on board thereof during such passage.

2. A public vessel of a belligerent or neutral nation shall be permitted to pass through the Canal only after her commanding officer has given written assurance to the authorities of the Panama Canal that the rules, regulations, and treaties of the

United States will be faithfully observed.

The foregoing regulations are in addition to the "Rules and Regulations for the Operation and Navigation of the Panama Canal and Approaches Thereto, including all Waters under its Jurisdiction" prescribed by Executive Order No. 4314 of September 25, 1925, as amended, and the provisions of proclamations and executive orders pertaining to the Canal Zone issued in conformity with the laws and treaties of the United States.

5

EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR
TO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved May 1, 1937, provides in part as follows:

"Whenever the President shall find that there exists a state of war between, or among, two or more foreign 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 any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent 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 war unhappily exists between _____ and _____, 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 or any of its possessions to _____ or _____ or to any other state for transshipment to, or for the use of, _____ or _____.

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

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) Aircraft, 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

CATEGORY VI

- (1) Livens projectors and flame throwers;
- (2) a. Mustard gas (dichlorethyl sulphide);
b. Lewisite (chlorovinylchlorarsine and dichlordivinylchlorarsine);
c. Methylchlorarsine;
d. Diphenylchlorarsine;
e. Diphenylcyanarsine;
f. Diphenylaminechlorarsine;
g. Phenylchlorarsine;
h. Ethylchlorarsine;
i. Phenylbromarsine;
j. Ethylbromarsine;
k. Phosgene;
l. Monochloromethylchlorformate;
m. Trichloromethylchlorformate (diphosgene);
n. Dichlorodimethyl Ether;
o. Dibromodimethyl Ether;
p. Cyanogen Chloride;
q. Ethylbromacetate;
r. Ethyliodoacetate;
s. Brombenzoylanide;
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 tetranitro methylaniline);
 - e. Picric acid;
 - f. Ammonium picrate;
 - g. Trinitroanisol;
 - h. Trinitroisphthalene;
 - i. Tetranitronaphthalene;
 - j. Hexanitrodiphenylamine;
 - k. Pentaerythritetetranitrate (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

6

DEPARTMENT OF STATE
Washington, D. C.

, 1939.

Supplement to the Pamphlet, INTERNATIONAL TRAFFIC IN ARMS--
Laws and Regulations Administered by the Secretary of
State Governing the International Traffic in ARMS, Am-
munition, and Implements of War and Other Munitions of
War.

PART X

SPECIAL PROVISIONS IN REGARD TO EXPORTATION TO
AND

The President's proclamation of _____, 1939,
issued pursuant to section 1 of the joint resolution of
Congress approved May 1, 1937, reads as follows:

"WHEREAS section 1 of the joint resolution of
Congress approved May 1, 1937, provides in part as
follows:

"Whenever the President shall find that
there exists a state of war between, or among,
two or more foreign states, the President
shall proclaim such fact, and it shall there-
after be unlawful to export, or attempt to
export, or cause to be exported, arms, ammuni-
tion, or implements of war from any place in
the United States to any belligerent state
named in such proclamation, or to any neutral
state for transshipment to, or for the use
of, any such belligerent 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, ammunitions, 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 In-
ternational Trade in Arms and Ammunition and
in Implements of War, signed at Geneva June 17,
1925."

"AND

"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,

"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 war unhappily exists between

and

, 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 or any of its possessions to or
or to
any other state for transshipment to, or for the use
of,
or

"And I do hereby declare and proclaim that the
articles enumerated 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

"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) Aircraft, 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 (chlorvinylchlorarsine and dichlordivinylchlorarsine);
c. Methylchlorarsine;
d. Diphenylchlorarsine;
e. Diphenylcyanarsine;
f. Diphenylaminechlorarsine;
g. Phenylchlorarsine;
h. Ethylchlorarsine;
i. Phenylbromarsine;
j. Ethylbromarsine;
k. Phosgene;
l. Monochloromethylchlorformate;
m. Trichloromethylchlorformate (diphosgene);
n. Dichlorodimethyl Ether;
o. Dibromodimethyl Ether;
p. Cyanogen Chloride;
q. Ethylbromacetate;
r. Ethyliodoacetate;
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 tetranitro methyl-aniline);
 - e. Picric acid;
 - f. Ammonium picrate;
 - g. Trinitroanisol;
 - h. Trinitronaphthalene;
 - i. Tetranitronaphthalene;
 - j. Hexanitrodiphenylamine;
 - k. Pentaerythritetetranitrate (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

No export licenses will be issued for shipments destined to _____ or _____ of any of the arms, ammunition, or implements of war enumerated in the President's proclamation of _____, 1939.

