

RESTRICTED

Mr. Desvernine

23

Office Memorandum

DEPARTMENT OF STATE
• UNITED STATES GOVERNMENT
INTER-AMERICAN AFFAIRS

MID - Mr. Mann

ARA - Mr. Miller

AUG 21 1950

DATE: August 21, 1950

MID - Mr. Desvernine

Possibility of Agreement between the United States and
Cuba Regarding Military Service

I refer to my memorandum of August 15, 1950, regarding the Cuban Ambassador's inquiry as to the possibility of a new agreement between the United States and Cuba on military service.

During World War II agreements of this kind were concluded with a number of our allies. With few exceptions these agreements did not entail any practical benefit to us except for such political advantages as might be derived from the fact that the agreement constituted further evidence of collaboration between allies in their common war effort. In many respects the conditions which prevailed then do not obtain now. Despite the Korean hostilities our countries are not actually at war. The Selective Service Act of 1948 is more liberal in its provisions regarding aliens than the 1940 Act, since the latter applied to alien residents here without exception, while the former permits aliens to be exempted if they wish to assert their alien status.

I fail to conceive of any benefit or advantage to us in concluding an agreement with Cuba, since the only practical effect would be to permit Cubans residing here to avoid U.S. military service by returning to Cuba, without incurring any of the consequences which such action would entail under the 1948 Selective Service Act.

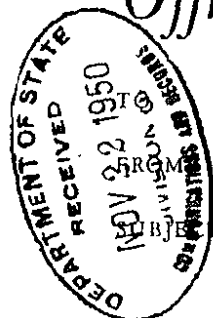
My recommendation, therefore, is that we should indicate informally to the Cubans that we are not interested in such an agreement at this time. If they want to press it further we can give it further consideration. Let them convince us it's a good thing, if they're really interested.

cc: AR - Mr. Dreier
ARA/L - Miss Whiteman

I agree but suggest we make it plain to the Cubans that if conditions change we will be glad to reconsider.

ARA:MID:EDesvernine:arp

Tcm



Rev.
Car. *B. W.*

DEPARTMENT OF STATE
BUREAU OF
INTER-AMERICAN AFFAIRS
AUG 24 1950

DEPUTY ASST. SECRETARY.

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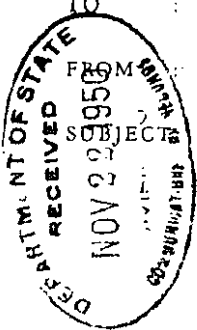
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Office Memorandum • UNITED STATES GOVERNMENT

TO : MID - Mr. Mavin
ARA - Mr. Miller

DATE: August 15, 1950

FROM : MID - Mr. Desvernine

SUBJECT: Possibility of Agreement between the United States and
Cuba Regarding Military Service

In 1942 an Agreement was concluded between Cuba and the United States through an exchange of notes with respect to the application of the U.S. Selective Service Training Act of 1940, as amended, to Cuban citizens residing in the United States. In effect this agreement permitted Cuban citizens residing in this country, who might otherwise be liable for military service under that Act, to be exempted thereof by enlisting in the armed forces of their own country should they desire to do so. Reciprocal rights were given to American citizens in Cuba. I understand that similar agreements were concluded among this country and many other foreign countries during World War II. These agreements expired in effect when the Selective Service Act of 1940 expired in 1947.

Ambassador Machado has now asked me what the attitude of this Government might be with respect to the conclusion of another agreement of a similar nature with Cuba. He says that he expects to leave for Habana on August 17 and that he would like to tell his President what our reaction might be to a proposal by Cuba that such an agreement ~~might~~ be effected. I told him that I did not know whether in the two or three days remaining before his departure it would be possible to give him an answer. I presume that our attitude toward such an agreement with Cuba would depend on policy applicable to other countries as well, and that such a policy would in turn depend on the views of our military people and of those responsible for enforcement of the Selective Service Act of 1948 which is now in force. I bring this inquiry to your attention with the suggestion that you may wish to have it discussed at staff meetings and in order that some reply may be given to Ambassador Machado on the subject.

cc:

AR - Mr. Dreier
ARA/L - Miss Whiteman

ARA:MID:EDesvernine:arp

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DEPARTMENT OF STATE

Memorandum of Conversation

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DATE: September 6, 1950

SUBJECT: Cuban Proposal for Reciprocal Agreement
on Military Service.

