

International Law Studies—Volume 39

International Law Situations

IV. Regulations Governing the Enforcement of Neutrality.

(Dept. of State, Executive Order, No. 380, September 5, 1939.)

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 fifth day of September declaring the neutrality of the United States of America in the war now existing between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand:

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 other vessels 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 subject to the exclusive 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 subject to the exclusive jurisdiction of the Navy Department.

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 Gov-

ernment in connection with the duties herein assigned; and issuing rules and regulations necessary for carrying out the duties herein assigned.

V. Proclamation (Special): Export of Arms, Ammunition, and Implements of War September 5, 1939.

(4 Federal Register, 3819: Revoked by Proclamation No. 2374, November 4, 1939.)

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