By virtue of the power delegated to the Secretary of State by this proclamation of _____, 1939, 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 _____ or _____ 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 transshipment 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

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 commerce with any belligerent state, or any state wherein civil strife exists, named in such proclamation, to be armed or to carry any armament, arms, ammunition, or implements of war, except small arms and ammunition therefor which the President may deem necessary and shall publicly designate for the preservation of discipline aboard such vessels."

Under the provisions of this section and by virtue of the power delegated to the Secretary of State by this proclamation of _____, 1939, 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, the Secretary of State announces that American vessels engaged in commerce with _____ or _____ may carry such small arms and ammunition as the masters of these vessels may deem indispensable for the preservation of discipline aboard the vessels.

Secretary of State

7

DEPARTMENT OF STATE
Washington, D. C.

, 1939.

REGULATIONS UNDER SECTION 9 OF THE JOINT RESOLUTION
OF CONGRESS APPROVED MAY 1, 1937

Section 9 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution approved August 31, 1935, provides as follows:

"Whenever the President shall have issued a proclamation under the authority of section 1 of this Act it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of the state or states named in such proclamation, except in accordance with such rules and regulations as the President shall prescribe: Provided, however, That the provisions of this section shall not apply to a citizen of the United States traveling on a vessel whose voyage was begun in advance of the date of the President's proclamation, and who had no opportunity to discontinue his voyage after that date: And provided further, That they shall not apply under ninety days after the date of the President's proclamation to a citizen of the United States returning from a foreign state to the United States. Whenever, in the President's judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation 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 prior to such revocation."

Section 12 of the said joint resolution provides as follows:

"In every case of the violation of any of the provisions of this Act or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000, or imprisoned not more than five years, or both."

Section 11 of the said joint resolution provides as follows:

"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

any power or authority conferred on him by this Act through such officer or officers, or agency or agencies, as he shall direct."

The President's proclamation of _____, 1939, issued pursuant to the provisions of section 1 of the above-mentioned joint resolution, provides in part as follows:

"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 pursuance of those provisions of the law and of the President's proclamation of _____, 1939, which are quoted above, the Secretary of State announces the following regulations:

American diplomatic and consular officers and their families, members of their staffs and their families, and American military and naval officers and personnel and their families may travel pursuant to orders on _____

or

vessels

if the public service requires;

Other American citizens may travel on _____

and

vessels,

provided, however, that travel on or over the north Atlantic Ocean, east of 30 degrees west and north of 30 degrees north or on or over other waters adjacent to Europe or over the continent of Europe or adjacent islands shall not be permitted except when specifically authorized by the Secretary of State in each case.

subject to the jurisdiction of the United States by aircraft in the service of a belligerent nation for any warlike purpose or preparing for any warlike purpose, or for obtaining or transmitting any information useful in the conduct of warlike operations, or for obtaining any equipment to be used by such aircraft in warlike operations, must be regarded as unfriendly and offensive, and in violation of that neutrality which it is the determination of this government to observe; and to the end that the hazard and inconvenience of such apprehended practices may be avoided, I further proclaim and declare that from and after the day of , and during the continuance of the present hostilities between and the following provisions in that behalf shall be effective, due consideration being given to international agreements to which the United States is a party:

DEFINITIONS

1. Terms, as used in this proclamation, are hereby defined as follows:

(a) "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

(b) "Public aircraft" means an aircraft used exclusively in the service of any government or of

any political subdivision thereof, including the government of any State, Territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(c) "Civil aircraft" means any aircraft other than a public aircraft.

(d) "Military aircraft" means any aircraft commanded by a person in military service detailed for the purpose, or any other aircraft engaging in or intended to engage in any warlike operation or service.

(e) "Non-military aircraft" means any aircraft other than a military aircraft.

(f) "Airport of entry" means a place designated by the Secretary of the Treasury as a port of entry for civil aircraft, so long as such designation remains in force.

(g) "Military port of entry" means a place so designated by the President of the United States, so long as such designation remains in force.

(h) "Foreign air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce between a place in the

United States, as defined by the Civil Aeronautics Act of 1938, and any place outside thereof, whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

BELLIGERENT MILITARY AIRCRAFT

2. Belligerent military aircraft may not enter the jurisdiction of the United States in flight except

(a) for stress of weather, material failure rendering further flight dangerous, insufficiency of fuel or lubricating oil due to weather or accident, or serious illness of personnel; or

(b) when an authorization has been secured in advance from the United States.

