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XXIII. Transmission of Messages to or from Enemy Territory

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The transmission to or from enemy territory of private messages or of documents intended for private use is subject to the restrictions hereinafter indicated, which have been prescribed in consultation with the Secretary of the Treasury, the Director of Censorship, and the Alien Property Custodian, to whom the President has delegated certain of his powers and authority under the Trading with the Enemy Act to license acts, transactions, and communications prohibited by sections 3 (a) and 3 (c) of the act.

1. *Documents.*—The United States Government does not permit, by open mail, diplomatic channels, or otherwise, directly or indirectly, the transmission from the United States to enemy territory or from enemy territory to the United States of documents intended for private use, such as birth, marriage, or death certificates; divorce decrees; legal notices concerning estates, lawsuits, etc.; powers of attorney; affidavits; deeds to real property; miscellaneous legal documents concerning property or litigation; commissions to take testimony or other documents pertaining to depositions; subpoenas, citations, complaints, or other forms of legal process; or forms submitted in connection with claims for pensions, disability allowances, insurance benefits, etc.

2. *Messages.*—With the exceptions stated in paragraphs 3 and 4 below, the United States Government do not permit, by open mail, telephone, telegraph, diplomatic channels, or otherwise, directly or indirectly, the transmission from the United States to enemy territory or from enemy territory to the United States of private messages such as those pertaining to private property, business, estates, or the discharge of financial obligations. (The direct or indirect transfer of funds to enemy territory for the payment of charges arising in connection with private American property, real or personal, in enemy territory, such as taxes, rent, salaries of custodians, insurance premiums, repairs, and cost of packing or storage is likewise prohibited.)

3. *Communication through Red Cross facilities.*—Brief paraphrased messages of a personal nature, including welfare and whereabouts inquiries, may be transmitted by telegraph or, where possible, by mail to or from enemy territory through the facilities of the International Red Cross, the American Red Cross, and other national Red Cross societies or those of other organizations or societies licensed by the Director of Censorship. All such messages are subjected to censorship before being forwarded. They are restricted to subjects of a personal nature, such as the welfare and whereabouts of friends or relatives, and will not be transmitted if they contain references to business or financial matters. The facilities of the International Red Cross and other Red Cross societies are available to all persons regardless of nationality. For further information concerning the transmission

of messages through Red Cross facilities, application may be made to the nearest chapter of the American Red Cross.

4. *Communication through official channels.*—Only in exceptional circumstances will the Department of State undertake the transmission to enemy territory by official telegrams of messages of a personal nature. If satisfied that efforts have been made to communicate through Red Cross facilities and that such efforts have proved unsuccessful, the Department will accept for transmission to enemy territory by telegraph in behalf of nationals of the United States and at their expense brief messages restricted, like those transmitted through Red Cross facilities, to subjects of a personal nature. Before being forwarded, such messages will be paraphrased by the Department of State and subjected to censorship. Only in similar exceptional circumstances will the diplomatic and consular representatives of the Swiss Government protecting American interests in enemy territory transmit by official telegrams messages of a personal nature from enemy territory to the United States.

5. *Communication with prisoners of war and internees.*—The foregoing restrictions upon the transmission to or from enemy territory of private messages and documents intended for private use are not construed as modifying or limiting the provisions of title III, section IV, of the convention relating to the treatment of prisoners of war, signed at Geneva on July 27, 1929. Information concerning the procedure to be followed in communicating with prisoners of war or with civilian internees in enemy territory may be

obtained by addressing the Office of the Provost Marshal General, War Department, Washington, D. C.

6. *Enemy territory*.—The term *enemy territory* as used herein shall be understood to mean enemy territory as defined in General Ruling 11, issued on March 18, 1942 by the Treasury Department pursuant to Executive Order 8389, as amended. It includes Germany; Italy; Japan; Albania; Austria; that portion of Belgium within continental Europe; Bulgaria; that portion of Burma occupied by Japan; that portion of China occupied by Japan; Czechoslovakia; Danzig; that portion of Denmark within continental Europe; Estonia; that portion of France within continental Europe occupied by Germany or Italy; French Indochina; Greece; Hong Kong; Hungary; Latvia; Lithuania; Luxembourg; British Malaya; Monaco; that portion of the Netherlands within continental Europe; that portion of the Netherlands East Indies occupied by Japan; Norway; that portion of the Philippine Islands occupied by Japan; Poland; Rumania; San Marino; Thailand; that portion of the Union of Soviet Socialist Republics occupied by Germany; Yugoslavia; and any other territory controlled or occupied by Germany, Italy, or Japan.

The above information was issued by the Department of State under date of March 1, 1943.