

**Bestimmungen zur Anwendung und Durchführung
der Vorschriften des sog. Spionagegesetzes
vom 15. Juni 1917 über die Kontrolle der Schiffe
in den Hoheitsgewässern der Vereinigten Staaten**

1. Proklamation des Präsidenten der Vereinigten Staaten vom 27. Juni 1940¹⁾

CONTROL OF VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, A proclamation issued by me on September 8, 1939, proclaimed that a national emergency existed in connection with and to the extent necessary for the proper observance, safeguarding and enforcing of the neutrality of the United States and the strengthening of our national defense within the limits of peace-time authorizations, and that specific directions and authorizations would be given from time to time for carrying out these two purposes,

WHEREAS, The continuation of the conditions set forth in said proclamation of September 8, 1939, now calls for additional measures within the limits of peace-time authorizations,

WHEREAS, Under and by virtue of section 1 of title II of the Act of Congress approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), it is provided as follows:

“SECTION 1. Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance of threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

“Within the territory and waters of the Canal Zone the Governor of the Panama Canal, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury.”

AND, WHEREAS, It is essential, in order to carry into effect the provisions of said Act, which are quoted herein, that the powers conferred therein upon the President, the Secretary of the Treasury and the Governor of the Panama Canal be at this time exercised, or available for exercise, with respect to foreign and domestic vessels.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the powers conferred upon me by the provisions of the said Act of Congress quoted herein, do hereby declare the continuation of the conditions set forth in my proclamation of September 8,

¹⁾ 5 F. R. 2419.

1939, and the existence of a national emergency by reason of threatened disturbance of the international relations of the United States.

AND, I therefore consent to the exercise, with respect to foreign and domestic vessels, by the Secretary of the Treasury and the Governor of the Panama Canal, of all the powers conferred by the provisions of said Act.

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 27th day of June in the year of our Lord nineteen hundred and forty and of the Independence of [SEAL] the United States of America, the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT.

By the President:

CORDELL HULL,
Secretary of State.
[No. 2412]

2. Verordnung des Schatzsekretärs vom 27. Juni 1940¹⁾

ANCHORAGE REGULATIONS

REGULATIONS FOR THE CONTROL OF VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES

To Collectors of Customs, and Captains of Ports and Others Concerned:

Section 1, title II, of the so-called espionage act, approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), provides in part as follows:

Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

By virtue of a proclamation issued on the 27th day of June 1940, the above quoted provisions of law are now in full force and effect.

Pursuant to the authority contained in the above quoted act, the following rules and regulations are hereby promulgated:

(1) All existing rules and regulations of any department, agency or instrumentality of the United States governing anchorage and movements of vessels in the territorial waters of the United States are hereby reaffirmed and continued in force during the period of the present emergency, except as modified by these rules and regulations.

¹⁾ 5 F. R. 2442.

(2) The rules and regulations governing the anchorage of vessels herein reaffirmed or promulgated shall be enforced by the captain of the port, or where the port has no such officer, by an officer of the Coast Guard or the Customs Service designated by the Secretary of the Treasury. In any case where there are no applicable rules or regulations governing the anchorage of vessels, all anchorage shall be in accordance with the directions of the captain of the port or other officer designated by the Secretary of the Treasury pursuant to this section.

(3) The movement of any vessel between points within the area of a port, and the movement, lading, and discharging of explosive or inflammable material or other dangerous cargo shall be under the supervision and control of the captain of the port, or other officer designated by the Secretary of the Treasury pursuant to section (2) hereof.

(4) The captain of the port or other officer designated by the Secretary of the Treasury pursuant to section (2) hereof is hereby authorized to cause to be inspected and searched at any time any vessel, foreign or domestic, or any person or package thereon, within the territorial waters of the United States, to place guards upon such vessels, and to remove therefrom any or all persons not specially authorized by him to go or to remain on board thereof.

(5) The collector of customs, through the captain of the port or other agency acting for the collector, is hereby directed, subject to the approval of the Secretary of the Treasury, to take full possession and control of any vessel, foreign or domestic, in the territorial waters of the United States, whenever it appears that such action is necessary in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States. Pending action by the Secretary of the Treasury, the collector of customs is authorized to detain any such vessel and is directed to communicate the facts by the most expeditious means available to the Secretary of the Treasury.

(6) The Secretary of the Treasury may require all lighters, barges, ferries, tugs, motor boats, sailboats, and similar craft operating in the harbor or waters of any port of entry, to be especially licensed by the collector of customs for such purpose and may revoke any license so granted for any failure to comply with the anchorage or harbor regulations for such port, or to obey the orders issued thereunder by any duly authorized officer, or for any act inimical to the interests of the United States in the present emergency.

(7) No vessel shall depart from any port or place in the United States, or from any port or place subject to the jurisdiction of the United States, on a voyage on which clearance by a customs officer of the United States is required, unless the principal customs officer in charge of the port of departure shall have been authorized by the Secretary of the Treasury to permit the departure.

[SEAL]

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved June 27, 1940.

FRANKLIN D. ROOSEVELT,
President.

3. Verordnung des amtierenden Schatzsekretärs vom 8. Oktober 1940¹⁾

ANCHORAGE REGULATIONS
ENFORCEMENT OF REGULATIONS RELATING TO ANCHORAGES
AND MOVEMENTS OF VESSELS

OCTOBER 8, 1940.