3. Belligerent military aircraft entering the jurisdiction of the United States in flight other than as prescribed in Paragraph 2 above shall be interned together with the crews and passengers, if any; and, in any case, the aircraft, crews, and passengers, if any, shall be interned unless the flight conforms in all respects to the following conditions:

(a) The flight must be a part of a trip by the most direct air route from one land base under the jurisdiction of the country to which the aircraft belongs, or of an allied nation, to another land base under such jurisdiction.

(b) There must be no intent to commit or attempt to commit hostilities upon, or to obtain or transmit information regarding, the subjects, citizens, or property of an opposing belligerent during the flight between the said land bases;

(c) Machine guns for defense against aircraft, with ammunition therefor, are the only weapons which may be transported on the flight. No bombs, torpedoes, missiles, photographic apparatus, carrier pigeons, or radio or signal apparatus other than that required for safe navigation shall be carried during any part of such flight;

(d) Not more than three units shall be in company on the same flight, a unit for this purpose being considered six heavier-than-air aircraft or one lighter-than-air aircraft. All aircraft flying on the same general route with intervals of less than twenty-four hours shall be considered as flying in company on the same flight.

4. The following additional provisions apply to belligerent military aircraft within the jurisdiction of the United States, having entered such jurisdiction as provided in Paragraph 2 above and complying with the provisions of Subparagraphs 3(a), (b), (c), and (d):

(a) Such aircraft shall be permitted to take on provisions necessary for the subsistence of the crew and passengers during the flight as authorized by the United States and sufficient fuel and lubricating oil to fill their tanks once during such flight; provided, that in no case shall the amount of fuel and lubricating oil on board be in excess of that required to proceed at economical speed directly over the authorized route; and provided further, that an aircraft having so refueled may not again renew its supply within the jurisdiction of the United States until a period of three months has elapsed. No supplies or equipment whatsoever, other than provisions, fuel, lubricating oil, and material necessary for authorized repairs, shall be taken on board within the jurisdiction of the United States.

(b) Repairs shall be limited to those necessary to continue the authorized flight, and shall be made without delay. In no case shall damage caused by enemy fire be repaired within the jurisdiction of the United States.

(c) No agency of the United States Government shall, directly or indirectly, provide supplies nor effect repairs to a belligerent military aircraft, except in

case of actual distress and then only to the extent necessary to relieve such distress.

(d) The total time such aircraft may remain within the jurisdiction of the United States shall not exceed twenty-four hours, including both flying and non-flying time, except for stress of weather, or for delay in receiving fuel, lubricating oil, or provisions, or when detained by the United States, in which cases the aircraft shall be required to depart as soon as the cause of the delay is at an end. If any such aircraft shall have entered the jurisdiction of the United States prior to the date this notification takes effect, they shall be required to depart not later than the day following such date.

(e) Belligerent military aircraft shall not be permitted to depart from the jurisdiction of the United States until a period of twenty-four hours has elapsed after the departure, from the same vicinity, of a vessel of an opposing belligerent, or six hours after the departure, from the same vicinity, of an aircraft of an opposing belligerent. The term "same vicinity" shall be interpreted to include all points in the jurisdiction of the United States within a radius of twenty-five miles of the last airport used by such

military aircraft in the jurisdiction of the United States or within one hundred miles of the point of departure from the jurisdiction of the United States of such military aircraft.

(f) When military aircraft of opposing belligerents are present simultaneously in the same vicinity (as defined in the preceding subparagraph), they shall be accorded the right of departing in the order of arrival, except that when a delay beyond twenty-four hours from the time of arrival is granted, the termination of the cause of delay shall be considered as the time of arrival in deciding the right of priority in departing.

(g) Aircraft of a belligerent shall not be permitted to depart successively from the jurisdiction of the United States at such intervals as will delay the departure of a military aircraft of an opposing belligerent from such jurisdiction for more than twenty-four hours beyond the desired time of departure. If, however, the departure of several military and non-military aircraft of opposing belligerents from the same vicinity is involved, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the aircraft of opposing belligerents, and to insure the least detention consistent with the objects of this proclamation.

