

PUBLIC LAWS

PUBLIC LAWS
ENACTED DURING THE
THIRD SESSION OF THE SEVENTY-FIFTH CONGRESS
OF THE
UNITED STATES OF AMERICA

Begun and held at the City of Washington on Monday, January 3, 1938, and adjourned without day on Thursday, June 16, 1938

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore*; WILLIAM B. BANKHEAD, Speaker of the House of Representatives.

[CHAPTER 2]

AN ACT

To prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, whenever, in the interests of national defense, the President shall define certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 2. Any person who uses or permits or procures the use of an aircraft for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military or naval installations or equipment, in violation of the preceding section, shall be liable to the penalty therein provided.

SEC. 3. On and after thirty days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under the first section of this Act, it shall be unlawful for any person to reproduce, publish, sell, or give away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military

January 12, 1938
[S. 1485]
[Public, No. 418]

Military and naval defenses.
Definition of vital installations, etc., requiring protection.

Unauthorized photographs, etc., declared unlawful.

Censorship.

Penalty for violation.

Use of aircraft.

Unauthorized reproduction of plans, etc., declared unlawful.

Censorship.

Penalty for violation.	or naval authority. Any person found guilty of a violation of this section shall upon conviction be punished as provided in the first section of this Act.
Terms defined.	SEC. 4. The term "aircraft" as used in this Act means any contrivance known or hereafter invented, used, or designed for navigation or flight in the air. The expression "post, camp, or station" as used in this Act shall be interpreted to include naval vessels, military and naval aircraft, and any separate military or naval command.
Scope of Act.	SEC. 5. The provisions of this Act shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States, whether contiguous thereto, or not and offenses under this Act when committed upon or over the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

Approved, January 12, 1938.

[CHAPTER 3]

AN ACT

To increase the efficiency of the Coast Guard.

January 12, 1938
[S. 2575]

[Public, No. 419]

Coast Guard.
Commissioned officers placed out of line of promotion.

Retirement, if commissioned service 10 years or more.
Resignation, with one year's pay, if less.

Personnel Board, annual meeting.

Composition, functions.

Review of Board's proceedings and decisions.

Reconsideration of case.

Proviso.
Limitation on reconsideration.

Decisions of Commandant and Secretary of the Treasury; effect of.

Reconsideration in case of disapproval by Secretary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any commissioned officer of the Coast Guard, who, in accordance with regulations prescribed by the Secretary of the Treasury, heretofore has been or hereafter may be placed out of the line of promotion, may, at his own request (a) if his commissioned service is ten years or more, be placed upon the retired list with retired pay as prescribed by section 3 hereof, or (b) if his commissioned service is less than ten years, resign from the Coast Guard with one year's pay computed at the rate of pay he was receiving on the date of his resignation.

SEC. 2. The Secretary of the Treasury, at the direction of the President, shall assemble annually a Coast Guard Personnel Board, to be composed of not less than three commissioned officers on the active list of the Coast Guard, to select the officers, if any, whom the Board determines should be retired or placed out of the line of promotion, and to make recommendations with respect thereto. The proceedings and decisions of the Personnel Board shall be transmitted to the Commandant of the Coast Guard for review. If the Commandant shall approve the recommendation of the Personnel Board, the officer concerned shall be notified in writing of the action taken in his case, and he shall be entitled to have his case reconsidered by such Board, if, within thirty days after he receives notice as aforesaid, he files with the Commandant a written protest of the action taken, or appears, either in person or by counsel, before the Personnel Board: *Provided*, That no case shall be twice reconsidered by the Personnel Board. If the Commandant shall disapprove the recommendation of the Personnel Board, he shall transmit the same with his recommendation to the Secretary of the Treasury for final action. If the Secretary of the Treasury shall concur in the decision of the Commandant, the case shall be terminated, and the officer concerned shall retain his status in the Coast Guard to the same extent as if his case had not been considered. If the Secretary of the Treasury shall disapprove the recommendation of the Commandant and approve that of the Board, the officer concerned shall be notified as aforesaid, and shall be entitled to have his case reconsidered by the Personnel Board, subject to the same conditions as hereinbefore provided. At the expiration of thirty days after receipt of any officer