1. Paragraphs 2 and 3 of the regulations issued by the Secretary of the Treasury, with the approval of the President, on June 27, 1940, pursuant to section 1 of Title II of the Act of Congress approved June 15, 1917 (U.S.C. title 50, sec. 191), and the President's Proclamation No. 2412, dated June 27, 1940, provides that the rules and regulations governing anchorages and movements of vessels shall be enforced by the captain of the port, or where the port has no such officer, by an officer of the Coast Guard or the Customs Service designated by the Secretary of the Treasury.

2. At ports or places where no captains of the port have been designated, enforcement of the rules and regulations governing anchorages and movements of vessels within their respective districts shall be performed by district commanders, acting through Coast Guard personnel and facilities stationed within their districts. In those instances where district commanders have been designated captains of particular ports or places, they shall continue to act in that capacity in addition to the other duties herein prescribed.

[SEAL]

HERBERT E. GASTON,
Acting Secretary of the Treasury.

4. Verordnung des amtierenden Gouverneurs des Panamakanals vom 9. Juli 1940²⁾

CANAL ZONE REGULATIONS

OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS
INSPECTION AND CONTROL OF VESSELS IN CANAL ZONE WATERS

By virtue of authority vested in me by the Act of June 15, 1917 (40 Stat. 220), and by a Proclamation of the President of the United States, dated June 27, 1940, the following regulations are hereby promulgated to take effect at once:

1. All existing rules and regulations governing anchorage and movements of vessels in the waters of the Canal Zone are hereby reaffirmed and continued in force during the period of the present emergency, except as modified by these rules and regulations.

2. The rules and regulations governing the anchorage of vessels herein reaffirmed or promulgated shall be enforced by the port captains of the ports of the Canal Zone. In any case where there are no applicable rules or regulations governing the anchorage of vessels, all anchorage shall be in accordance with the directions of the port captains of the ports of the Canal Zone.

3. The movement of any vessel between points within the area of a port in the Canal Zone, and the movement, lading, and discharging of explosive or inflammable material or other dangerous cargo shall be under the supervision and control of the port captains of the ports of the Canal Zone.

¹⁾ 5 F. R. 4078.

²⁾ 5 F. R. 3393.

4. The port captains and chiefs of customs of the ports of the Canal Zone are hereby authorized to cause to be inspected and searched at any time any vessel, foreign or domestic, or any person or package thereon, within the waters of the Canal Zone, to place guards upon such vessels, and to remove therefrom any and all persons not specially authorized by them to go or to remain on board thereof.

5. Port captains are hereby directed, subject to the approval of the Governor, to take full possession and control of any vessel, foreign or domestic, in the waters of the Canal Zone, whenever it appears that such action is necessary to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the Canal Zone, or to secure the observance of the rights and obligations of the United States. Pending action by the Governor, port captains are authorized to detain any such vessel and are directed to communicate the facts by the most expeditious means available to the Governor.

6. All lighters, barges, ferries, tugs, motor boats, sailboats, and similar craft operating in the harbor or waters of any port of entry are required to be licensed as provided in existing regulations, and the Governor may revoke any license so granted for any failure to comply with the anchorage or harbor regulations or to obey the orders issued thereunder by any duly authorized officer, or for any act inimical to the interests of the United States in the present emergency.

7. No vessel shall depart from any port or place in the Canal Zone on a voyage on which clearance by a port captain is required, unless the port captain shall have been authorized by the Governor to permit the departure.

GLEN E. EDGERTON,
Acting Governor.

Approved July 9, 1940.

FRANKLIN D. ROOSEVELT,
President.

5. Verordnung des Präsidenten der Vereinigten Staaten vom 11. Februar 1941¹⁾

EXECUTIVE ORDER

EMPLOYMENT OF THE LAND AND NAVAL FORCES IN THE CONTROL OF VESSELS IN
THE TERRITORIAL WATERS OF THE UNITED STATES AND THE CANAL ZONE

WHEREAS section I of Title II of the act of June 15, 1917, 40 Stat. 217, 220 (U.S.C., title 50, sec. 191), provides:

Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations

¹⁾ 6 F. R. 935.

of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

WHEREAS by proclamation dated June 27, 1940, I declared a national emergency to exist by reason of threatened disturbance of the international relations of the United States, and such emergency still exists;

WHEREAS I approved on June 27, 1940, and July 9, 1940, respectively, regulations issued by the Secretary of the Treasury and regulations issued by the Governor of the Panama Canal pursuant to the above-quoted statutory provisions; and

WHEREAS section 4 of Title II of the said act of June 15, 1917, provides:

The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purpose of this title.

NOW, THEREFORE, by virtue of the authority vested in me by the last above-quoted statutory provisions, it is hereby ordered as follows:

Upon request of the Secretary of the Treasury or the Governor of the Panama Canal (or of such officers as are designated in regulations prescribed pursuant to section 1 of Title II of the said act of June 15, 1917) for assistance in the control of vessels in the territorial waters of the United States or in the territorial waters of the Canal Zone, respectively, those in command of the land and naval forces of the United States shall employ such part of the forces under their respective commands as may be necessary and available to render the assistance requested: *Provided*, that any such request by the Governor of the Panama Canal shall, while Executive Order No. 8232 of September 5, 1939 (placing control of the Panama Canal and Canal Zone in the Officer of the Army commanding the United States troops in the Canal Zone), or any future Executive order of like effect, remains in force, be subject to the approval of the commanding officer designated therein.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,

February 11, 1941.

[No. 8677]