

**UNITED STATES OF AMERICA
and
NEW ZEALAND**

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, 1 July, 15 August 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.

**ETATS-UNIS D'AMERIQUE
et
NOUVELLE-ZELANDE**

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, 1er juillet, 15 août 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. 75. EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND NEW ZEALAND RELATING TO THE SERVICES OF NATIONALS OF ONE COUNTRY IN THE ARMED FORCES OF THE OTHER COUNTRY. WASHINGTON, 31 MARCH, 1 JULY, 15 AUGUST AND 30 SEPTEMBER 1942

I

The Acting Secretary of State to the Minister of New Zealand

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,² 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.

¹ Came into force on 2 July 1942, date of the receipt by the United States Government of the note from the Government of New Zealand of 1 July 1942.

² 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 representatives 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 New Zealand 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 Honorable Walter Nash
Minister of New Zealand

II

The Minister of New Zealand to the Under Secretary of State

NEW ZEALAND LEGATION
WASHINGTON, D.C.

July 1, 1942

Sir:

I have the honour to acknowledge receipt of your letter dated March 31, in reference to the Selective Training and Service Act of 1940, as amended, and in reply have to inform you that His Majesty's Government in New Zealand desires to participate in the proposals and stipulations of the United States Government as set forth in your communication now under reply and agrees to adopt reciprocal arrangements whereby subjects liable for military service and resident in the United States may elect to serve in their own countries.

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

Yours sincerely

W. NASH
Minister of New Zealand

Mr. Sumner Welles
Under Secretary of State
Department of State
Washington, D.C.

III

*The Secretary of State to the Chargé d'Affaires ad interim of New Zealand*DEPARTMENT OF STATE
WASHINGTON

August 15, 1942

Sir:

I acknowledge the receipt of your Legation's note of July 1, 1942, in which reference is made to the Department's note of March 31, 1942 proposing an arrangement concerning the induction of nationals of one country in the armed forces of the other. You state that His Majesty's Government in New Zealand desires to participate in the proposals and stipulations of this Government as set forth in the Department's note of March 31, 1942 and agrees to adopt reciprocal arrangements whereby subjects liable for military service and resident in the United States may elect to serve in their own countries.

The competent authorities of this Government consider your note to contain satisfactory assurances concerning the points raised in the Department's note of March 31, 1942. Accordingly, the arrangement is now considered as being in effect.

The Selective Service System expresses the view that all arrangements relating to the matter will be identical with those now in effect in regard to Canada, which are detailed in a Memorandum to All State Directors (I-422), a copy of which is enclosed.¹ Major Sherrow G. Parker, of the National Headquarters, Selective Service System, will be available to discuss any details of the arrangement.

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

For the Secretary of State:
G. Howland SHAWEnclosure:
Memorandum to All State
Directors (I-422)Mr. Geoffrey S. Cox
Chargé d'Affaires *ad interim* of New Zealand

¹ Not printed.

IV

The Secretary of State to the Minister of New Zealand

DEPARTMENT OF STATE
WASHINGTON

September 30, 1942

Sir:

I have the honor to refer to the arrangement between New Zealand 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 New Zealand 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 New Zealand forces.

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 Walter Nash
Minister of New Zealand