BELLIGERENT NON-MILITARY AIRCRAFT

5. Non-military aircraft of a belligerent nation, or owned wholly or in part by its subjects or citizens, entering the jurisdiction of the United States in flight, shall be considered and treated as belligerent military aircraft unless authorization has been secured in advance from the United States for such entry, or, if employed in foreign air transportation, there is in force a permit so to engage as required by the Civil Aeronautics Act of 1938; or, in the absence of such authorization and permit, they are forced to enter the jurisdiction of the United States by stress of weather, material failure rendering further flight dangerous, insufficiency of fuel or lubricating oil due to weather or accident, or serious illness of personnel.

GENERAL

6. Aircraft, whether the same be domestic or foreign, or military or non-military, which are employed in the service of one belligerent to commit hostilities against, or to obtain or transmit information regarding, the subjects, citizens, or property of the other belligerent, shall not use the jurisdiction of the United States as a base of operations for such service.

7. Aircraft entering the jurisdiction of the United States on board public vessels of a belligerent shall not be assembled, hoisted out, or flown within the jurisdiction of the United States.

8. Aircraft entering the jurisdiction of the United States on board vessels other than public vessels of a belligerent shall not be assembled or flown within such jurisdiction for use in the service of a belligerent.

9. Aircraft, and material and supplies intended for use in the operation of aircraft, shall not be taken on board any vessel, domestic or foreign, within the jurisdiction of the United States, with intent that such vessel shall be employed in the service of either of said belligerents to commit hostilities against, or to obtain or transmit information regarding, the subjects, citizens, or property of the other belligerent, or with intent that such vessel shall act as a carrier or tender for aircraft so employed; and no aircraft (except as provided in Paragraphs 2 and 3 above) shall leave the jurisdiction of the United States in flight with intent of being so employed or joining or operating from a vessel so employed.

10. No vessel, domestic or foreign (other than one which has entered the jurisdiction of the United States as a public vessel), having on board aircraft, or material or

supplies intended for use in the operation of aircraft, shall be permitted to depart from the jurisdiction of the United States with intent that such vessel shall be employed in the service of either of said belligerents to commit hostilities against, or to obtain or transmit information regarding, the subjects, citizens, or property of the other belligerent, or with intent that such vessel shall act as carrier or tender for aircraft so employed.

11. Vessels and aircraft, domestic or foreign, which are about to deliver fuel, arms, ammunition, equipment, aircraft, aircraft parts, supplies, despatches, or information, received on board within the jurisdiction of the United States, to any vessel or aircraft employed in the service of either of said belligerents to commit hostilities against, or to obtain or transmit information regarding, the subjects, citizens, or property of the other belligerent, or to any vessel acting as carrier or tender to aircraft so employed, shall not be permitted to depart from the jurisdiction of the United States.

12. Vessels of a belligerent, whether the same be ships of war or merchant ships, shall not be required to advance or delay their time of departure in order to permit the departure of a military aircraft of an opposing belligerent within any specified time.

(a) Accepting and exercising a commission to serve in the air force of either of said belligerents against the other belligerent.

(b) Enlisting or entering, or hiring or retaining another person to enlist or enter himself, or to go beyond the jurisdiction of the United States with intent to be enlisted or entered in the air force of either of said belligerents.

(c) Issuing or delivering a commission for any aircraft to the intent that such aircraft may be employed in the service of either of said belligerents to commit hostilities against, or to obtain or transmit information regarding, the subjects, citizens, or property of the other belligerent.

14 (a) An authorization for belligerent aircraft to enter the jurisdiction of the United States as provided in this proclamation, shall be requested through the usual diplomatic channels. Such request shall be in conformity with regulations issued on the subject which require the inclusion of the following information:

- (1) Number of aircraft flying in company;
- (2) Type of aircraft;

- (3) The markings thereon;
- (4) Nation in which registered;
- (5) Classification as to public or civil; if public, the government agency to which it belongs; if civil, the name, address, and nationality of the owner;
- (6) Classification as to military or non-military;
- (7) Purpose of flight;
- (8) Whether or not engaged in foreign air transportation; and, if so, whether or not there is in force a permit from the Civil Aeronautics Authority so to engage;
- (9) The name, nationality, rank (if any), and status as to civil or military of the person in charge or command;
- (10) Point of origin of the flight and the ultimate destination;
- (11) Expected point, hour, and date of entry into and departure from, and the route through, the jurisdiction of the United States;
- (12) Desired landing points, if any, and the expected hour and date of arrival thereat;
- (13) For military aircraft desiring to take on fuel, lubricating oil, or provisions within the jurisdiction of the United States: amounts and where desired,

together with amounts, airport, and date last so supplied.

