

UNITED STATES DEPARTMENT OF JUSTICE

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**REGULATIONS**  
**CONTROLLING TRAVEL AND OTHER**  
**CONDUCT OF ALIENS OF ENEMY**  
**NATIONALITIES**



UNITED STATES

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## REGULATIONS CONTROLLING TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

Pursuant to the Proclamations of the President of December 7 and 8, 1941, and January 14, 1942, covering the conduct of aliens of enemy nationalities, the following regulations are hereby prescribed:

**SECTION 1. Classes of persons controlled by these regulations.**—Except as hereinafter expressly excluded by Section 2, persons in the United States (including Puerto Rico and the Virgin Islands) required to comply with these regulations are as follows:

(a) All aliens of the age of 14 years or older who were or are natives, citizens, or subjects of Germany, Italy, or Japan.

(b) All aliens of the age of 14 years or older who at present are stateless but who at the time at which they became stateless were citizens or subjects of Germany, Italy, or Japan.

**SECTION 2. Classes of persons not required to comply with these regulations.**—Persons not required to comply with these regulations are as follows:

(a) Former German, Italian, or Japanese citizens or subjects who before December 7, 1941, in the case of former Japanese citizens or subjects, and before December 8, 1941, in the case of former German or Italian citizens or subjects became and are citizens or subjects of any nation other than Germany, Italy, or Japan.

(b) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien Registration Act of 1940, provided that such persons have not at any time voluntarily become German, Italian, or Japanese citizens or subjects.

But these regulations shall not be construed as defining or limiting the classes of aliens of enemy nationalities subject to apprehension, detention, or internment or the other provisions of the aforesaid Proclamations.

**SECTION 3. Travel without special permission.**—An alien of enemy nationality subject to these regulations is hereby granted general permission to travel as follows:

(a) **Travel within a community.**—An alien of enemy nationality may travel or move about within the limits of the municipality, town, village, locality, or urban or rural community in which he resides or in which he has his regular place of business, from place to place and in such manner as will permit him to engage in the activities usual in his community. The limits of such community shall not necessarily be fixed by boundaries of municipalities, counties, States, or judicial districts, but shall include in each case the metropolitan or other community area in which the alien resides or has his regular place of business and shall include all that area generally thought of as constituting a greater city or metropolitan district or an urban or rural community.

(b) **Commuting to business.**—An alien of enemy nationality may commute between his home and his regular place of business.

(c) **Travel to places of worship, schools, or Government agencies.**—An alien of enemy nationality may travel between his home

and his usual place of religious worship, or the school, college, or institution of learning at which he may be in regular attendance, or between his home and any Federal, State, or local government agency with which he may be required by such agency to transact business.

(d) **Foreign travel.**—An alien of enemy nationality may complete a trip to or from a place out of the United States, provided however, that such alien complies with all regulations governing such foreign travel.

**SECTION 4. Occasional travel or trips.**—An alien of enemy nationality shall not travel or make trips or move from one locality to another except as herein provided:

(a) The alien of enemy nationality shall file in writing with the United States Attorney of the district of his residence, a statement setting forth the particulars hereinafter enumerated.

(b) Such statement shall be filed, together with at least two copies (and any additional copies required by the United States Attorney) with the United States Attorney at least 7 days prior to the intended departure except that the United States Attorney may, in exceptional cases and in the exercise of his discretion, waive all or any part of such 7 days' notice.

(c) Such statement and copies shall be prepared and filed personally by the alien desiring to make such trip at the office of such United States Attorney or at such place as he shall designate, except that, because of the distance between the place of residence of the alien and the office of the United States Attorney or other good and sufficient reason, the United States Attorney may permit such statement and copies together with a self-addressed stamped envelope to be mailed to him so as to be received at least 7 days prior to the intended commencement of the trip.

