

C O P Y

October 24, 1941

## MEMORANDUM FOR:

The Chief of the Air Corps  
The Chief of Chemical Warfare Service  
The Chief of Engineers  
The Chief of Ordnance  
The Quartermaster General  
The Chief Signal Officer  
The Surgeon General  
The Judge Advocate General

SUBJECT: Employment of Aliens on War Department Contracts.

1. The employment of aliens on War Department contracts has been the subject of conferences and correspondence with other government agencies, employers and various organizations and individual aliens.

2. The Office of the Under Secretary of War has announced that there is no prohibition either by law or regulation of the employment of non-citizens on War Department contracts other than those contained in the two Acts of Congress, namely, the Act of July 2, 1926, and the Act of June 28, 1940.

3. In accordance with the authority contained in the above Acts, the War Department has granted thousands of consents for the employment of aliens on classified (secret, confidential, restricted) and aeronautical War Department contracts, upon applications (on the standard form questionnaire) made to the Office of the Under Secretary by both prime and sub-contractors, usually through and on the recommendation of the Chief of the Supply Arm or Service concerned.

4. When the Secretary of the Navy grants consent for the employment of an alien it is the practice of the War Department to grant similar consent without further action on the part of either the alien or the employer. This policy has been adopted in the interests of uniformity, for the greater convenience of employers and aliens, and to facilitate the utilization of the service of the alien in national defense work. However, the fact that a Navy application has been filed in no way relieves the employer of his statutory obligation to secure the consent of the Secretary of War. When the approval of the Secretary of the Navy is accepted by the Secretary of War the alien's employer is so notified in writing. Until such notification has been received it should not be assumed that the Secretary of War concurs in the approval of the Secretary of the Navy.

5. The statutes governing the employment of aliens on aeronautical and classified War Department contracts are criminal statutes and the responsibility for determining citizenship is definitely placed on the employer. It is a part of the duty of all concerned in the War Department to take immediate cognizance of any violation, deliberate or otherwise, of these statutes.

6. It is requested that this information be furnished all Procurement Offices.

By direction of the Under Secretary of War.

T. J. Hayes  
Brig. General, U.S. Army  
Director, Production Branch