(b) The request shall further contain a statement that the activities of the aircraft and of the personnel on board, and the services desired in the jurisdiction of the United States, do and will conform to the provisions of this proclamation and all other regulations and instructions issued by the United States authorities.

(c) The person in charge of any aircraft about to depart for the United States from a foreign port or place shall give notice of the intended flight to the proper authorities of the United States. Such notice shall specify the type of aircraft, the markings thereon, the name of the person in charge, the intended landing place, and the estimated time of arrival, and shall be sent in sufficient time and by such means as to enable a representative of the United States to reach the landing field prior to the arrival of the aircraft. This notice, in the case of civil aircraft, shall be made to the Collector of Customs for the district in which is situated the intended place of first landing in the United States. In the case of public aircraft, the notice shall be made both to the Collector of Customs, as indicated above, and to the Department of State.

(d) The prescribed authorization shall be obtained for each specific flight, except that this provision shall not apply to non-military aircraft engaged in regularly scheduled air transport services operating over established routes. In the latter case, the report prescribed in (c) above is not required.

15 (a) Except under unusual circumstances, permission will be granted to aircraft arriving within the jurisdiction of the United States from any foreign port or place to land only as follows:

(1) Civil aircraft: At an airport of entry unless permission to land elsewhere is given by the Secretary of the Treasury;

(2) Public aircraft: At an airport of entry or a military airport of entry.

(b) If such civil aircraft land elsewhere than at an airport of entry, the owner or person in charge of the aircraft shall pay any additional expense, if any, incurred in inspecting the aircraft, and merchandise, passengers, and baggage carried therein.

16 (a) All belligerent aircraft entering the jurisdiction of the United States in flight shall follow the procedure described below:

(1) When authority has been secured in advance, the point of entry, landing point or points, if any, and the altitude and route, while within the jurisdiction of the United States, shall be as authorized by the United States;

(2) When authority has not been secured in advance, such aircraft shall, if practicable, immediately upon entering the jurisdiction of the United States in flight, report by radio to the authorities of the United States giving full details of the flight as set forth in Par. 14(a) above. Unless otherwise directed by the authorities of the United States, the aircraft shall proceed directly to and land at the airport of entry or the military airport of entry nearest the point of entry of the aircraft into the jurisdiction of the United States.

(3) If the above procedure is impossible due to weather, material failure, or insufficiency of fuel or lubricating oil, the aircraft shall land at the nearest suitable airport.

(b) When such aircraft land within the jurisdiction of the United States, they shall, upon landing, again report to the authorities of the United States.

(c) The laws and regulations of the United States as to mails, customs, immigration, public health, and entry and clearance, and all other laws and all other regulations and instructions issued by the duly constituted authorities of the United States, shall be strictly complied with.

(d) In no case shall belligerent aircraft take off from any point within the jurisdiction of the United States without having been properly cleared by the appropriate United States authorities.

17. Belligerent aircraft shall refrain from all use of their radio and signal apparatus while within the jurisdiction of the United States except for communications connected with safe navigation and arrangements for the passage of such aircraft through the jurisdiction of the United States.

18. The United States reserves the right to designate airspace reservations within the jurisdiction of the United States in which the navigation or operation of any and all aircraft may be prohibited or restricted.

19. The Panama Canal Zone has been designated as the "Canal Zone Air-space Reservation." No belligerent aircraft shall be navigated into, within, or through the Canal Zone Air-space Reservation, and the navigation of all other aircraft into, within, or through the Canal Zone Air-space Reser-

vation shall be governed by proclamations, executive orders, and regulations issued in that behalf.

AND I do hereby enjoin all citizens of the United States, and all persons residing or being within the territory or jurisdiction of the United States, having information of the presence of any belligerent aircraft within the jurisdiction of the United States not under the control of an agency of the United States Government or of any act committed by aircraft or the personnel on board contrary to the provisions of the statutes and treaties of the United States or in violation of the law of nations in that behalf, to convey such information promptly to the nearest or most convenient authorities of the United States.

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

DONE at the City of Washington this day of ,
in the year of our Lord ,
(Seal) and of the Independence of the United States of America
the .

By the President:

Secretary of State.

(No.)

~~CONFIDENTIAL~~
(Ex. Or. - Air)
8-24-39

E X E C U T I V E O R D E R
P R E S C R I B I N G R E G U L A T I O N S G O V E R N I N G T H E
E N F O R C E M E N T O F N E U T R A L I T Y I N
C O N N E C T I O N W I T H A I R C R A F T .

