

NAVY DEPARTMENT
Office of Naval Intelligence
Washington

~~CONFIDENTIAL~~

LOG:ONG

December 26, 1917.

From: Director of Naval Intelligence.
To: Aid for Information, Third Naval District.

SUBJECT: Enemy aliens leaving the United States.

1. Your attention is called to Section 9 of the Presidential Proclamation of April 6, 1917, which reads as follows:

"No alien enemy shall depart from the United States until he shall have received such permit as the President shall prescribe, or except under order of a court, judge, or justice, under Sections 4069 and 4070 of the Revised Statutes;"

2. Under this Section the Attorney General has been granting permission to certain alien enemies who have desired to depart from the United States, provided no objection was seen to such departure.

3. The attitude in this matter has been affected somewhat by Section 23 of the Treaty with Prussia of 1799 and the views of the State Department in this regard.

4. You will note that Section 15 of the supplementary Proclamation of November 15, 1917, reads as follows:

"An alien enemy shall not, except on public ferries, be found on any ocean, bay, river, or other waters within three miles of the shore line of the United States or its territorial possessions; said shore line for the purpose of this proclamation being hereby defined as the line of sea coast and the shores of all waters of the United States and its territorial possessions connected with the high seas and navigable by waters or harbors, within the boundaries of the United States."

Unless this Section is construed to allow the conformance with the practice of allowing certain alien enemies to depart from the United States, as outlined in Paragraph 2 of this letter, it appears to be in direct conflict with it.

5. This Office is advised that the Department of Justice will allow such alien enemies as have been granted permission to depart from the United States (provided such departure is by water) to be on the waters of the United States in contravention of Section 15, above quoted.

6. No documents will be given to such alien enemies by the Department of Justice, but in all cases this office will be informed when such permission has been granted, and the cases of alien enemies who have been given permission to depart from your District will be reported to you in order that you may allow them to leave unobscured.

(sd) E. Mc Cauley, Jr.

By direction.