

International Law Studies – Volume 40

International Law Documents

U.S. Naval War College (Editor)

The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. government, the U.S. Department of the Navy or the Naval War College.

I. Proclamations and Regulations Concerning Neutrality of the United States in the War Between Germany and Norway

(Dept. of State Bulletin, Vol. II, No. 44, April 27, 1940)

PROCLAMATION OF A STATE OF WAR BETWEEN GERMANY AND NORWAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

“That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.”

AND WHEREAS it is further provided by section 13 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 joint resolution; and he may exercise any power or authority conferred on him by this joint resolution 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 Germany and Norway, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

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 in bringing to trial and punishment any offenders against the same.

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

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

DONE at the City of Washington this 25th day
of April, in the year of our Lord nine-
[SEAL] teen hundred and forty, and of the In-
dependence of the United States of
America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR BETWEEN GERMANY, ON THE ONE HAND, AND NORWAY, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS a state of war unhappily exists between Germany, on the one hand, and Norway, on the other hand ;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, 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 all of the provisions of my proclamation of September 5, 1939, proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to Norway.

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

DONE at the City of Washington this 25th day of April, in the year of our Lord nineteen [SEAL] hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

USE OF PORTS OR TERRITORIAL WATERS OF THE
UNITED STATES BY SUBMARINES OF FOREIGN
BELLIGERENT STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS section 11 of the Joint Resolution approved November 4, 1939, provides:

“Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his 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, except as to offenses committed prior to such revocation.”

WHEREAS there exists a state of war between Germany and Norway;

WHEREAS the United States of America is neutral in such war;

WHEREAS by my proclamation of November 4, 1939, issued pursuant to the provision of law quoted above, I placed special restrictions on the use of ports and territorial waters of the United States by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the Joint Resolution approved November 4, 1939, do by this proclamation declare and proclaim that the provisions of my proclamation of November 4, 1939, in regard to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, shall also apply to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of Norway.

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.

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

DONE at the City of Washington this 25th day of April, in the year of our Lord nineteen [SEAL] hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

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 25th day of April declaring the neutrality of the United States of America in the war now existing between Germany, on the one hand, and Norway, on the other hand:

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 the provisions of my Executive Order No. 8233 of September 5, 1939, prescribing regulations governing the enforcement of the neutrality

of the United States, apply equally in respect to Norway.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

April 25, 1940.

The following regulations have been codified under Title 22: Foreign Relations; Chapter I: Department of State; and Subchapter A: The Department, in accordance with the requirements of the *Federal Register* and the *Code of Federal Regulations*:

“PART 55C—TRAVEL

“Pursuant to the provisions of section 5 of the joint resolution of Congress, approved November 4, 1939, and of the President’s Proclamation of April 10, 1940, the regulations in 22 CFR 55C.1 and 55C.2 of November 6, 1939, as amended November 17, 1939, are hereby amended to read as follows:

“§ 55C.1 *American diplomatic, consular, military, and naval officers.* 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 vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, the Union of South Africa, and Norway if the public service requires. (Sec. 5, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2398, April 25, 1940.)

“§ 55C.2 *Other American citizens.* Other American citizens may travel on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, the Union of South Africa, and Norway: *Provided, however,* That travel on or over the north Atlantic Ocean, north of 35 degrees north latitude and east of 66 degrees west longitude 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 Pass-

port Division of the Department of State or an American Diplomatic or Consular officer abroad in each case. (Sec. 5, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2398, April 25, 1940.)

CORDELL HULL,
Secretary of State.

“APRIL 25, 1940.”

“PART 12—COMMERCE WITH STATES ENGAGED IN ARMED
CONFLICT

“§ 12.1 *Exportation or transportation of articles or materials—(f) Norway.* The regulations under section 2 (c) and (i) of the joint resolution of Congress approved November 4, 1939, which the Secretary of State promulgated on November 10 (22 CFR 12.1 (a)–(d)) and November 25 (22 CFR 12.1 (e)), 1939, henceforth apply equally in respect to the export or transport of articles and materials to Norway. (Secs. 2 (c), (i), Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2398, April 25, 1940.)

CORDELL HULL,
Secretary of State.

“APRIL 25, 1940.”

“PART 40—SOLICITATION AND COLLECTION OF CONTRIBUTIONS
FOR USE IN CERTAIN COUNTRIES

“§ 40.17 *Contributions for use in Norway.* The rules and regulations (22 CFR 40.1–16) under section 8 of the joint resolution of Congress approved November 4, 1939, which the Secretary of State promulgated on November 6, 1939, henceforth apply equally to the solicitation and collection of contributions for use in Norway. (Sec. 8, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2398, April 25, 1940.)

CORDELL HULL,
Secretary of State.

“APRIL 25, 1940.”