WHEREAS under the treaties of the United States and the law of nations, it is the duty of the United States, in any war in which the United States is a neutral, not to permit the commission of unneutral acts within their jurisdiction which extends not only to all territory and waters subject to the jurisdiction of the United States, but to all air spaces above such territory and waters;

NOW, THEREFORE, in order to make more effective the enforcement of the provisions of such treaties and the law of nations, I hereby prescribe that, in any war in which the United States is a neutral, the departments and independent offices and establishments of the United States Government shall have the following duties in enforcing the neutrality of the United States in connection with aircraft, which duties shall be in addition to the duties now prescribed, or hereafter prescribed, by law, or by other executive order or regulation not in conflict herewith, for the departments and independent offices and establishments of the United States Government:

1. State Department: Issuing, as required by law or neutrality proclamations, authorizations for foreign aircraft a part of the armed forces of any foreign nation to enter the jurisdiction of the United States, and informing all other Government agencies concerned.
2. Treasury Department: Enforcing neutrality, except in the Canal Zone, in connection with civil aircraft which land within the jurisdiction of the United States, and, to the extent necessary and practicable, in connection with such aircraft while in flight.
3. War Department: Enforcing neutrality, except in the Canal Zone, in connection with foreign public aircraft which land on territory, naval air stations excluded, within the jurisdiction of the United States, and, to the extent necessary and practicable, in connection with such aircraft while in flight enroute so to land under authority granted by the United States.
4. Department of Justice: Prosecuting violators of neutrality under the Constitution and laws of the United States and proclamations and executive orders issued thereunder.
5. Navy Department: Enforcing neutrality, except in the Canal Zone, in connection with foreign public aircraft

which land at naval air stations or in waters under the jurisdiction of the United States, and, to the extent necessary and practicable, in connection with such aircraft while in flight enroute so to land under authority granted by the United States.

6. Governor of the Panama Canal: Enforcing neutrality in connection with all civil aircraft and foreign public aircraft within the Canal Zone; provided that, if an officer of the Army is designated to assume authority and jurisdiction over the operation of the Panama Canal as provided in Section 8 of Title 2 of the Canal Zone Code, such officer of the Army shall thereafter have such duties.

7. Civil Aeronautics Authority: Issuing, as required by law or neutrality proclamations, permits to foreign air carriers to engage in foreign air transportation, and authorizations to foreign aircraft not a part of the armed forces of any foreign nation to be navigated within the jurisdiction of the United States. Such permits and authorizations shall be transmitted to such foreign air carriers or the owners or operators of such other foreign aircraft through the Department of State.

8. All departments and independent offices and establishments of the United States Government: Enforcing neutrality in connection with their own aircraft; furnishing

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(Ex. Or. - Air)
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information to and assisting all other departments and independent offices and establishments of the United States Government in connection with the duties herein assigned. Responsibility for enforcing neutrality in connection with aircraft in flight which have not been authorized to enter the jurisdiction of the United States, or which can not be identified as coming within the cognizance of a particular department or independent office or establishment of the United States Government, shall be assumed by the department or independent office or establishment of the United States Government whose aircraft or facilities are most conveniently situated.

The White House

(No.

connection with all means of communication within or subject to the jurisdiction of the United States;

NOW, THEREFORE, I, _____, President of the United States of America, do hereby enjoin all citizens of the United States, and all persons being or residing within the territory or jurisdiction of the United States, to commit no unneutral act in connection with the erection or operation of any means of communication within or subject to the jurisdiction of the United States contrary to the statutes or treaties of the United States or in violation of the law of nations, and to adhere strictly to the following provisions in that behalf:

1. Radio stations shall not be erected or operated on territory within or subject to the jurisdiction of the United States by any alien or the representative of any alien, or by any foreign government or the representative thereof, or by any corporation controlled wholly or in part by aliens as specified in Section 310 of the Communications Act of 1934, approved June 19, 1934. (48 Stat. 1086; 47 U.S.C. 310). The word "representative" includes, but is not limited to, an agent, employee, or other person acting in any way for or on behalf of an alien or a foreign government.

2. All

2. All vessels and aircraft of belligerent nationality shall refrain from all use of their radio and signal apparatus while in territory, waters, or air spaces within or subject to the jurisdiction of the United States, except as provided in paragraph 5 below. The radio of belligerent merchant vessels and belligerent civil aircraft may be sealed by the authorities of the United States, and such seal shall not be broken within the jurisdiction of the United States except by proper authority of the United States.

