

Notes on World War II War Trophy firearm records inspected December 24 and 30, 2008, by Eric M. Larson at National Archives II, College Park, Maryland

The documents in this section of the NFAOA “Resources” page identify how War Trophy firearms were defined, and issues of regulation and policy. They do not include all the documents in the below-referenced boxes, because many documents are not pertinent to War Trophy firearms brought or sent to the United States by soldiers.

Pertinent War Trophy firearm documents are in Record Group 165 and Record Group 407, as discussed below. Information necessary to locate these documents appears in **boldface type**.

Record Group 165 files

Of note in all the files are one or more “INCORRECT CLASSIFICATION SHEET” forms, which provide a useful function. In this instance, the sheet noted that “Papers originally misfiled under AG 300.5 (16 Oct 45)” belong under “Correct classification number AG 386.3 (23 May 45) (1). A further notation states “ASF (Dir. Intelligence) Requests that paragraphs 8C, Sec. VI, WD Circular 155, 28 May 45, be revised as per attached draft. War Trophy.” This record of misclassification enabled additional records to be located more readily than otherwise might have been the case. AG 386.3 refers to “Captured Property.”¹

Record Group 165, Records of the War Department General and Special Staffs, Office of the Chief of Staff, Security-Classified General Correspondence, 1942-47. 1944-45: 330.13--332.31, Box 208 and Box 307.

The pertinent records are located at 332.2 (this is a decimal filing system number).

The copied Box 208 records consist of discussions limiting War Trophy firearms to one (1) per soldier, and provisions of Circular 155, effective May 28, 1945 (prohibiting machine guns) be strictly enforced.

The copied Box 307 records are similar, but carry the discussions to Circular 107, effective April 1, 1946, which limited War Trophy firearms to one (1) per soldier. Records in Group 407 document that War Trophy provisions of Circular 107 were extended several times, by succeeding Circulars, to at least 1950.²

¹ Other classifications that were investigated are AG 332.2 “Trophies” and AG 332.3 “Personal Property,” and were not found to contain War Trophy records or files of the type focused upon in this research.

² No research was done for later than 1950, because policies about War Trophy firearms were finalized by then. For example, regulations covering War Trophy firearms published in 1951, which state that machine guns and other firearms under purview of the National Firearms Act (NFA) may not be retained as War Trophy firearms, are available on the Internet,.

Record Group 407 files

Record Group 407 files may contain the only copies of the various War Department Circulars dealing with War Trophy firearms. What was not copied? A bunch of details about Samurai swords beyond general orders that were published and amended, draft copies of War Department Circulars that apparently were used in the review and edit processes and retained for record purposes, some Congressional and other correspondence not relevant to War Trophy firearms, and how the military went about donating War Trophy firearms and ordnance to ROTC programs, museums, VFW Posts, and the like.

Record Group 407, Army-AG Decimal File 1940-45, From: 386.3 (10-1-44 To: (12.31-45), Box 2967

The pertinent records are located at 386.3 (this is a decimal filing system number).

The copied Box 2967 records include copies of the following War Department Circulars that regulate War Trophy Firearms:

Circular No. 155, 28 May 1945
Circular No. 267, 5 September 1945
Circular No. 320, 19 October 1945
Circular No. 107, 12 April 1946
Circular No. 122, 27 April 1946
Circular No. 5, 23 September 1947

Box 2967 contains the largest number of pertinent War Trophy documents, some of which is revealing. For example, in a letter dated August 24, 1945, Major General Wilton B. Persons advised Senator J. W. Fulbright that the War Department offered to replace a machine gun that was confiscated by military authorities, in a case where a son in combat had shipped a machine gun to his father, John W. Keys, in Arkansas:

I am informed that the War Department offered to provide Mr. Keys with a substitute for the machine gun in question but he indicated he did not desire a replacement item. . . . however, if Mr. Keys desires to accept a replacement item he may write The Adjutant General, War Department, Washington, D.C., informing him of his wishes in this respect and that every effort will then be made to provide him with an item similar to the one confiscated.

This letter may be logically interpreted as implementation of official policy, which may be more fully documented elsewhere.

In all the records inspected, only one (a "Memorandum for the Deputy Chief of Staff" on "War Trophies," by Lieutenant General LeR Lutes, dated 1 August 1945), in discussing a prohibition on the importation of firearms possessed by civilians, including Marlene

Dietrich, entertaining troops overseas³ mentions the National Firearms Act. The Memorandum states, in part:

In normal times, Customs would pass such firearms as did not come under the National Firearms Act, collecting duty if the value of the firearm necessitated such collection. Otherwise, the necessary application for the importation of firearms under the National Firearms Act would have to be executed before Customs would clear the importation.

Record Group 407, Army-AG Decimal File 1940-45, From: 386.3 (1-1-40) To: 9-30-44), Box No. 2968.

The copied Box 2968 records include copies of the following War Department Circulars that regulate War Trophy Firearms:

Circular No. 217, 1 June 1944

Circular No. 353, 31 August 1944

Note: The foregoing Group 407 files are unclassified files.⁴

Concluding observations

All the military was under the Department of War at the time, including the merchant marines (who were identified specifically in War Trophy regulations). Individual services (Army, Navy) were regulated by War Department directives, though I have read that the Army and Navy had established separate procedures for War Trophy firearms, but encountered none in these files. The files I copied are exclusively records of the Adjutant General (AG) under the decimal system classification **386.3 Captured Property**; I found other records, mainly correspondence, from the Office of the Chief of Staff at **332.2 Trophies**.

