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Executive Orders

Executive Order 4601--[Distinguished Flying Cross] ¹

Source: The provisions of Executive Order 4601 of Mar. 1, 1927, do not appear in the Federal Register system.

For the purpose of carrying into effect the provisions of Section 12 of the Act of Congress approved July 2, 1926, relative to the authorization of a distinguished flying cross, the following rules and regulations pertaining to the award of the distinguished flying cross are promulgated:

1. a. Subject to the other special conditions prescribed in the law, the following classes of persons are eligible for the award of the distinguished flying cross:

- (1) All members of the Army, Navy, Marine Corps, and Coast Guard of the United States, while participating in an aerial flight, as part of the duties incident to such membership;
- (2) All members of the National Guard not in Federal service, the Organized Reserves, the Officers' Reserve Corps, the Enlisted Reserve Corps, the Naval Reserves and the Marine Corps Reserves, not on active duty, while participating in an aerial flight as part of the duties incident to such membership;
- (3) Members of the military, naval or air forces of foreign governments while serving with the military or naval forces of the United States and while participating in an aerial flight.

b. Civilians are not eligible for the award of the distinguished flying cross.

[Para. 1 amended by EO 7786 of Jan. 8, 1938, 3 FR 49, 3 CFR, 1936-1938 Comp., p. 348]

2. The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury, acting for the President, will make the award of the distinguished flying cross to eligible persons in their respective departments.

[Para. 2 amended by EO 7786 of Jan. 8, 1938, 3 FR 49, 3 CFR, 1936-1938 Comp., p. 348]

3. The initial recommendation for the award of the decoration may be made by any officer having information of the facts.

4. A recommendation must be based upon the statement of a person who has personal knowledge concerning the act of heroism or extraordinary achievement or who was an eye-witness thereto, preferably the immediate commander. Such act or achievement must be described specifically and in detail. When the recommendation is made by a person who was an eye-witness to the act or achievement or who has personal knowledge thereof, that fact must be stated. When the recommendation is made by a person who was not an eye-witness to the act or achievement or who does not have personal knowledge thereof, the testimony of at least two persons who were eye-witnesses or who have personal knowledge thereof, and who so describe themselves, must accompany the recommendation. Written testimony will be in the form of certificates or affidavits.

5. Each recommendation for the award of the decoration will show, in case of the person who is being recommended, the exact status of that person at the time he displayed the heroism or extraordinary achievement upon which the recommendation is based, and will contain a specific statement that the entire service of that person, since the time he distinguished himself, has been honorable.

6. When a recommendation is supported by an official record that fact will be stated, and there will be included in the recommendation such information as will enable a prompt and certain identification of such record.

7. Each recommendation will be submitted separately and forwarded through regular channels with the views and recommendations of each commander indorsed thereon.

8. (a) For any act of heroism or extraordinary achievement performed on or before July 2, 1926, the Distinguished Flying Cross shall not be awarded after July 2, 1929, nor unless the recommendation therefore shall have been made on or before July 2, 1928. For any such act or achievement performed subsequent to July 2, 1926, the said decoration shall not be awarded after more than three years from the date of such act or achievement, nor unless the recommendation therefore shall have been made at the time of such act or achievement or within two years thereafter: *Provided*, that for any such act or achievement performed between December 7, 1941, and September 2, 1945, the said decoration may be awarded not later than May 2, 1952, in any case in which the written recommendation therefore shall have been made on or before May 2, 1951: *And provided further*, that for any such act or achievement performed during the period commencing September 3, 1945, and ending at twelve o'clock noon, December 31, 1946, the date of the termination of hostilities of World War II, as proclaimed by Proclamation No. 2714 of December 31, 1946, the said decoration may be awarded in any case in which the recommendation therefore shall have been made not later than June 30, 1947.

(b) In any case in which a recommendation for the award of the Distinguished Flying Cross has been lost and such recommendation is alleged to have been made within the applicable period of time prescribed by subdivision (a) of this paragraph, the certificate of an officer or the affidavit of an enlisted man to the effect that the recommendation was made within such

applicable period of time and forwarded through official channels, accompanied by a statement of the substance of the recommendation, or preferably a copy thereof, shall be accepted, and the case considered on its merits.

[Para. 8 amended by EO 10189 of Dec. 6, 1950, 15 FR 8710, 3 CFR, 1949-1953 Comp., p. 369]

9. In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the cross, bar, or other device presented to the representative of the deceased in the following order: widow (provided she has not remarried), eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

10. Not more than one of the several decorations authorized by Federal law will be awarded for the same act of heroism or extraordinary achievement.

11. Whenever the distinguished flying cross, bar, or other suitable device shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was awarded, such cross, bar, or other device shall be replaced without charge therefore by the department by which the award was made.

12. The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury may promulgate, for the service pertaining to their respective departments, such additional regulations, supplementary to these regulations and not in conflict therewith, as they may deem proper, and may from time to time alter, modify, or rescind such regulations.

[Para. 12 amended by EO 7786 of Jan. 8, 1938, 3 FR 49, 3 CFR, 1936-1938 Comp., p. 348]

Editorial note: Executive Order 4601 was further amended by Executive Order 7962 of Aug. 22, 1938, to provide for the award of the decoration to a certain member of the U.S. Coast Guard. The Executive order was not printed in the **Federal Register**.

¹**Editorial note:** Executive Order 4601 was not given a formal title.

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