3. The utilization of any means of communication within or subject to the jurisdiction of the United States is prohibited for the purpose of transmitting or receiving for delivery or for unauthorized use, any unneutral communication. Except as provided in paragraph 5 below, unneutral communications are those affecting belligerent military forces or belligerent military operations, or which will aid, or be of material importance to, belligerents in the conduct of military operations or economic warfare, whether directly or indirectly, including espionage and sabotage.

4. No

4. No communication of any character is permitted by radio, wire, or other communication apparatus between any station within or subject to the jurisdiction of the United States and any military vessel, military aircraft, or military station of a belligerent nation, except as provided in paragraph 5 below.

5. The following communications are exempt from the provisions of paragraphs 2, 3, and 4 above, provided such communications are not of direct aid to a belligerent in the conduct of military operations against an opposing belligerent:

- (a) Calls of distress and necessary communications incident to the distress;
- (b) Communications connected with safe navigation;
- (c) Communications concerning arrangements for arrival in, departure from, or passage through the jurisdiction of the United States.

6. Every measure of restriction or prohibition taken by the United States or by companies or by private individuals in regard to the use in behalf of the belligerents of any means of communication within or subject to the jurisdiction of the United States, and belonging
to

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to the United States or companies or private individuals, shall be impartially applied to all belligerents.

7. Companies or private individuals operating any means of communication within the jurisdiction of the United States will be held responsible for compliance by themselves, their operators, or employees with the provisions of laws of the United States and proclamations and executive orders issued thereunder, and with the provisions of all rules and regulations issued by any department or independent office or establishment of the United States Government in compliance therewith; and all means of communication so operated, and the communications presented for transmission, or received thereby for delivery or unauthorized use, shall be subject to such inspection, supervision, or control, including taking over and operating or closing such means of communication, by the authorities of the United States, as may be necessary to insure compliance with such laws, proclamations, or executive orders.

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

DONE

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- NOTE: (a) This executive order to be issued when it is considered advisable to initiate physical control of the means of communication and censorship of communications as a preparatory war measure when it seems probable that the United States will become a belligerent.
- (b) If it is decided that additional laws are necessary to make this executive order legal, and are passed, the first two lines of the fourth paragraph should be changed to read as follows: "NOW, THEREFORE, by virtue of the authority conferred on me by Section 606 (c) of the Communications Act of 1934, approved June 19, 1934 (48 Stat. 1104; 47 U.S.C. 606 (c)), and by (insert citation of new law), and in order to make more effective enforcement of the said treaties, laws, and procla-". In Rule 1, Rule 2, and Rule 6, after the word "treaties", add ", laws,".
- (c) If a law is passed authorizing the President to appoint an Administrator of Public Relations, this law should also be cited in the executive order.
- (d) In event that the situation becomes so serious as to point to the probable participation of the United States as a belligerent, and Congress is not in session, consideration should be given to the legality of this executive order, and the corresponding proclamation, and to the advisability of issuing the executive order and proclamation without further legislation, similar to the action taken in 1914 as regards radio.

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- (e) The opinion of the Attorney General should be obtained at the earliest possible moment by the State Department as to the legality of this executive order and the proclamation related thereto.

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E X E C U T I V E O R D E R

PRESCRIBING REGULATIONS GOVERNING THE ENFORCEMENT
OF NEUTRALITY IN CONNECTION WITH COMMUNICATIONS

WHEREAS, under the treaties of the United States, it is the duty of the United States, in any war in which the United States is a neutral, not to permit the commission of unneutral acts within the jurisdiction of the United States;

AND WHEREAS, a proclamation having been issued by me on the day of instant declaring the neutrality of the United States of America in the war now existing between and

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AND WHEREAS, a proclamation having been issued by me on the day of instant pertaining to the observance of the neutrality of the
United

States during said war in connection with means of communication within or subject to the jurisdiction of the United States;

NOW, THEREFORE, in order to make more effective the enforcement of the provisions of said treaties and proclamations, I hereby prescribe that during the said war, the departments and independent offices and establishments of the United States Government shall have the following duties in enforcing the neutrality of the United States in connection with all means of communication within or subject to the jurisdiction of the United States, which duties shall be in addition to the duties now prescribed, or hereafter prescribed, by law, or by other executive order or regulation not in conflict herewith, for the departments and independent offices and establishments of the United States Government:

1. Treasury Department: Suppression of unauthorized means of communication on board all vessels other than vessels of the naval establishments of neutral and belligerent powers or vessels operating for hostile or military purposes, and such inspection, supervision, and use
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or control of the means of communication on board the vessels herein allotted to the Treasury Department as may be necessary to carry out the provisions of said treaties and proclamations.

