

CIRCULAR }
No. 155 }

WAR DEPARTMENT
WASHINGTON 25, D. C., 28 May 1945

Effective until 28 November 1946 unless sooner rescinded or superseded

VI. WAR TROPHY.—1. In order to improve the morale of the United States forces in the theaters of operations, the retention of war trophies by military personnel, merchant seamen, and civilians serving with the United States Army overseas is authorized under the conditions set forth in the following instructions:

a. Retention by individuals of captured enemy equipment as war trophies in accordance with the instructions contained herein is considered to be for the service of the United States and not in violation of the 79th and 80th Articles of War.

b. It is to be noted that the 79th Article of War provides:

All public property taken from the enemy is the property of the United States and shall be secured for the service of the United States, and any person subject to military law who neglects to secure such property or is guilty of wrongful appropriation thereof shall be punished as a court martial may direct.

c. It is also to be noted that the 80th Article of War provides:

Any person subject to military law who buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he shall receive or

expect any profit, benefit, or advantage to himself or to any other person directly or indirectly connected with himself, or who fails whenever such property comes into his possession or custody or within his control to give notice thereof to the proper authority and to turn over such property to the proper authority without delay, shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court martial, military commission, or other military tribunal may adjudge, or by any or all of said penalties.

d. It is not the intention of these instructions to permit the return of war trophies for sale or barter in the United States. The return of several of any similar items of enemy equipment by an individual under this regulation may be considered an indication of intent to traffic in war trophies and can be cause for confiscation of all such items shipped or brought into the United States by the individual.

2. War trophies will be taken only in a manner strictly consistent with the following principles of international law:

a. Article 6 of the Geneva (Prisoners of War) Convention of 1929 (par. 79; FM 27-10; Ch. 6, TM 27-251 (p. 69) provides:

expect any profit, benefit, or advantage to himself or to any other person directly or indirectly connected with himself, or who fails whenever such property comes into his possession or custody or within his control to give notice thereof to the proper authority and to turn over such property to the proper authority without delay, shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court martial, military commission, or other military tribunal may adjudge, or by any or all of said penalties.

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2. War trophies will be taken only in a manner strictly consistent with the following principles of international law:

a. Article 8 of the Geneva (Prisoners of War) Convention of 1929 (par. 79, FM 27-10; Ch. 6, TM 27-251 (p. 69) provides:

All effects and objects of personal use—except arms, horses, military equipment, and military papers—shall remain in the possession of prisoners of war, as well as metal helmets and gas masks.

Money in the possession of prisoners may not be taken away from them except by order of an officer and after the amount is determined. A receipt shall be given. Money thus taken away shall be entered to the account of each prisoner.

Identification documents, insignia of rank, decorations, and objects of value may not be taken from prisoners.

b. Metal helmets and gas masks may be taken from prisoners by the proper authorities when prisoners have reached a place where they are no longer needed for protection.

c. Article 3 of the Geneva (Red Cross) Convention of 1929 (par. 176, FM 27-10; Ch. 7, TM 27-251 (p. 131) provides:

After every engagement, the belligerent who remains in possession of the field of battle shall take measures to search the wounded and the dead and to protect them from robbery and ill treatment.

d. The taking of decorations, insignia of rank, or objects of value either from prisoners of war or from the wounded or dead (otherwise than officially for examination and safe keeping) is a violation of international law. There is nothing unlawful, however, in a soldier of our Army picking up and retaining small objects found on the battlefield, or buying articles from prisoners of war of the sort which, under the articles quoted, it is unlawful for him to take from a prisoner, the wounded, or the dead. In view of the practical difficulty of determining in a particular case whether an object has been acquired from a prisoner by coercion or otherwise obtained in a manner contrary to international law, commanding officers will take appropriate measures to prevent violation or evasion of either the letter or spirit of the conventions. Under no circumstances may war trophies include any item which in itself is evidence of disrespectful treatment of enemy dead.

3. a. With the exception noted in b below, military personnel returning to the United States from theaters of operations may be permitted to *bring back* small items of enemy equipment which have not been obtained in violation of the articles of the Geneva Convention is quoted in paragraph 2.

b. The following items are prohibited :

- (1) Nameplates taken from any kind of equipment (these will not be removed from captured equipment except by specifically authorized military personnel).
- (2) Live ammunition, explosives, or any other items containing explosives. (Violation of this prohibition is a serious and punishable offense as grave injuries have resulted from the possession or shipment of explosives.)
- (3) Firearms of the automatic type (or component parts) such as machine guns, submachine guns, or any type gun in which a number of shots or bullets may be discharged with one continuous pull of the trigger.
- (4) Radio or radar equipment (or component parts) of any type.
- (5) Inflammables of any nature.
- (6) Items of which the value as trophies, as determined by the theater commander, is outweighed by their usefulness in the service or for research or training purposes in the theaters of operations or elsewhere, or by their value as critical scrap material.

c. In view of the various laws, both Federal and State, pertaining to the transportation, registration, and ownership of firearms and other lethal weapons, it must be understood by service personnel and others that it may be necessary to register such firearms or other weapons with proper authorities and otherwise comply with Federal, State, and local laws, depending on the locality in which these firearms or weapons are to be retained. Failure to register this type of equipment, which includes rifles, small arms, swords, bayonets, blackjacks, sling-shots, billies, bludgeons, metal knuckles, and the like, may result in the confiscation by authorities of such items and also the prosecutions of the individuals in whose unauthorized possession such articles are found.

