

No. 74

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**UNITED STATES OF AMERICA**  
and  
**AUSTRALIA**

**Exchange of Notes constituting an agreement relating to the services of nationals of one country in the armed forces of the other country. Washington, 31 March, 17 July 16 and 30 September 1942**

*English official text communicated by the Permanent Representative of the United States of America at the seat of the United Nations. The filing and recording took place on 3 March 1948.*

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**ETATS-UNIS D'AMERIQUE**  
et  
**AUSTRALIE**

**Echange de notes constituant un accord relatif au service de ressortissants de l'un des pays dans les forces armées de l'autre pays. Washington, 31 mars, 17 juillet, 16 et 30 septembre 1942**

*Texte officiel anglais communiqué par le représentant permanent des Etats-Unis d'Amérique au siège de l'Organisation des Nations Unies. Le classement et l'inscription au répertoire ont eu lieu le 3 mars 1948.*

No. 74. EXCHANGE OF NOTES<sup>1</sup> CONSTITUTING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND AUSTRALIA RELATING TO THE SERVICES OF NATIONALS OF ONE COUNTRY IN THE ARMED FORCES OF THE OTHER COUNTRY. WASHINGTON, 31 MARCH, 17 JULY, 16 AND 30 SEPTEMBER 1942

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I

*The Acting Secretary of State to the Australian Minister*

DEPARTMENT OF STATE  
WASHINGTON

March 31, 1942

Sir:

I have the honor to inform you that the Selective Training and Service Act of 1940, as amended,<sup>2</sup> provides that with certain exceptions every male citizen of the United States and every other male person residing in the United States between the ages of 18 and 65 shall register. The Act further provides that, with certain exceptions, registrants within specified age limits are liable for active military service in the United States armed forces.

This Government recognizes that from the standpoint of morale of the individuals concerned and the over-all military effort of the countries at war with the Axis Powers, it would be desirable to permit certain classes of individuals who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to enlist in the armed forces of a co-belligerent country, should they desire to do so. It will be recalled that during the World War this Government signed conventions with certain associated powers on this subject. The United States Government believes, however, that under existing circumstances the same ends may now be accomplished through administrative action, thus obviating the delays incident to the signing and ratification of conventions.

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<sup>1</sup> Came into force on 18 July 1942, date of the receipt by the United States Government of the note from the Australian Government of 17 July 1942.

<sup>2</sup> 54 Stat. 885; 50 U.S.C. app. §§ 301-318, Supp. II §§ 302-305, 308-310, 312, 315.

This Government is prepared, therefore, to initiate a procedure which will permit aliens who have registered under the Selective Training and Service Act of 1940, as amended, who are nationals of co-belligerent countries and who have not declared their intention of becoming American citizens to elect to serve in the forces of their respective countries, in lieu of service in the armed forces of the United States, at any time prior to their induction into the armed forces of this country. Individuals who so elect will be physically examined by the armed forces of the United States, and if found physically qualified, the results of such examinations will be forwarded to the proper authorities of the co-belligerent nation, for determination of acceptability. Upon receipt of notification that an individual is acceptable and also receipt of the necessary travel and meal vouchers from the co-belligerent government involved, the appropriate State Director of the Selective Service System will direct the local Selective Service Board having jurisdiction in the case to send the individual to a designated reception point for induction into active service in the armed forces of the co-belligerent country. If upon arrival it is found that the individual is not acceptable to the armed forces of the co-belligerent country, he shall be liable for immediate induction into the armed forces of the United States.

Before the above-mentioned procedure will be made effective with respect to a co-belligerent country, this Department wishes to receive from the diplomatic representative in Washington of that country a note stating that his government desires to avail itself of the procedure and in so doing agrees that:

(a) No threat or compulsion of any nature will be exercised by his government to induce any person in the United States to enlist in the forces of any foreign government;

(b) Reciprocal treatment will be granted to American citizens by his government; that is, prior to induction in the armed forces of his government they will be granted the opportunity of electing to serve in the armed forces of the United States in substantially the same manner as outlined above. Furthermore, his government shall agree to inform all American citizens serving in its armed forces or former American citizens who may have lost their citizenship as a result of having taken an oath of allegiance on enlistment in such armed forces and who are now serving in those forces that they may transfer to the armed forces of the United States provided they desire to do so and provided they are acceptable to the armed forces of the United States. The arrangements for effecting such transfers are to be worked out by the appropriate representative of the armed forces of the respective governments;

(c) No enlistments will be accepted in the United States by his government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

This Government is prepared to make the proposed regime effective immediately with respect to Australia upon the receipt from you of a note stating that your government desires to participate in it and agrees to the stipulations set forth in lettered paragraphs (a), (b), and (c) above.

