

International Law Studies – Volume 34
International Law Situations with Solutions and Notes
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.

APPENDIX IV

SECTION IX. SPECIAL PROVISIONS REGARDING ITALY AND ETHIOPIA

The President on October 5, 1935, issued a proclamation as follows:

“ BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

“A PROCLAMATION

“ Whereas section 1 of a joint resolution of Congress, entitled ‘ Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war ’, approved August 31, 1935, provides in part as follows:

“ ‘ That upon the outbreak or during the progress of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any port of such belligerent states, or to any neutral port for transshipment to, or for the use of, a belligerent country ’;

“ And whereas it is further provided by section 1 of the said joint resolution that—

“ ‘ The President, by proclamation, shall definitely enumerate the arms, ammunitions, or implements of war, the export of which is prohibited by this act.’

“ 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 section, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States, or any of its possessions, 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 provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the act approved June 15, 1917 (40 Stat. 223-225; U. S. C., title 22, secs. 238-245).’

“ 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 of Congress, do hereby proclaim that a state of war unhappily exists between Ethiopia and the Kingdom of Italy; and I do hereby admonish all citizens of the United States or any of its possessions and all persons residing or being within the territory or jurisdiction of the United States or its possessions to abstain from every violation of the provisions of the joint resolution above set forth, hereby made effective and applicable to the export of arms, ammunition, or implements of war from any place in the United States or its possessions to Ethiopia or to the Kingdom of Italy, or to any Italian possession, or to any neutral port for transshipment to, or for the use of, Ethiopia or the Kingdom of Italy.

“ And I do hereby declare and proclaim that the articles listed below shall be considered arms, ammunition, and implements of war for the purposes of section 1 of the said joint resolution of Congress:

[Here follows the enumeration of articles as in the proclamation printed in section II, above.]

“ 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.

“ And I do hereby delegate to the Secretary of State the power of prescribing regulations for the enforcement of section 1 of the said joint resolution of August 31, 1935, as made effective by this my proclamation issued thereunder.

“In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

“Done at the city of Washington this fifth day of October in the year of our Lord nineteen hundred and thirty-five, and of the Independence of the United States of America the one hundred and sixtieth.

“ [SEAL]

FRANKLIN D. ROOSEVELT.

“By the President:

“CORDELL HULL,

“*Secretary of State.*”

No export licenses will be issued for shipments destined to Ethiopia or Italy or any Italian possession of any of the arms, ammunition, or implements of war enumerated in the President's proclamation of October 5th, 1935.

In virtue of the power delegated to the Secretary of State to prescribe regulations for the enforcement of section 1 of the joint resolution of August 31, 1935, and of the President's proclamation issued thereunder, the Secretary of State may require exporters of any of the arms, ammunition, or implements of war enumerated in the President's proclamation to present convincing evidence that they are not destined to Ethiopia, Italy, or Italian possessions and may refuse to issue an export license for the same until such convincing evidence has been presented to him.