(d) Such statement and copies shall be made out upon forms to be prescribed by the Attorney General or in the absence thereof by the United States Attorney and shall contain the following information: (1) The name of the alien of enemy nationality; (2) the home address of the alien of enemy nationality and the telephone number, if any, of such place of residence; (3) the business address, if any, of such alien of enemy nationality and the telephone number, if any, of such place of business; (4) the alien enemy certificate of identification number of such alien of enemy nationality after it is obtained; (5) a detailed statement of the purpose for which the trip is to be made and the persons to be visited; (6) the proposed intermediate and final destinations of the trip; (7) the intended date of departure; (8) the intended date of return; (9) the address or addresses at which the alien of enemy nationality intends to be found while he is away from his permanent address; (10) the route to be followed to and from the point of destination; and (11) the common carrier or other means of transportation which the alien of enemy nationality intends to use.

(e) The United States Attorney shall retain the original of such statements in his files and shall forward copies thereof to the local office of the Federal Bureau of Investigation, and shall inquire of the F. B. I. for any facts indicating that the particular trip proposed by the particular alien of enemy nationality would in any manner endanger the national security.

(f) If, after such inquiry to the F. B. I., and such further investigation as the United States Attorney may see fit to conduct, the United States Attorney at any time within the 7 day period shall know of no reason why the particular trip would endanger the national security, he shall stamp or write an endorsement upon the remaining copy of the said statement that it was duly filed with him and shall deliver or mail to the alien enemy such endorsed copy of the statement.

(g) The alien of enemy nationality shall, at all times while he is so traveling, have with him on his person or in his immediate physical possession the endorsed copy of such statement.

The United States Attorney shall have, however, authority in any case to prohibit any particular trip, or to cancel any permission to travel granted by him if he shall deem it dangerous to the national security.

**SECTION 5. Frequent travel or regular business travel.**—An alien of enemy nationality accustomed to frequent or regular business travel (e. g. traveling salesmen, touring theatrical performers, drivers of trucks and busses and similar cases), instead of seeking permission pursuant to section 4 may apply for permission to travel as herein-after provided:

(a) The alien shall present himself in person to the United States Attorney or to an assistant designated by him, for the district of his residence and shall file in writing an original and at least two copies (and any additional copies required by the United States Attorney) of a statement containing as full detail of all facts concerning himself, his business, and the time he has been engaged therein and his proposed travel, as the United States Attorney shall in the particular case require. This statement shall contain in as great particularity as shall be practicable a description of the travel intended, including the place or places and persons to be visited, dates of the proposed trips, and the route or routes to be followed.

(b) Such permission will not be granted unless the United States Attorney is satisfied that such travel is necessary and does not endanger the public safety and that requiring the alien to seek permission to travel for each trip under section 4 would impose an excessive hardship.

(c) In all cases in which the United States Attorney is satisfied that the applications warrant consideration, the United States Attorney shall forward copies of such statement to the F. B. I. and request to be advised whether facts are known indicating that such permission to travel would endanger or be detrimental to the public safety or national security.

(d) In those cases in which, after investigation, the United States Attorney is satisfied that such permission may properly be granted, he shall endorse such permission in writing on a copy of the statement and may note in the alien's certificate of identification that permission has been granted in such manner and form as he shall deem best suited to the particular case, provided that the permission to travel shall in no case be more general or extensive than the necessities of the particular case require.

(e) An alien enemy who has secured such permission to travel may thereafter travel in accordance with the terms of such permission without also having complied with the requirements of section 4 hereof, provided that before he makes any particular trip he shall

notify the United States Attorney who issued such permission in writing and by mail, of the designation, the route to be followed, the carrier to be employed, and the date of the commencement of the trip. If the intended journey will include intermediate destinations or stop-overs the full particulars as to each trip or part thereof must be included. Such information must be sufficient so that at all times the United States Attorney may know the whereabouts of such alien.

**SECTION 6. Travel by airplane.**—No alien of enemy nationality shall make any flight of any nature in an airplane or other aircraft.

**SECTION 7. Change of place of abode, employment, or name.**—(a) No alien of enemy nationality shall change his place of abode or his place of employment unless he shall have at least 7 days previously filed with the United States Attorney for the district in which he resides a statement in writing containing the full particulars of such change.

(b) Whenever the holder of a Certificate of Identification changes his name under legal authority, residence address, or place of employment, written notices thereof shall immediately be given to (1) the Alien Registration Division of the Immigration and Naturalization Service, and (2) the Federal Bureau of Investigation at the office shown in the holder's Certificate of Identification.