2. War Department and Navy Department: Under such further division of responsibility or joint action as the Secretary of War and the Secretary of the Navy may mutually agree upon: censorship of communications presented for transmittal, or received, by any means of communication of the Army and the Navy, and of communications of Army and Navy personnel; such suppression of unauthorized means of communication, and such inspection, supervision, and use or control of any or all radio, landlines, and cables as may be necessary to carry out the provisions of said treaties and proclamations; except for the duties herein assigned to other departments and independent offices and establishments of the United States Government. Provided that, until an Administrator of Public Relations may be appointed, the War Department and the Navy Department shall have as additional duties those herein assigned to such Administrator of Public Relations.
(See FOOT NOTE 2.)

3. Department

3. Department of Justice: Prosecution for violations of the neutrality of the United States as prescribed in the Constitution or laws of the United States and proclamations and executive orders issued thereunder.

4. Administrator of Public Relations: (See FOOT NOTE 1). Censorship of all communications, including broadcasting and the mails except as follows:

- (a) In the Canal Zone;
- (b) Official communications of departments and other independent offices and establishments of the United States Government;
- (c) Official communications between foreign governments and their representatives, and between such representatives.

5. Federal Communications Commission: Performance of its regular functions under the Communications Act of 1934, as amended. (48 Stat. 1064; 47 U.S.C., Chap. 5)

6. Governor of the Panama Canal: Within the Canal Zone: censorship of all communications, including broadcasting; suppression of unauthorized means of communication; and such inspection, supervision, and use or control of means of communication as may be necessary to carry out
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the provisions of said treaties and proclamations; except in connection with official communications and means of communication of other departments and independent offices and establishments of the United States Government. Provided that, if an officer of the Army is designated to assume authority and jurisdiction over the operation of the Panama Canal as provided in Section 8 of Title 2 of the Canal Zone Code, such officer of the Army shall thereafter have such duties.

7. All departments and independent offices and establishments of the United States Government: Enforcing neutrality in connection with their own means of communication; censorship of their own official communications; furnishing information to and assisting all other departments and independent offices and establishments of the United States Government in connection with the duties herein assigned; issuing rules and regulations necessary for carrying out the duties herein assigned.

The White House _____

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(See next page for footnotes.)

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- FOOT NOTE 1: When it becomes desirable to establish censorship, it is assumed that the President will appoint an Administrator of Public Relations with a Director of Censorship functioning under him.
- FOOT NOTE 2: If an Administrator of Public Relations has already been appointed, omit last sentence beginning "Provided that,".

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DRAFT OF PROPOSED LAW
REGARDING CONTROL OF COMMUNICATIONS IN TIME
OF WAR AND NEUTRALITY

Section 1. (a) Upon proclamation by the President that there exists war or a threat of war or a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States in accordance with the proclamation or proclamations of neutrality issued by the President, the President may authorize such inspection, supervision, and use or control, or closing, of any means of communication, within the jurisdiction of the United States, and such supervision and control of the communications presented for transmittal or received thereby for delivery or unauthorized use, as he finds necessary for the national defense and security, or to preserve the neutrality of the United States, by any department or independent establishment of the Government under such regulations as he may prescribe.

(b) The President shall ascertain the just compensation for damages resulting from action taken under

under this section and certify the amount ascertained to Congress for appropriation and payment to the person entitled thereto. If the amount so certified is unsatisfactory to the person entitled thereto, such person shall be paid only 75 per centum of the amount and shall be entitled to sue the United States to recover such further sum as added to such payment of 75 per centum will make such amount as will be just compensation for such damages. Such suit shall be brought in the manner provided by paragraph 20 of section 24, or by section 145, of the Judicial Code, as amended.

Section 2. During a war in which the United States is a neutral nation, it shall be unlawful for any means of communication within the jurisdiction of the United States to be utilized for the purpose of transmitting, or receiving for delivery or unauthorized use, any unneutral communication, or for rendering any unneutral service to a belligerent. The President shall prescribe in his proclamation or proclamations of neutrality what constitutes unneutral communications and unneutral service to a belligerent.

Section 3. The President may, from time to time,
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promulgate such rules and regulations, not inconsistent with law, as he finds necessary to preserve the neutrality of the United States under the treaties of the United States and the law of nations; and he may enforce the provisions of such rules and regulations through such officer or officers, or agency or agencies, as he shall direct.

Section 4. Whoever shall violate the provisions of this act or of any rule, regulation, or proclamation issued pursuant thereto shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.