

**UNITED STATES OF AMERICA**  
**and**  
**UNITED KINGDOM OF GREAT BRITAIN AND**  
**NORTHERN IRELAND**

**Exchange of Notes constituting an agreement relating to the services of nationals of one country in the armed forces of the other country. Washington, 30 March, 29 April, 9 June 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**  
**ROYAUME-UNI DE GRANDE-BRETAGNE ET**  
**D'IRLANDE DU NORD**

**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, 30 mars, 29 avril, 9 juin 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. 77. EXCHANGE OF NOTES<sup>1</sup> CONSTITUTING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND RELATING TO THE SERVICES OF NATIONALS OF ONE COUNTRY IN THE ARMED FORCES OF THE OTHER COUNTRY. WASHINGTON, 30 MARCH, 29 APRIL, 9 JUNE AND 30 SEPTEMBER 1942

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I

*The Acting Secretary of State to the British Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

March 30, 1942

Excellency:

I have the honor to refer to conversations which have taken place between officers of the British Embassy and of the Department with respect to the application of the United States Selective Training and Service Act of 1940, as amended,<sup>2</sup> to British subjects residing in the United States.

As you are aware the Act 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

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<sup>1</sup> Came into force on 30 April 1942, date of the receipt by the United States Government of the notes from the British Government of 29 April 1942.

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

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.

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 the United Kingdom 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.

This Government is also prepared to make the proposed regime effective with respect to India upon the receipt of similar formal assurances. I should accordingly appreciate your having this matter presented to the Government of India.

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

Sumner WELLES  
Acting Secretary of State

His Excellency  
The Right Honorable Viscount Halifax, K.G.  
British Ambassador

## II

*The British Ambassador to the Secretary of State*

BRITISH EMBASSY  
WASHINGTON, D.C.

April 29th, 1942

Sir,

I have the honour to refer to your note of March 30th in regard to the application of the Selective Training and Service Act to British subjects residing in the United States.

2. His Majesty's Government are in sympathy with the objects of the proposal contained in your note, and will be glad to see the régime made effective imme-

diately. As regards the stipulations set forth in the fifth paragraph of that note, His Majesty's Government in the United Kingdom agree to stipulations (a) and (c) without qualifications, and are glad to give the required assurances. As regards stipulation (b), His Majesty's Government will grant reciprocal treatment to American citizens in the United Kingdom; further information in regard to the arrangements for American citizens of military age in the United Kingdom will be supplied shortly. American citizens now serving in the Royal Navy who wish to transfer will be released unconditionally. American citizens now serving in the British Army will be allowed to resign their Commissions or take their discharge if the United States Military authorities in the United Kingdom are prepared to accept them. On discharge they will be given into the charge of the United States Military authorities in the United Kingdom, to be enlisted into the United States forces. United States citizens serving in the Royal Air Force will be treated in accordance with arrangements which have been agreed upon by the Air Ministry, the Royal Canadian Air Force and the American Military Mission in London. The State Department is doubtless aware of these arrangements. They will be put into effect by an Air Ministry order which will shortly be issued, of which the following is a summary:—

1. The application must be made in writing within fifteen days of the publication of the order.
2. No guarantee can be given whether or when the transfer will be effected. The efficiency of the war effort of the United Nations as a whole is the first consideration.
3. Transfers will be allowed only to suitable vacancies in United States forces which may be stationed in the country in which the men are serving, since shipping difficulties preclude transfers involving sea passages.
4. The transfer will be subject to the report of a Medical Board and interview by the United States Army authorities.
5. His Majesty's Government in the United Kingdom trust that the above arrangements, which apply to former American citizens who may have lost their citizenship as the result of having taken an Oath of Allegiance as well as to American citizens in the full sense of the word, will be regarded by the United States authorities as satisfying the stipulations of the fifth paragraph of your note under reply, and will thus enable the régime described in that note to be brought into effect.

I have the honor to be, with the highest consideration, Sir, your most obedient, humble servant,

HALIFAX

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

### III

#### *The British Ambassador to the Secretary of State*

His Majesty's Ambassador presents his compliments to the Secretary of State, and with reference to his note to Mr. Hull of April 29th on the subject of the application of the Selective Training and Service Act to British subjects in the United States, has the honour to inform the Department that a bill will shortly be introduced in Parliament to enable the United Kingdom National Service Acts to be applied to Allied Nationals who do not join their National Forces within a reasonable period or hold a certificate of exemption from military service issued by their own Government.

The primary object of this bill is to deal with refractory Nationals in the United Kingdom of Allied countries whose governments are established there and who refuse to comply with calling up notices from those governments, since His Majesty's Government, like the United States Government, are unwilling to allow the enforcement in the United Kingdom of foreign conscription laws. In pursuance of the general policy towards Allied Governments this legislation will however only be applied to specific Allied nationalities with the concurrence of respective Allied government.

The numbers of United States citizens of military age in the United Kingdom available for military service must be very small, but His Majesty's Government presume that on the basis of reciprocity which they favour in this matter United States Government will wish the proposed legislation to be applied eventually to United States citizens. If this presumption is confirmed it is suggested that the Foreign Office should show the text of the bill to the United States Embassy in London and should discuss its details with them.

BRITISH EMBASSY  
WASHINGTON, D.C.  
April 29th, 1942

## IV

*The Secretary of State to the British Ambassador*DEPARTMENT OF STATE  
WASHINGTON

June 9, 1942

Excellency:

I have the honor to advise you that the competent authorities of this Government consider your two notes of April 29, 1942, relative to the application of the United States Selective Training and Service Act of 1940, as amended, to British subjects residing in the United States, to contain satisfactory assurances concerning the points raised in my note of March 30, 1942. The procedure described in my note of March 30 is accordingly deemed to be in effect with respect to Great Britain and the War Department and the Selective Service System have been so advised.

The procedure contemplated to enable non-declarant British subjects and nationals residing in the United States to be enrolled in the British armed forces is identical with that now in effect for Canadian nationals, which is described in detail in the enclosed memorandum of May 2, 1942<sup>1</sup> from the National Headquarters of the Selective Service System to all state directors. It is contemplated that this same procedure will be applicable to the nationals of any country with which an agreement on this subject may be concluded.

It is understood that certain specific agreement must be reached between the armed forces of our two Governments, particularly with reference to the transfer of individuals from the armed forces of the United Kingdom to the armed forces of the United States.

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

Cordell HULL

Enclosure:

Memorandum, May 2, 1942

His Excellency

The Right Honorable the Viscount Halifax, K.G.  
British Ambassador

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<sup>1</sup> Not printed.

## V

*The Secretary of State to the British Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

September 30, 1942

Excellency:

I have the honor to refer to the arrangement between Great Britain 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 British 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 British forces. The foregoing applies also to Indian nationals.

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, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:  
Breckinridge LONG

His Excellency  
The Right Honorable the Viscount Halifax, K.G.  
British Ambassador