

No. 79

**UNITED STATES OF AMERICA
and
YUGOSLAVIA**

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, 14 May, 25 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.

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

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, 14 mai, 25 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. 79. EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND YUGOSLAVIA RELATING TO THE SERVICES OF NATIONALS OF ONE COUNTRY IN THE ARMED FORCES OF THE OTHER COUNTRY. WASHINGTON, 31 MARCH, 14 MAY, 25 JUNE AND 30 SEPTEMBER 1942

I

The Acting Secretary of State to the Yugoslav Minister

DEPARTMENT OF STATE
WASHINGTON

March 31, 1942

Sir:

I have the honor to refer to my note of March 24,² in acknowledgment of your note of March 10² referring to the desire of your Government to engage in its armed forces certain Yugoslav citizens resident in the United States.

Various Departments and agencies of this Government were consulted, as noted in my preliminary acknowledgment of your note, in the formulation of the procedure under which the status of alien residents of the United States would be determined with regard to the United States Selective Training and Service Act of 1940, as amended.³ This uniform procedure, which would be applicable to persons of the classes mentioned in your note, may be set forth as follows:

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 eighteen and sixty-five 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.

¹ Came into force on 18 May 1942, date of the receipt by the United States Government of the note from the Yugoslav Government of 14 May 1942.

² Not printed.

³ 54 Stat. 885; 50 U.S.C. app. §§ 301-318, Supp. II §§ 302-305, 308-310, 312, 315.

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.

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 designate 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 govern-

ment 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 Kingdom of Yugoslavia 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 Constantin Fotitch
Minister of Yugoslavia

II

The Yugoslav Minister to the Under Secretary of State

ROYAL YUGOSLAV LEGATION
WASHINGTON, D.C.

Pov. No. 399

May 14, 1942

Mr. Secretary:

I have the honor to refer to your note of March 31, 1942 and to inform you that my Government shares entirely the view of the United States Government, and agrees to the stipulations set forth in the paragraphs of your letter *a*, *b*, and *c*, concerning the recruiting of Yugoslav citizens residing in the United States.

Accept, Mr. Secretary, the assurances of my highest consideration.

Const. FOTITCH

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

III

The Secretary of State to the Yugoslav Minister

The Secretary of State presents his compliments to the Honorable the Minister of Yugoslavia and refers to the Minister's note no. 399 of May 14, 1942, stating that the Yugoslav Government agrees to the stipulations set forth in the paragraphs lettered as *a*, *b*, and *c* in the Department's note of March 31, concerning the recruiting of Yugoslav citizens residing in the United States.

This information was duly communicated to the Director of the Selective Service System who has informed the Department that Major S. G. Parker, at the National Headquarters of the Selective Service System, will be available to discuss related problems with officials of the Yugoslav Government at their convenience.

DEPARTMENT OF STATE
Washington, June 25, 1942

No. 79

IV

The Secretary of State to the Yugoslav Minister

DEPARTMENT OF STATE
WASHINGTON

September 30, 1942

Sir:

I have the honor to refer to the arrangement between Yugoslavia 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 Yugoslav 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 Yugoslav 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 Constantin Fotitch,
Minister of Yugoslavia