**SECTION 8. Radio transmitters.**—No alien enemy shall use or operate or possess, or have under his custody or control at any time or place any radio transmitter. For this purpose the words "radio transmitter" are to be construed as including any apparatus designed to be used or capable of being used for the sending or transmitting of radio signals, communications or messages of any kind or nature whatsoever.

**SECTION 9. Short-wave radio receiving sets.**—(a) No alien of enemy nationality shall use or operate or possess or have under his custody or control at any time or place any short-wave radio receiving set, except where permission to do so is received as provided in paragraph (d) hereof. For this purpose the words "short-wave radio receiving set" are to be construed as including any apparatus designed to be used or capable of being used for the purpose of receiving signals, messages, or communications of any nature whatsoever, which signals, messages, or communications are transmitted by means of amplitude modulation radio waves of a frequency of 1,750 kilocycles or greater, or of a frequency of 540 kilocycles or less.

(b) A short-wave radio receiving set as defined in paragraph (a) hereof which is also capable of receiving standard-wave radio communications is deemed to be within the class of short-wave radio receiving sets prohibited unless the set is so altered or modified that short-wave radio communications or messages cannot be received by the said set, and further, unless the set is so altered or modified that it is impossible without the addition of more parts and the substantial rebuilding of the set to modify the set so that it will be capable of receiving short-wave radio communications.

(c) It shall be the duty of any alien of enemy nationality to ascertain whether or not any radio in his possession is prohibited, and he shall be held responsible for knowing whether or not such set is a short-wave radio receiving set.

(*d*) The several United States Attorneys are hereby authorized to grant permission in writing to any such alien to use, operate, possess or have in his custody or control short-wave radio receiving sets in cases where it appears to the satisfaction of the United States Attorney that the granting of the permission is needful to the applicant's regular and customary mode of earning a livelihood and it does not appear that the granting of permission will in any manner be detrimental to the national security. The alien shall make written application, stating his name, certificate of identification number after it is obtained, residence, business address, the specific equipment or, if that is impracticable the specific classes of equipment, with respect to which he desires to obtain permission, the reason for which such permission is desired, the respect in which the equipment is needed for his earning a livelihood, and the length of time during which he has earned his livelihood in such manner. Where granted, such permission shall be in writing and shall be expressly limited to fit the needs of the particular case and may, in the discretion of the United States Attorney, be further limited and restricted in any manner or respect which he shall deem to be in the interests of national security.

**SECTION 10. Cameras.**—(*a*) No alien of enemy nationality shall use or operate or possess or have under his custody or control at any time or place any camera except as hereinafter provided.

(*b*) Fixed cameras which are not readily transportable to the place of deposit designated by the local police authorities and which are customarily regarded as studio cameras and not as hand cameras may temporarily be retained, providing that any alien of enemy nationality having such camera in his possession, custody, or control shall make a written report thereof to the local police authorities. Such cameras, however, shall not be used except pursuant to permission obtained in accordance with the provisions of paragraph (*c*) hereof.

(*c*) The several United States Attorneys are hereby authorized to grant permission in writing to an alien of enemy nationality to possess or operate or have under his custody or control a camera, either fixed or otherwise, in cases where it appears to the satisfaction of the United States Attorney that the granting of the permission is needful to the applicant's regular and customary mode of earning a livelihood and it does not appear that the granting of permission will in any manner be detrimental to the national security. The alien shall make written application stating his name, certificate of identification number after it is obtained, residence, business address, the specific equipment, or if that is impracticable, the specific classes of equipment, with respect to which he desires to obtain permission (if telescopic or other special equipment is to be used such facts shall be stated in detail), the reason for which such permission is desired, the respect in which the equipment is needed for his earning a livelihood, and the length of time during which he has earned his livelihood in such manner. Where granted, such permission shall be in writing and shall be expressly limited to fit the needs of the particular case and may, in the discretion of the United States Attorney, be further limited and restricted in any manner or respect which he shall deem to be in the interests of national security.

**SECTION 11. Firearms and other prohibited articles.**—(*a*) No alien of enemy nationality shall use or operate or possess, or have

under his custody or control at any time or place any firearm except as provided in paragraph (*c*) hereof.

