

No. 172

**UNITED STATES OF AMERICA
and
CZECHOSLOVAKIA**

Exchange of notes constituting an agreement relating to the services of nationals of one country in the armed forces of the other country. Washington, 3 April 1942, 29 September and 21 October 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 14 April 1949.

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

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, 3 avril 1942, 29 septembre et 21 octobre 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 14 avril 1949.

No. 172. EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND CZECHOSLOVAKIA RELATING TO THE SERVICES OF NATIONALS OF ONE COUNTRY IN THE ARMED FORCES OF THE OTHER COUNTRY. WASHINGTON, 3 APRIL 1942, 29 SEPTEMBER AND 21 OCTOBER 1943

I

The Acting Secretary of State to the Czechoslovak Minister

DEPARTMENT OF STATE
WASHINGTON

April 3, 1942

Sir:

I have the honor to inform you that the United States 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 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.

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 29 September 1943, by the exchange of the said notes.

² United States of America, 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 régime effective immediately with respect to the Republic of Czechoslovakia 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 Vladimír Hurban
Minister of Czechoslovakia

II

The Secretary of State to the Czechoslovak Ambassador

DEPARTMENT OF STATE
WASHINGTON

September 29, 1943

Excellency:

I have the honor to refer to the Department's note of April 3, 1942 and to subsequent conversations had by officers of the Department with the Embassy on the subject of the proposed agreement with your country concerning the service of nationals of one country in the armed forces of the other country.

In amplification of the Department's note of April 3, 1942 I may state that this Government is prepared, upon the conclusion of the proposed agreement, to grant to nondeclarant Czechoslovak nationals 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 the armed forces of Czechoslovakia. Upon the conclusion of the agreement, the War Department is prepared to discharge, for the purpose of transferring to the armed forces of Czechoslovakia, nondeclarant Czechoslovak nationals serving in the United States forces who did not have a previous opportunity of opting for service with the Czechoslovak forces. I may also state, with

reference to the second and third sentences of the third paragraph of the Department's note of April 3, 1942, that the details incident to carrying out the agreement may be modified in such manner as may be mutually agreeable, and to that end it is suggested that this subject be discussed by officers of the Embassy with the appropriate agencies of the United States Government upon the conclusion of the agreement.

If your Government is desirous of entering into the proposed agreement, and you will forward to the Department a note conforming to the concluding paragraph of the Department's note of April 3, 1942, this Government is prepared to make the proposed régime effective immediately upon the receipt of such note.

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

For the Secretary of State:

G. Howland SHAW

His Excellency Vladimír Hurban
Ambassador of Czechoslovakia

III

The Czechoslovak Ambassador to the Secretary of State

CZECHOSLOVAK EMBASSY

WASHINGTON, D.C.

September 29, 1943

No. 5944/43.

Excellency:

I have the honor to refer to Your Excellency's notes of April 3, 1942 and September 29, 1943, as well as to the conversations between officials of the Czechoslovak Embassy and the Department of State, with regard to the conclusion of an agreement between the Governments of Czechoslovakia and the United States, concerning the application of the United States Selective Training and Service Act of 1940, as amended, to Czechoslovak citizens residing in the United States, and the reciprocal treatment of American citizens, who may be serving in the Czechoslovak armed forces.

I am pleased to inform Your Excellency that the Czechoslovak Government desires to participate in the procedure as set forth in the note of April 3rd, 1942 and agrees to the stipulations enumerated in paragraphs lettered (a), (b) and (c) of His Excellency's note of April 3, 1942, and to the proposals contained in the note dated September 29, 1943.

I have been instructed to inform Your Excellency that the Czechoslovak Government will highly appreciate that the following two desiderata be given due consideration by the appropriate United States authorities:

(1) The Czechoslovak Government expresses the hope that Czechoslovak citizens, serving in the armed forces in the United States, will be accorded, to the fullest 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.

(2) The Czechoslovak Government trusts that Czechoslovak citizens who are residents of the United States and who elect for service in the Czechoslovak armed forces will be permitted to return to the United States at any time after the termination of their service with the Czechoslovak armed forces.

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

V. S. HURBAN

His Excellency Cordell Hull
Secretary of State

IV

The Secretary of State to the Czechoslovak Chargé d'Affaires ad interim

DEPARTMENT OF STATE
WASHINGTON

October 21, 1943

Sir:

Acknowledgment is made of the receipt of the Embassy's note no. 5944/43 of September 29, 1943 stating that your Government desires to enter into the Agreement, as proposed in the Department's notes of April 3, 1942 and September 29, 1943, concerning the services of nationals of one country in the armed forces of the other country. The note under acknowledgment states that your Government agrees to the stipulations enumerated in paragraphs lettered (a), (b), and (c) of the Department's note of April 3, 1942.

I take pleasure in informing you that this Government considers the agreement with your Government as having become effective on September 29, 1943, the date on which the note under acknowledgment was received in the Department. The appropriate authorities of the United States 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 this agreement be discussed directly by officials of the Embassy with the appropriate officers of the War Department and of the Selective Service System. Lieutenant Colonel V. L. Sailor, of the Recruiting and Induction Section, Adjutant General's Office, War Department, and Lieutenant Colonel 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 Czechoslovakia, serving in the Army of the United States and desiring to transfer to the Czechoslovak forces, may be discussed.

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

For the Secretary of State:

G. Howland SHAW

Dr. Karel Červenka
Chargé d'Affaires ad interim of Czechoslovakia