

法規名稱：EXCHANGE OF NOTE BETWEEN THE REPUBLIC OF CHINA AND THE UNITED STATES OF AMERICA ON MILITARY SERVICE (AD.1944.06.13)

簽訂日期：民國 33 年 06 月 13 日

November 6, 1943

Excellency:

I have the honor to refer to conversations which have taken place between officers of the Chinese Embassy and of the Department of State with respect to the application of the United States Selective Training and Service Act of 1940, as amended, to Chinese nationals 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 between the ages of eighteen and sixty-five, residing in the United States, 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 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 nationals of co-belligerent countries who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to serve in the armed forces of their own 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 Chinese nationals who have registered under the Selective Training and Service Act of 1940, as amended, to elect to serve in the forces of their own country, in lieu of se-

service in the armed forces of the United States, at any time prior to their induction into the armed forces of this country. The Government is also prepared to afford to Chinese nationals who may already be serving in the armed forces of the United States an opportunity of electing to transfer to the armed forces of their own country. Detailed arrangements for carrying out this agreement are to be worked out directly between the War Department and the Selective Service System on the part of the United States Government and the appropriate authorities of the Chinese Government. It should be understood, however, that in all cases a person exercising an option under the agreement must actually be accepted by the military authorities of his country. Before the above-mentioned procedure will be made effective with regard to China, this Department wishes to receive a note stating that your 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 the Chinese Government to induce any person in the United States to enlist in the forces of that Government or any foreign government;
- (b) Reciprocal treatment will be granted to American citizens by the Chinese Government; that is, prior to induction in the armed forces of China 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, the Chinese 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 these 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.
- (c) No enlistments will be accepted in the United States by the Chinese Government of American citizens subject to registra-

tion 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 China 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.

For the Acting Secretary of State (Signed) G. Howland Shaw

(2) The Chinese Ambassador to the Secretary of State

Washington, May 11, 1944

Sir,

I have the honor to refer to your note of November 6, 1943, concerning the application of the United States Selective Training and Service Act of 1940, as amended, to Chinese nationals resident in the United States, and the readiness of the United States Government to initiate a procedure which will permit Chinese nationals to elect to serve in the armed forces of China in lieu of service in the armed forces of the United States.

My Government has instructed me to inform you that it desires to avail itself of the procedure set out and agrees to the stipulations enumerated in paragraphs lettered (a), (b), and (c) of your note dated November 6, 1943.

On its part, however, my Government desires the concurrence of the United States Government in regard to the following:

- (i) the United States Government will make the above procedure known to all Chinese nationals who are to be inducted or who are already serving, in the armed forces of the United States,
- (ii) Chinese nationals who avail themselves of the option to serve in the Armed Forces of China will be permitted to return to the United States upon the termination of honorable service, subject to the provisions of the Immigration Laws

in effect at the time of their return.

I shall be glad to be informed regarding the administrative arrangements that are necessary for giving effect to the above agreement.

Accept, etc.

(Signed) Wei Tao-ming

(3) The Secretary of State to the Chinese Ambassador

Washington, June 13, 1944

Excellency:

I have the honor to acknowledge the receipt of your note of May 11, 1944, in regard to the proposed military service agreement between China and the United States, and to inform you that the appropriate authorities of this Government have agreed in principle to the stipulations contained in that note.

The War Department has stated that it is prepared to notify all Chinese nationals who already may be serving in the armed forces of the United States of their opportunity to elect to serve in the armed forces of their own country in lieu of serving in the Army of the United States. However, the War Department has pointed out that, in implementing the details of this proposed agreement, necessity requires that transfers from United States troops in overseas theaters be limited to those instances where suitable Chinese troops are serving in the vicinity to which the individual could be assigned.

The Director of the Selective Service System states that under present Selective Service procedures each local board is requested to send Notice to Citizen of Allied Nation (Form 308) to the registrant. There are enclosed for your information specimen copies of Local Board Memoranda 129 and 129A, and Forms 221, 308, 502, and 503,* which are for use by aliens of co-belligerent nations who wish to elect to serve in the armed forces of their own country.

Lieutenant Colonel S. G. Parker of the
National Headquarters, Selective Service System, and Major General Guy V. Henry, of the Inter-Allied Personnel Board of the War

Department, will be available to discuss with Chinese military officials all details pertaining to the reciprocal arrangement.

Accept, etc.

For the Secretary of State

(Signed) G. Howland Shaw