PARTICIPANTS: Ambassador Luis Machado - Cuba
Assistant Secretary Edward G. Miller, Jr.
Mr. Eugene Desvernine - MID

COPIES TO: ARA -
AR -
Amembassy, Habana
(informally)

The Ambassador referred to the agreement which was in effect between Cuba and the United States during World War II regarding application of the Selective Service Act, whereby citizens of each country could be exempted from military service in the other by enlisting in their own armed forces. The Ambassador said that the Cuban Government was interested in negotiating another agreement of this type with the United States.

It was pointed out to the Ambassador that in view of the fact that conditions are not the same now as when they were when the other agreement was concluded there might not be the same justification for an agreement. His attention was called, for instance, to the fact that under the Selective Service Act which is now in force aliens may obtain exemption from military service simply by requesting such exemption on the ground of their alien nationality; whereas, under the 1940 Act all alien residents were required to serve in the absence of an agreement of the type described by the Ambassador.

The Ambassador said he was aware of this, but the application of our Selective Service Act to Cuban citizens here gave rise to certain complications, such as the loss of Cuban citizenship of the affected individuals. He requested on behalf of his Government that we give serious consideration to the negotiation of an agreement on this matter. He was told that we would

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consult with the other interested agencies and inform him of this Government's position in the matter.

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ARA:MID: ⁵²Edesvernine:jr

ACTION
is assigned to

LAW OFFICES
HINSHAW AND CULBERTSON
SUITE 4200-ONE LA SALLE STREET
CHICAGO 2, ILLINOIS

January 25, 1951

JOSEPH H. HINSHAW
JAMES G. CULBERTSON
JOHN M. MOELMANN
GEORGE S. HOBAN
OSWELL G. TREADWAY
WILLIAM T. CALDWELL
RUDOLPH MILLER
SAMUEL H. YOUNG
PERRY L. FULLER

TELEPHONE
RANDOLPH 6-4460
CABLE ADDRESS
HINCUL

IN REPLY REFER
TO FILE NO.

File
LEGAL ADVISER
Ans. 1/31/51
L/EUR - Keegan
DEPARTMENT OF STATE

The Chief
Inter-American Affairs Division
Department of State
Washington, D.C.

Dear Sir:

In the Selective Service Act relating to doctors an exemption is made for aliens whose citizenship is in a country with which the United States has reciprocal treaties exempting the citizens of each country from military service.

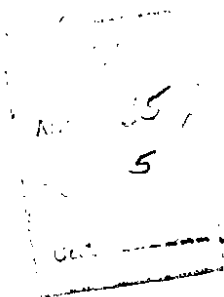
Will you kindly advise whether such a treaty is in existence between this country and Cuba.

Yours very truly,

James G. Culbertson

JGC:nm

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In reply refer to
L/EUR 611.3796/1-2551

My dear Mr. Culbertson:

The Department has received your letter of January 25, 1951 in which you inquire whether there is any treaty between the United States and Cuba exempting the citizens of one country from military service in the other.

You are advised that there is no treaty between the United States and Cuba containing any provision for the exemption of nationals of the one country from military service in the other.

Sincerely yours,

Raymund T. Yingling
Assistant Legal Adviser

Mr. James G. Culbertson,
Hinshaw and Culbertson,
Suite 4200,
1 LaSalle Street,
Chicago 2, Illinois.

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LOUIS A. SABATINO
ATTORNEY AT LAW
923 ALFRED I DU PONT BUILDING
MIAMI, FLORIDA

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August 14, 1952

The United States Dept. of State
Washington, D. C.

Gentlemen:

I am advised that there exist military treaties between the United States and Cuba whereby the nationals of either country do not lose such nationality upon enlisting in the Armed Forces of the other country and I would like to procure from your office a copy of such treaties.

Please be good enough to send me copies of the treaties in question and your bill for the costs involved which I shall send you by return mail as I have done on other occasions.

Thanking you in advance for your courtesies,
I am

Yours very truly,

Louis A. Sabatino
Louis A. Sabatino

LAS:BP

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In reply refer to
L/T 611.3796/8-1452

My dear Mr. Sabatino:

With reference to the request made in your letter of August 14, 1952 you are informed that there is no treaty or other international agreement in force between the United States and Cuba containing provisions whereby the nationals of either country do not ~~lose their~~ ^{their} nationality upon enlisting in the armed forces of the other country.

In the absence of such provisions, the question of loss of nationality upon enlistment in the armed forces of another country would appear to be a matter for determination in accordance with the laws of the respective countries.

Sincerely yours,

For the Secretary of State:

Charles I. Bevans
Assistant for Treaty Affairs
Office of the Legal Adviser

Mr. Louis A. Sabatino,
923 Alfred I. Du Pont Building,
Miami, Florida.

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