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U.S. Naval War College (Editor)

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Government, the U.S. Department of the Navy or the Naval War College.

3 of such Act (relating to combat areas), are hereby repealed.

SECTION 2. Section 6 of the Neutrality Act of 1939 (relating to the arming of American vessels) is hereby repealed; and, during the unlimited national emergency proclaimed by the President on May 27, 1941, the President is authorized, through such agency as he may designate, to arm, or to permit or cause to be armed, any American vessel as defined in such Act. The provisions of Section 16 of the Criminal Code (relating to bonds from armed vessels on clearing) shall not apply to any such vessel.

Approved, November 17, 1941, 4:30 p. m., E. S. T.

XIV. SEIZURE OF THE "ODENWALD"

(New York Times, Nov. 19, 1941)

The cruiser *Omaha* today was revealed as the warship that seized the German freighter *Odenwald*, disguised as the steamer *Willmoto*, of Philadelphia, in Atlantic equatorial waters.

The disclosure came in a libel for salvage, filed in the United States District Court by United States Attorney Cecil Snyder. The action was brought for the United States and on behalf of the *Omaha's* officers and crew. The *Omaha* brought the *Odenwald* to a San Juan anchorage yesterday.

Libels were brought against the ship, cargo, and freight with a request that the court decree a full salvage award for the services of the *Omaha*, including saving the lives of the *Odenwald's* crew, and a request that the ship and cargo be sold to pay the salvage award.

The brief document filed relates that on Nov. 6 the *Omaha* came upon the vessel, flying the

American flag, identified only by the name *Willmoto* painted on her; that the ship had been abandoned by her master and crew and was sinking remote from any port of refuge or other assistance.

The libel asserts that the freighter raised the signal "Sinking; send boats for passengers" following which there were two explosions. The *Omaha* sped a boarding party which succeeded at great personal risk and with much gallantry in preventing the *Willmoto* and her cargo from foundering and becoming a total loss."

The Government made some clarification of the laws under which the freighter *Odenwald* was taken into custody, particularly the fact that the vessel was violating one section of the Neutrality Act that still stands, providing penalties for misuse of the American flag.

As passed in 1939, the Neutrality Act forbids any non-American vessel to use the American flag, or to "make use of distinctive signs or markings indicating that the same is an American vessel."

Any vessel violating this law is to be barred for three months from American ports, a penalty that would not concern the German Government at this time. In addition, however, the act imposes general penalties for violations of any of its provisions, which might be levied against the operators of the ship. Under the general clause the operators may be imprisoned for two years or fined \$10,000, or both penalties may be imposed.

Capture of the ship drew attention to practices recognized under international law that permit merchant vessels to fly false colors to escape im-

minent attack or capture. Warships may do likewise, but these must break out their true colors before engaging in action. There was no clear indication whether the deception might extend to permanent false markings such as the American flags painted on the *Odenwald*.

XV. PROTECTION OF BAUXITE MINES IN SURINAM

(Dept. of State Bulletin, Vol. V, No. 127, Nov. 29, 1941)

The bauxite mines in Surinam furnish upwards of 60 percent of the requirements of the United States aluminum industry, which is vital to the defense of the United States, the Western Hemisphere, and the nations actively resisting aggression.

It is therefore necessary that the safety of these mines should be as completely assured as present conditions demand.

In normal circumstances the Government of the Netherlands would, for the purpose of strengthening further the defenses of Surinam, draw on the armed forces of the Netherlands Indies. In view, however, of the present situation in the southwestern Pacific, it is thought inadvisable to follow that course.

For this reason the Governments of the Netherlands and of the United States of America have entered into consultation. As a result, the latter has agreed to send a contingent of the United States Army to Surinam to cooperate with the Netherlands forces in assuring the protection of the bauxite mines in that territory. This contingent will, of course, be withdrawn as soon as the