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XIII. Regulations concerning Arms on American Vessels.

(Dept. of State Bulletin, Vol. I, No. 20, November 11, 1939, pp. 481-482.)

REGULATIONS UNDER SECTION 6 OF THE JOINT RESOLUTION OF CONGRESS APPROVED NOVEMBER 4, 1939

Section 6 of the joint resolution of Congress approved November 4, 1939, provides as follows:

“Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel, engaged in commerce with any foreign state to be armed, except with small arms and ammunition therefor, which the President may deem necessary and shall publicly designate for the preservation of discipline aboard any such vessel.”

Section 15 of the said joint resolution provides as follows:

“In every case of the violation of any of the provisions of this joint resolution 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 two years, or both.”

On November 4, 1939, the President issued a proclamation in respect to France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand and the Union of South Africa under the authority of section 1 of the said joint resolution, thereby making effective the provisions of section 6 of the said joint resolution quoted above.

Section 13 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 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.”

The President's proclamation of November 4, 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 upon 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 pursuance of those provisions of the law and of the President's proclamation of November 4, 1939, which are quoted above, the Secretary of State announces the following regulations: American vessels engaged in commerce with foreign states may carry such small arms and ammunition as the masters of these vessels may deem indispensable for the preservation of discipline aboard the vessels.

XIV. Flights of Belligerent Military Aircraft.

(Dept. of State, Executive Order, No. 666, December 7, 1939.)

Since the enactment of the Neutrality Act of 1939, the Department has received frequent inquiries as to whether authorization could be obtained to make fly-away deliveries of military aircraft purchased by belligerent countries. The following statement is issued with a view to clarifying the position being taken by the Department on this question:

Section 6 (a) of the Air Commerce Act of 1926, as amended, contains the following provisions: "Aircraft a part of the armed forces of any foreign nation shall not be navigated in the United States, including the Canal Zone, except in accordance with an authorization granted by the Secretary of State". The authorization referred to in this provision of law is not being granted for military aircraft purchased by belligerents since it would appear to be inconsistent with the neutral obligations of the United States to permit such aircraft to be flown within or from the territory of the United States. For the foregoing purposes, the following will be treated as military aircraft: