POLAND

REQUEST TO THE POLISH GOVERNMENT THAT AMERICAN ARMS MANUFACTURERS BE GIVEN THE SAME CONSIDERATION AS THOSE OF OTHER NATIONS

860c.24/51 : Telegram

The Secretary of State to the Minister in Poland (Pearson)

WASHINGTON, *January 5, 1925—4 p. m.*

1. For your information. Following received from Embassy London:

"2, January 1, noon. Mr. Nichols, Vice President of Colt firearms, represents to me that his firm has been negotiating a contract with the Polish Government for about three years for furnishing automatic machine rifles involving about ten million dollars, that the Polish Government were practically committed to the contract when the French Government recently intervened on behalf of Hotchkiss of France with the result that it would appear likely that Colts will lose the contract. Price offered by Colts and other conditions thought to be practically the same as Hotchkiss. Matter will be decided by Polish Government between the 5th and 8th of January.

Mr. Nichols asks informal diplomatic intervention through American Minister at Warsaw. Colts have a representative there.

Mr. Nichols would like to be informed of your decision."

Department has replied as follows:

"The Department's general policy in the matter of the sale of arms and munitions of war is outlined in the Monthly Political Report for September, 1923,[1] pages 43 to 45. The Department does not feel that it could appropriately take the action suggested by Mr. Nichols."

HUGHES

860c.24/51 supp. : Telegram

The Secretary of State to the Minister in Poland (Pearson)

[Paraphrase]

WASHINGTON, *June 3, 1925—7 p. m.*

46. Department's telegram No. 1, dated January 5, 4 p. m. Discreetly ascertain whether contract for the purchase of arms has been concluded by the Government of Poland.

KELLOGG

---

[1] Not printed; but see telegram No. 53, Sept. 12, 1923, to the Minister in Switzerland, *Foreign Relations*, 1923, vol. I, p. 38, and statement to the press quoted in telegram No. 61, Sept. 27, 1923, to the Minister in Switzerland, *ibid.*, p. 42.

860c.24/53 : Telegram

The Minister in Poland (Pearson) to the Secretary of State

[Paraphrase]

WARSAW, *June 4, 1925—6 p. m.*

[Received 6:45 p. m.]

43. Department's telegram No. 46, June 4 [*3*]. On January 17 Polish Government committee adopted Browning automatic rifles. The Warsaw agent of the Colt Company says that the contract will be signed by the end of June despite great opposition French interests. Details of proposed contract given in letter from commercial attaché 215 telegram 5th to Bureau of Foreign and Domestic Commerce.

PEARSON

860c.24/54

The Minister in Poland (Pearson) to the Secretary of State

No. 206 WARSAW, *July 3, 1925.*

[Received July 28.]

SIR: I have the honor to refer to the Department's telegrams No. 1 January 5, 4 P. M., and No. 46 June 4 [*3*], 7 P. M. (1925) concerning a contract between the Polish Government and the Colt Arms Company, for furnishing Browning automatic rifles to the Polish Army, and to transmit, herewith, a copy of a Memorandum dated June 24, 1925, from the American Commercial Attache, Mr. Leighton W. Rogers, as follows:

"The matter of the contract with the Colt Arms Co. of Hartford, Conn., for furnishing Browning automatic rifles to the Polish Army, has struck another snag.

"Mr. Rudnicki, the Polish representative, called me on the telephone last night and informed me that after the details of the contract had been argued out for months by himself and the Polish army purchasing authorities, and that after it had been approved by the army authorities, it was taken yesterday to Mr. Grabski for his signature. Mr. Grabski withheld his signature stating that he could not approve of certain important clauses of the contract. Mr. Rudnicki stated that everyone was greatly surprised inasmuch as they had been led to believe that the most difficult part of the negotiations were over. Mr. Rudnicki states that in his opinion the French have been continuing their activities and that through influence which they have with the family of the President of the Republic, they have been working on Mr. Grabski to hold up these negotiations.

"I told Mr. Rudnicki that there is not much that my office can do about it in view of instructions from Washington with which he is already familiar. I send you this memorandum in order to keep you in touch with the progress of the matter, which we have all been watching with interest."

I have [etc.] ALFRED J. PEARSON

860c.24/54 : Telegram

The Secretary of State to the Minister in Poland (Pearson)

WASHINGTON, *August 6, 1925—3 p. m.*

70. Your despatch No. 206 of July 3, 1925 regarding negotiations of Colt Company.

In case an opportunity is offered and without intervening in the negotiations Department considers that the situation as reported by you would justify you in orally indicating to the Polish Government that you trust that proper consideration will be shown to the American company concerned.

KELLOGG

860c.24/55

The Minister in Poland (Pearson) to the Secretary of State

No. 238 WARSAW, *August 17, 1925.*

[Received September 3.]

