

No. 86

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**UNITED STATES OF AMERICA**  
and  
**POLAND**

**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 and 14 December 1942, 26 January and 25 February 1943**

*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  
**POLOGNE**

**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 et 14 décembre 1942, 26 janvier et 25 février 1943**

*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. 86. EXCHANGE OF NOTES<sup>1</sup> CONSTITUTING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND POLAND RELATING TO THE SERVICES OF NATIONALS OF ONE COUNTRY IN THE ARMED FORCES OF THE OTHER COUNTRY. WASHINGTON, 30 MARCH AND 14 DECEMBER 1942, 26 JANUARY AND 25 FEBRUARY 1943

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I

*The Acting Secretary of State to the Polish Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

March 30, 1942

Excellency:

With reference to Your Excellency's note of March 17, 1942,<sup>2</sup> and to previous correspondence with respect to the enlistment of residents of the United States in the armed forces of Poland,<sup>2</sup> I have the honor to inform you that special consideration has been given to the views of your government in the discussions which have taken place between officers of this Department, the War and Navy Departments, and the Selective Service System on the general problem of the application of the United States Selective Training and Service Act of 1940, as amended,<sup>3</sup> to nationals of co-belligerent countries 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.

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<sup>1</sup> Came into force on 27 January 1943, date of receipt by the United States Government of the note from the Polish Government of 26 January 1943.

<sup>2</sup> Not printed.

<sup>3</sup> United States 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 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 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 Poland 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, Excellency, the renewed assurances of my highest consideration.

SUMNER WELLES  
Acting Secretary of State

His Excellency Jan Ciechanowski  
Ambassador of Poland

## II

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

DEPARTMENT OF STATE  
WASHINGTON

December 14, 1942

Excellency:

I have the honor to refer to your note No. 745/SZ-72 of October 13, 1942,<sup>1</sup> and to other correspondence exchanged in the matter of the proposed arrangement between the United States and Poland concerning the services of nationals of one country in the armed forces of the other country. You state that your Government is prepared to accept an arrangement which would make it possible

<sup>1</sup> Not printed.

- a) for all Polish citizens residing in the United States, who are liable to register under the provisions of the Selective Training and Service Act of 1940, to enlist in the Polish Armed Forces should they so desire;
- b) for all Polish citizens, who have already been drafted in the Armed Forces of the United States, to be given the opportunity to transfer, if they so desire, to the Polish Armed Forces;

and that your Government would be prepared to conform to lettered paragraphs *a*, *b*, and *c* of the Department's note of March 30, 1942.

I take pleasure in informing you that this Government is prepared to enter into an arrangement with your Government as proposed in the Department's note of March 30, 1942; however, this Government finds itself unable to make the arrangement applicable to "all Polish citizens", as desired in lettered paragraphs *a*) and *b*) of your note of October 13, 1942. This Government is unable to grant the privileges outlined in the Department's note of March 30, 1942, to any but Polish nationals who have not declared their intention of becoming American citizens.

This Government is prepared, however, upon the conclusion of the proposed arrangement, to grant to nondeclarant Polish nationals already serving in the armed forces of the United States, who did not previously have an opportunity of electing to serve in the forces of their own country, the privilege of applying for a transfer to their own forces. Upon the conclusion of the arrangement, the War Department is prepared to discharge, for the purpose of transferring to the armed forces of Poland, nondeclarant Polish nationals serving in the United States forces who did not have a previous opportunity of opting for service with the Polish forces.

If your Government is desirous of entering into the proposed arrangement, and you will forward to the Department a note conforming to the concluding paragraph of the Department's note of March 30, 1942, this Government is prepared to make the proposed regime effective immediately upon the receipt of such note.

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

Cordell HULL

His Excellency Jan Ciechanowski  
Ambassador of Poland

## III

*The Polish Ambassador to the Secretary of State*AMBASADA POLSKA  
W WASZYNGTONIE

January 26, 1943

Sir,

I have the honor to refer to your note of December 14, 1942, No. 860C-2222/24, concerning the proposed arrangement between Poland and the United States with regard to the service of nationals of one country in the armed forces of the other country, and to inform you that, in accordance with the principles laid down in your note of March 30, 1942, the Polish Government is ready to affirm its acceptance of the stipulations contained in the concluding paragraph of your note of March 30, 1942, thereby conforming to the concluding paragraph of your note of December 14, 1942. Consequently:

- 1) All Polish nationals who have not declared their intention of becoming American citizens will be granted the privileges outlined in your notes of March 30, 1942 and December 14, 1942;
- 2) The War Department of the United States, in agreement with the Polish military authorities, will discharge, for the purpose of transferring to the armed forces of Poland, the nondeclarant Polish nationals already serving in the United States forces, who are desirous of enlisting in the Polish armed forces and have not had an opportunity of opting for service in the Polish forces;
- 3) All nondeclarant Polish nationals liable for service in the armed forces of the United States under the selective service law of the United States may, if they so desire, opt for service in the Polish armed forces, by indicating to their local draft boards before their induction their desire to serve in the Polish armed forces in lieu of the United States forces;
- 4) The Polish Government expresses the hope that Polish citizens serving in the armed forces of the United States, whether they have or have not declared their intention of becoming citizens of the United States will be accorded to their full extent the opportunities and advantages available to citizens of the United States, in respect of their service in the armed forces of the United States;

- 5) Although according to Polish law, Polish citizens are not liable for service in any armed forces except those of their own country without the consent of the Polish Government, the Polish Government does not wish to raise this objection at the present time in view of existing special circumstances; however, the Polish Government reserves the right of reciprocity with regard to American citizens residing on Polish territory.

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

J. CIECHANOWSKI

The Honorable Cordell Hull  
Secretary of State

IV

*The Secretary of State to the Polish Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

February 25, 1943

Excellency:

I have the honor to acknowledge the receipt of your note of January 26, 1943, in which you state that your Government affirms its acceptance of the stipulations contained in the Department's notes of March 30, 1942 and December 14, 1942 concerning the services of the nationals of one country in the Armed Forces of the other country.

I take pleasure in informing you that this agreement is now considered by this Government as having become effective on January 27, 1943, the date on which your note under acknowledgment was received in the Department. The appropriate authorities of this Government have been informed accordingly, and I may assure you that this Government will carry out the agreement in the spirit of full cooperation with your Government.

It is suggested that all the details incident to carrying out the agreement be discussed directly by the officers of the Embassy with the appropriate officers in the War Department and the Selective Service System. Lieutenant Colonel V. S. Sailor, of the Recruiting and Induction Section, Adjutant General's Office, War Department, and Major S. G. Parker, of the Selective Service System, will

be available to discuss questions relating to the exercise of the option prior to induction. The Inter-Allied Personnel Board of the War Department, which is headed by Major General Guy V. Henry, is the agency with which questions relating to the discharge of nondeclarant nationals of Poland, who may have been serving in the Army of the United States on the effective date of the agreement and who desire to transfer to the Polish Armed Forces, may be discussed.

With respect to numbered paragraph 5 of your note, this Government agrees to the Polish Government's exercising reciprocity with regard to American citizens residing on Polish territory.

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

For the Secretary of State:  
G. Howland SHAW

His Excellency Jan Ciechanowski  
Ambassador of Poland

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