Soldiers were authorized to bring or send machine guns back to the United States until the practice was prohibited by Section VI of Circular 155, effective May 28, 1945. A predecessor Circular 353 (Section III), effective August 31, 1944, authorized bringing or sending back virtually anything under the sun. Concerns were subsequently expressed by military and civilian authorities, about machine guns, so Circular 155 was issued, in part (these Circulars typically address multiple things), to rescind Section III of Circular 353. Circular 155 is apparently the first published regulation by the War Department prohibiting soldiers from bringing or sending machine guns back to the United States.

³ War Department regulations that authorized bringing or sending firearms were applicable only to members of the Armed Services, and could not be used by civilians.

⁴ There is a box of classified files at Entry 360, 1943-45 Class Files, Files 386.3, Record Group 407, Stack Area 270, Row 40, Compartment 17, Shelf 06. Nothing in these files mentions War Trophy firearms pertaining to soldiers.

One example of a "Certificate" issued under Circular 155 lists a German MP43 machine gun, and the form is properly certified by the Theater Commander as required; see <http://www.nfaoa.org/documents/capdoc.pdf>. It looks like the Commander either didn't know he was authorizing the retention of a machine gun, or didn't care—it is impossible to know.⁵

CERTIFICATE

8 NOVEMBER 1945
(Date)

1. I certify that I have personally examined the items of captured enemy equipment in the possession of Sgt. [redacted] and that the bearer is officially authorized by the Theater Commander, under the provisions of Sec VI, Cir 155, WD, 28 May 1945, to retain as his personal property the articles listed in Par 3, below.

2. I further certify that if such items are to be mailed to the US, they do not include any items prohibited by Sec VI, Cir 155, WD, 28 May 1945.

3. The items referred to are:

- GERMAN MP43 WITH SCOPE SERIAL # [redacted]
RIFLE 8mm
- GERMAN HUNTING RIFLE. 3 BARREL.
- GERMAN DREYSE PISTOL # [redacted] with holster.
- GERMAN MG 42. SERIAL # [redacted] MISSING PARTS.
CAL. 8mm


John H. Davis
JOHN H. DAVIS (Signature)

1ST LT CAV
..CMDG CO B, 301 SIG OPN BN
(Rank, Branch and Organization)

(This certificate will be prepared in duplicate)

AG USFET form # 33 Let. 5-46 1,000,000 72,922

Because Circular 155 prohibited bringing or sending machine guns back to the United States, a case can be made that the foregoing authorization was contrary to military law or whatever the Circular represents — military orders, I would think, at the least.

I was hoping to find examples of forms that were used in processing War Trophy firearms, as well as manuals of instruction or procedure, but encountered nothing of the sort. Until such documentation can be located, all we may have to go on are copies of

⁵ During World War II, soldiers who possessed "items of captured enemy equipment" were allowed, in this case by "the provisions of Sec. VI, Cir. 155, WD, 28 May 1945, to retain as his personal property," the articles listed on the "Certificate" which had to be authorized by the "Theater Commander." This certificate was approved by John H. Davis, "1ST LT CV CMDG COM B, 301 SIG OPM BN," under auspices of "Headquarters United States Forces European Theater." Since permission to bring or send machine guns to the United States was first authorized in 1943, various different types of "capture" papers were used by the War Department. The fact that this "Certificate" was required to be prepared in duplicate suggests that the Department of Defense may currently still have records pertinent to soldiers bringing or sending machine guns to the United States during World War II, as well as the policies involving bringing or sending these machine guns to the United States.

surviving forms. Outside of one document that mentions the need for a soldier to file an import certification for a machine gun, there was no mention of it in the boxes of documents I examined.

Customs Circular Letter dated October 22, 1943, and related documents

This research is incomplete because it has not located a copy of Customs Circular Letter dated October 22, 1943, nor a copy of a Department of the Navy directive dated November 30, 1944, which prohibited shipment of machine guns to the United States effective that date. There may be other directives that have not been identified in this research, but the ones located in this research are undoubtedly major ones.

The Customs Circular Letter is further identified within Regulations 88 (1941), Section 319.31, as follows in the Bureau of Internal Revenue *Cumulative Bulletin 1945*, January-December 1945, also available at the link:

<http://www.nfaoa.org/documents/WarNFAfirearms.pdf> on page 457:

Collectors of Internal Revenue and Others Concerned:

During the latter part of 1943, pursuant to conferences of representatives of the State, War, Navy, and Post Office Departments, the Bureau of Customs and this Bureau, Army and Navy personnel were permitted to bring or send into the United States captured enemy equipment, including firearms as defined in section 2733 (a) and (b) of the Internal Revenue Code.

Bureau of Customs circular letter dated October 22, 1943, provided that firearms coming within the above sections of the Code would be released to the importer when the required certificate from his commanding officer accompanied the firearm, and after execution of Form 6 (Firearms), in duplicate, under oath. It further provided that

It appears this 1945 regulation reiterates what was probably an instruction within the October 22, 1943, letter, requiring Form 6 (Firearms) to be executed in conformity with importing firearms into the United States under provisions of the National Firearms Act (NFA). The regulation further states:

Due to the great volume of mail received from overseas, it has been physically impossible for the Bureau of Customs to examine more than a small percentage of all packages and to comply with the procedure as set forth in its letter of October 22, 1943. Therefore, an unknown number of these firearms have been imported with or without officers' certificates, and due to a lack of knowledge of the registration requirements, the possessors of the firearms, in most instances, have not executed Form 6 (Firearms).

There are probably additional documents of procedures and processes involving importation of War Trophy firearms that are yet to be identified. In future, these may become available.