SIR: I have the honor to refer to the Department's telegraphic instruction No. 70 of August 6, 3 P. M., and previous correspondence, with regard to the negotiations between the Polish Government and the Colt Arms Manufacturing Company.

On August 12th the Prime Minister, Mr. Grabski, called on me, and I took the opportunity to take up with him the question of the Colt contract. I stated that it had come to my attention that the Colt company had been negotiating for this contract for a period of eight or nine months; that the Browning automatic rifle had been adopted as the official arm of the Polish Army by a commission of army experts which studied this rifle, and also the arms of the Vickers and Hotchkiss companies; that the Minister of War, General Sikorski, had approved this decision; but that when the contract came up for signature this was withheld due to the recommendation of a man in the office of the Premier, who first gave his views to the effect that the Hotchkiss arm was superior to the Browning rifle; that when this expression of opinion was proclaimed against by army officials, the above mentioned man recommended that the Prime Minister's signature be withheld because the Government did not have sufficient funds to complete such a contract at this time.

I indicated that this treatment of the Colt company might have a deterring effect upon other American companies which might be contemplating doing business in Poland, since the Colt Company had worked for this contract, had apparently gotten it in fair competition, and at the last minute it was withheld due to the recommendation of a person who, up to that time, had had nothing to do with the matter.

. . . . . .

I have [etc.] ALFRED J. PEARSON

860c.24/58

The Minister in Poland (Stetson) to the Secretary of State

No. 404 WARSAW, *April 28, 1926.*

[Received May 10.]

SIR: I have the honor to refer to my despatch No. 34 of September 16, 1925,[2] in relation to the negotiations for the sale of arms between the Colt Arms Manufacturing Company and the Polish Government. It appears that the Polish Government has given its unqualified approval of the Browning machine gun and has written to the representative of the Colt Arms Manufacturing Company requesting the submission of new bids on terms other than those considered in the original contract.

It appears that in the original contract it was provided that part of the guns to be ordered was to be manufactured in Hartford, Connecticut, and part in the new plant to be erected in Poland and directed by representatives of the Colt Arms Manufacturing Company.

The present attitude of the Government is to cut down the order and it requests a proposition which provides for the manufacture of guns only in Poland.

Mr. Rudnicki, the local representative of the Colt Arms Manufacturing Company, has requested the Legation to intervene. The present status of the negotiations was carefully considered by the Commercial Attaché and myself and it seems to us that there is nothing which the Legation may properly undertake. The Colt Arms Manufacturing Company was asked to submit bids to the Polish Government and offer samples to prove the performance of their guns. At the time the order consisted of about 10,000 guns. The Polish Government has accepted the Browning gun as the best of those submitted but now wishes to consider a smaller order on different terms from the terms originally discussed. It seems to me that there has been no unfairness or discrimination against the American company in this connection and that because of financial and political reasons the Polish Government wishes to discuss the granting of a contract on different terms from those originally discussed. To intervene in such a connection would in my opinion be a contravention of the Department's instructions issued in telegram No. 70 of August 6, 1925, 3 p. m.

I have [etc.] JOHN B. STETSON, JR.

[2] Not printed.

860c.24/59 : Telegram

The Chargé in Poland (Newson) to the Secretary of State

WARSAW, *January 22, 1927—11 a. m.*
[Received January 22—9:34 a. m.]

7. Colt agent, Warsaw is attempting to secure orders for 600 aircraft machine guns from Polish war office and asks Legation's immediate assistance.

Am informed strong pressure being brought in favor of Vickers by British Legation here and French military mission supporting Hotchkiss.

Does the Department desire Legation to take action similar to that instructed in Department's telegram 70, August 6, 3 p. m., 1925?

Please instruct by telegram.

NEWSON

860c.24/59 : Telegram

The Secretary of State to the Chargé in Poland (Newson)

WASHINGTON, *January 24, 1927—6 p. m.*

1. Your 7, January 22, 11 a. m. You may take a suitable occasion to inform the Polish Government that this Government trusts that American competitors for this business will receive the same consideration as that accorded to nationals of any other country in this matter.

KELLOGG

860c.24/59 : Telegram

The Secretary of State to the Minister in Poland (Stetson)

WASHINGTON, *June 25, 1927—6 p. m.*

24. Mr. Nichols, Vice President of Colt's Patent Fire Arms Manufacturing Company, has informed Department that negotiations have been reopened by his company for sale of arms to Polish Government. If in connection with these negotiations the Legation's assistance is requested by the Colt representative, you may in your discretion take action indicated in Department's #1 of January 24, 6 P. M.

KELLOGG

860c.24/61

The Minister in Poland (Stetson) to the Secretary of State

No. 1163 WARSAW, *July 14, 1927.*
[Received August 2.]