4. When military personnel returning to the United States bring in trophies not prohibited above, each person must have a certificate in duplicate, signed by his superior commissioned officer, and bearing appropriate official theater stamp (see par. 8a) indicating that the bearer is officially authorized by the theater commander, under the provisions of this circular, to retain as his personal property the articles listed on the certificate. The signed duplicate certificate will be taken up by an officer of the port of embarkation (and a consolidated certificate accomplished) or by the Customs Bureau or military authorities at the port of debarkation. The original will be retained by the bearer.

5. Military personnel in theaters of operations may be permitted to *mail* to the United States war trophies not prohibited in paragraph 3b, except that the mailing of all firearms, or component parts, capable of being concealed on the person is prohibited. These weapons are defined by the United States Customs Service as weapons having a barrel length of less than 18 inches from the breech to the tip of the muzzle. This over-all length is not to include flash hiders, compensators, the receiver assembly, or related parts. Parcels mailed from overseas which contain war trophies must also contain a certificate in duplicate, both copies signed by the sender's superior commissioned officer, and bearing appropriate official theater stamp indicating that the sender is officially authorized by the theater commander to mail the articles listed on the certificate. The Customs Bureau will take up the signed duplicate certificate and leave the signed original inside the parcel.

6. Merchant seamen who desire to bring or mail back war trophies to the United States as souvenirs must secure the required authorizing certificate, in duplicate, bearing appropriate official theater stamp from the port security officer or other officer designated by the port commander. Certificate will not be issued for items the retention of which is restricted by paragraphs 2 and 3 or for any enemy military firearms. Such certificates will be indorsed by the merchant seaman concerned with his signed statement that the articles are not being taken or mailed to the United States for sale or barter purposes.

7. United States civilians serving with the United States Army overseas who desire to bring or mail back war trophies to the United States as souvenirs may secure the required authorizing certificate, in duplicate, bearing appropriate official theater stamp from the United States Army officers under whom they are serving. Certificates will not be issued for items the retention of which is restricted by paragraphs 2 and 3 or for any enemy military firearms. Such certificates will be indorsed by the civilian concerned with his signed statement that the articles are not being taken or mailed to the United States for sale or barter purposes.

8. a. Theater commanders will prescribe the official theater stamp to be used on certificates of authorization for the return of war trophies and will exercise the supervision necessary to prevent the use of forged certificates. They will also take appropriate action to prevent the mailing of unauthorized war trophies.

b. All captured enemy army matériel brought or shipped to the United States in violation of the instructions contained herein will be seized by the Customs Bureau, military authorities, or any other authorized Federal officers or agents, and the owner will forfeit all claims to the item or items and such confiscations will not be returned to the person from whom they were seized. Violators of the provisions of this circular will be subject to disciplinary or legal action as the circumstances may indicate.

c. Captured enemy army ground type matériel brought or shipped to the United States in violation of the instructions contained herein and seized by Federal, civil, or military authorities will be released to the commanding general of the nearest port of embarkation for shipment as follows:

(1) *Pacific Coast Ports.*

Ordnance	Ogden Arsenal
Ammunition, explosives, and other matériel	Ogden, Utah
Signal	Holabird Signal Depot Baltimore, Md.
Engineer, Quartermaster, Chemical Warfare Service and Medical	Utah Army Service Forces Depot Ogden, Utah

(2) *Atlantic Coast Ports.*

Ordnance	
Ammunition and explo- sives	Delaware Ordnance Depot Pedricktown, N. J.
All other matériel	Aberdeen Ordnance Depot Aberdeen, Md.
Signal	Holabird Signal Depot Baltimore, Md.
Engineer and Medical	Richmond Army Service Forces Depot Richmond, Va.
Quartermaster	Washington QM Depot Cameron, Va.
Chemical Warfare Service	Atlanta ASF Depot Atlanta, Ga.

d. Captured enemy equipment which is confiscated at a customs office in the interior of the United States will be turned over to the nearest Army post commander and will be shipped by him to the appropriate depot designated in c above.

e. The commanding officer of the depots will report the receipt of the confiscated items to the Commanding General, Army Service Forces, Attention: Director, Distribution Division, Liaison Branch, who will issue instructions for its disposition.

9. Any enemy naval matériel confiscated by the Customs Bureau or military authorities will be disposed of as directed by the Navy.

10. Items of confiscated enemy aeronautical matériel will be shipped by port or post commanders to the Director, Air Technical Service Command, Wright Field, Ohio, Attention: Technical Data Laboratory. Notification of the shipment, to include a description of the items shipped, will be mailed to the Commanding General, Army Air Forces, Attention: Assistant Chief of Air Staff Intelligence, Washington 25, D. C.

11. Weight of war trophies included in baggage of returning military personnel and civilians, when such baggage is to be shipped to the United States at Government expense, must come within limitations prescribed by current regulations. The following allowances are authorized by WD letter (AG 524 (18 Aug 44) OB-S-SPMOT-M), 29 August 1944, subject, "Processing of baggage from overseas," for shipment by water:

a. Each officer will be authorized not to exceed 25 pounds of baggage in addition to the weight of clothing, equipment, and personal baggage authorized at the time of his original oversea movement.

b. In addition to the clothing and equipment authorized in movement or travel orders of individuals returning to the United States, each enlisted man and civilian will be authorized not to exceed 25 pounds of baggage for personal items and captured matériel trophies.

12. Section III, WD Circular 353, 1944, pertaining to the foregoing subject, is rescinded.

[AG 386.3 (23 May 45)]

BY ORDER OF THE SECRETARY OF WAR:

OFFICIAL:

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