Accept, Sir, the renewed assurances of my highest consideration.

SUMNER WELLES  
Acting Secretary of State

The Right Honorable Richard G. Casey, D.S.O., M.C.  
Minister of Australia

## II

### *The Australian Minister to the Secretary of State*

AUSTRALIAN LEGATION  
WASHINGTON, D.C.

July 17, 1942

Sir:

I have the honour to refer to Mr. Welles' note dated 31st March, 1942, to my predecessor regarding the readiness of the United States Government to initiate a procedure which will permit aliens who have registered under the Selective Training and Service Act of 1940, as amended, who are nationals of co-belligerent countries and who have not declared their intention of becoming American citizens, to elect to serve in the forces of their respective countries, in lieu of service in the armed forces of the United States, at any time prior to their induction into the armed forces of the United States.

I am instructed by my Government to inform you that it desires to avail itself of the procedure set out and to give you the following assurances—

(a) No threat or compulsion of any nature will be exercised by the Australian Government to induce any person in the United States to enlist in the forces of any foreign Government.

(b) Reciprocal treatment will be granted to American citizens by the Australian Government; that is, prior to induction in the armed forces of

Australia they will be granted the opportunity of electing to serve in the armed services of the United States. Furthermore, all American citizens serving in the Australian forces, or former American citizens who have lost their American citizenship by joining these forces and are still serving in them, will be informed that they may transfer to the United States forces if they so desire, and if they are acceptable to the United States forces.

(c) No enlistments will be accepted in the United States by the Australian Government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

My Government proposes, when the procedure comes into effect, that American citizens who are to be released from service in the Australian forces should be handed over to the United States service authorities there for re-enlistment.

I should be glad to learn what machinery it is proposed to set up to give effect to the above-mentioned arrangement.

I have the honour to be, with the highest consideration, Sir, your obedient servant,

Owen DIXON

The Honourable Cordell Hull  
Secretary of State of the United States  
Washington, D.C.

### III

#### *The Secretary of State to the Australian Minister*

DEPARTMENT OF STATE  
WASHINGTON

September 16, 1942

Sir:

I have the honor to refer to your note no. 201/42 of July 17, 1942, in which you express the desire of your Government to participate in the arrangement concerning the service of nationals of one country in the armed forces of the other country.

I take pleasure in informing you that the appropriate authorities of this Government consider your note under reference to contain satisfactory assurances and that, accordingly, the arrangement with the Australian Government is considered as having become effective on July 18, 1942, the date on which

your note was received in the Department. The War Department, however, states that this Government will probably be able to accept those nondeclarant citizens of the United States residing in Australia only for service in the United States forces serving in Australia or vicinity.

Major Sherrow G. Parker, of the National Headquarters, Selective Service System, and Brigadier General Guy W. Henry, of the Inter-Allied Personnel Board of the War Department, will be available to discuss with the Australian Legation the necessary details pertaining to the arrangement.

The Selective Service System has indicated that it assumes that all arrangements relating to the matter will be identical with those now in effect in Canada, which are detailed in a memorandum (I—422), a copy of which is enclosed.<sup>1</sup>

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:  
G. Howland SHAW

Enclosure:  
Memorandum

The Honorable Sir Owen Dixon, K.C.M.G.  
Minister of Australia

#### IV

#### *The Secretary of State to the Australian Minister*

DEPARTMENT OF STATE  
WASHINGTON

September 30, 1942

Sir:

I have the honor to refer to the arrangement between Australia and the United States concerning the services of nationals of one country in the armed forces of the other country, and to inform you that the War Department is prepared to discharge, for the purpose of transferring to the armed forces of their own country, nondeclarant Australian nationals now serving in the United States forces who have not heretofore had an opportunity of electing to serve in the forces of their own country, under the same conditions existing for the transfer of American citizens from the Australian forces.

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<sup>1</sup> Not printed.

The Inter-Allied Personnel Board of the War Department, which is headed by Major General Guy V. Henry, is prepared to make the necessary arrangements for the contemplated transfers, and to discuss matters related thereto. In the case of a person serving outside the United States, however, the commanding officer of the theater of operations in which he may be serving is the proper authority to arrange the release.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:  
Breckinridge Long

The Honorable Sir Owen Dixon, K.C.M.G.  
Minister of Australia