(*b*) No alien of enemy nationality shall use or operate or possess, or have under his custody or control at any time or place any article (other than radio equipment, cameras, and firearms herein above provided for), the use, operation, or possession of which article is prohibited by paragraph 5 of the regulations of the Presidential proclamations of December 7 and 8, 1941, except as provided in paragraph (*c*) hereof.

(*c*) The several United States Attorneys are hereby authorized in extraordinary and exceptional cases to grant permission in writing to an alien of enemy nationality to possess or to have under his custody or control firearms or other prohibited articles if the United States Attorney after thorough investigation is satisfied that the granting of such permission will in no manner be detrimental to the national security.

**SECTION 12. Deposit of prohibited articles.**—(*a*) It shall at all times hereafter remain the duty of every alien of enemy nationality (required by the present or prior regulations to deposit prohibited articles with the police) to deliver immediately to the local police authorities in the community in which he resides or is present all short-wave receiving sets, cameras, firearms, and other articles prohibited by the proclamations of December 7 and 8, 1941, which are at the time of the promulgation of these regulations or at any time thereafter in his possession.

(*b*) Every alien of enemy nationality who, for any reason, has at any time or shall hereafter have failed to comply with the Presidential proclamations and regulations, shall submit forthwith to the United States Attorney for the district in which he resides or is present, a statement in writing of the facts and the reasons for such failure.

**SECTION 13. Custody of prohibited articles.**—The United States marshal in each district shall, as soon as practicable, receive from the local police authorities in such district, all prohibited articles which have been or shall hereafter be deposited with such police authorities in accordance with the Attorney General's regulations. Each local police authority who has received or who shall hereafter receive the deposit of any such prohibited article shall forthwith notify the United States marshal of his district in writing that he has accepted custody of prohibited articles. Upon receipt of such notification the United States marshal shall make suitable arrangements for the inventory, transportation, and storage of such prohibited articles, and shall deliver to the local police authorities a suitable receipt. The United States marshal shall at all times keep current an inventory of all such prohibited articles in his possession and shall forward a copy of such inventory to the United States Attorney, a copy to the special agent in charge of the field office of the F. B. I. for his district, and a copy to the Alien Enemy Control Unit, Department of Justice.

**SECTION 14. Release of articles.**—The United States Attorney may authorize release of deposited articles as follows:

(*a*) Articles the deposit of which was not required by the Presidential proclamations and the regulations thereunder.

(*b*) Radio receiving sets, capable of being modified to be a non-prohibited article if the United States Attorney is satisfied that the

modification will be carried out and will in fact render the set a non-prohibited article.

(c) Articles which the United States Attorney has in writing permitted the alien to possess as provided in these regulations.

(d) The United States marshal shall, upon written authority from the United States Attorney for his district, deliver prohibited or deposited articles in his possession to the person who originally deposited the same or to his agent duly designated in writing upon presentation and surrender of the original receipt given upon the deposit of such article.

**SECTION 15. Prohibited and restricted areas.**—Notwithstanding the provisions of Section 3 the presence and conduct of an alien of enemy nationality are controlled in certain areas as follows:

(a) No alien of enemy nationality shall reside in, enter upon, remain in, or be found within any area designated heretofore or hereafter by the Attorney General of the United States as a prohibited area.

(b) No alien of enemy nationality shall reside in, enter upon, remain in, or be found within any area designated heretofore or hereafter by the Attorney General of the United States as a restricted area except that permits may be issued to such aliens to be in such restricted areas under prescribed conditions.

**SECTION 16. Violation of regulations.**—(a) Any alien of enemy nationality subject to these regulations who fails to comply with these regulations or any other regulations governing the conduct of aliens of enemy nationalities, is subject to apprehension, detention, and internment for the duration of the war.

(b) Any alien of enemy nationality who shall aid, abet, counsel, command, induce, or procure any other alien of enemy nationality to fail to comply with any of these regulations or any other regulations governing the conduct of aliens of enemy nationalities, is subject to apprehension, detention, and internment for the duration of the war.

(c) Any prohibited articles possessed in violation of the aforesaid Proclamations of the President, or of these regulations are subject to summary seizure and forfeiture.

Dated: February 5, 1942.

FRANCIS BIDDLE  
*Attorney General.*