SIR: With reference to the Department's telegraphic instruction No. 24 of June 25, 1927, I have the honor to transmit the following

information regarding the present status of the negotiations for a contract between the Polish Government and the Fabrique Nationale, of Belgium, and Colt's Patent Firearms Manufacturing Company, of Providence, Rhode Island, for fifty thousand (50,000) Browning machine guns.

After a delay of over a year the Polish Government suddenly informed the Fabrique Nationale of Herbesthal, Belgium, that it was ready to conclude the contract which had been proposed by the Colt's Patent Firearms Manufacturing Company and the Fabrique Nationale in 1925.

Monsieur Joassart, the director of the F. N., came to Warsaw to confer with the local representative of Colt's, Mr. Rudnicki, and to conclude the transaction, if possible. He called upon my Belgian colleague for assistance and also upon me, inasmuch as he was empowered by Colt's to act for them in the transaction.

When the contract was originally proposed, it was the intention of the F. N. and Colt's to establish a factory in Poland for the production of machine guns, to which they would advance $660,000.00 for the purchase of the necessary machinery. The order called for the manufacture of 42,000 machine guns in Poland and the advance of $660,000.00 would have been amortized in the price of the guns. Ten thousand machine guns were to be manufactured in Hartford and the necessary technical advice and co-operation was to have been granted by F. N.—Colt's to bring the production of satisfactory machine guns in Poland up to a certain number a week. A guarantee for the performance of this feature of the contract in the sum of $250,000.00 was to be furnished by Colt's through an indemnity company in the United States. This plan postulated a factory in private hands, the ownership of the machinery resting with Colt's and the administration of the factory being wholly under their direction until the advance should be fully liquidated, the order completed and the manufacturers paid for their products, at which time the factory would pass into the hands of the Polish Government.

The economic development of Poland and the reasonable prospect of the Polish Government obtaining a large and substantial loan from the American banking group caused the manufacturing companies to withdraw their proposal for financial assistance. Another and an important reason for this withdrawal was a change in the point of view of the Polish Government regarding the conditions in Poland under which the guns should be manufactured. The Polish Government has determined that the manufacture of the arms shall be carried on in government arsenals under the management of Polish engineers.

M. Joassart called at the Legation last Monday and stated that all points of difference with respect to the contract had now been ad-

justed, with one exception. Inasmuch as the financial assistance of the American-Belgian manufacturers is withdrawn, the Polish Government asks for a performance guarantee in the sum of $900,000.00 instead of the original $250,000.00. This sum on a contract amounting to about $2,500,000.00 seems greatly exaggerated to the manufacturers, although M. Joassart told me that they were willing to increase the guarantee by fifty per cent, that is, they would furnish an indemnity bond for the performance of contract in the sum of $375,000.00.

During these negotiations M. Joassart has not asked for our direct intervention, nor does there seem to be any particular reason for it. The tests of the Browning gun have, I believe, proven to the Polish Government that it is the most satisfactory arm made and they seem to be ready to do business.

. . . . . .

The chief competitor for the contract, as above stated, is the Hotchkiss Arms Company. I am endeavoring to learn through the American Embassy in Paris the proportion of American capital interested in the Hotchkiss Company. I believe that more than a majority of the stock is held by Americans and if that is the case the intervention or assistance of this post in behalf of either F. N.—Colt's or Hotchkiss is a delicate matter.

The exact proportion of American interest in the contract under discussion has always puzzled me, hence the desire to have definite instructions from the Department as regards the assistance I am expected to render. The Fabrique Nationale, I understand, is the European licensee of the Browning patents owned by the Colt's Patent Firearms Manufacturing Company. There is a license fee of $17.00 per gun in the contract which calls for 50,000 guns. Ten thousand guns will be manufactured at Hartford or parts at Hartford, parts in Belgium, the assembling to take place in Belgium. At any rate it is probable that the license fee will be divided between the American and the Belgian companies.

The Department will be advised when the contract is finally signed or upon any action which it may seem necessary for me to take in regard to the matter.

I have [etc.] JOHN B. STETSON, Jr.

860c.24/61

The Secretary of State to the Minister in Poland (Stetson)

No. 453 WASHINGTON, *August 16, 1927.*

SIR: With reference to your confidential despatch No. 1163 of July 14, 1927, requesting instructions regarding the assistance to be rendered to American companies interested in negotiating for a con-

tract with the Polish Government for the sale of arms, the Department, in the circumstances, desires that if approached in the premises by any other company, you request instructions of the Department as was done in the Legation's telegram No. 7, January 22, 11 a. m., with respect to Colt's Patent Firearms Manufacturing Company.

I am [etc.]

For the Secretary of State:
W. R. CASTLE, Jr.

860c.24/63

The Minister in Poland (Stetson) to the Secretary of State

No. 1315 WARSAW, *November 8, 1927.*
[Received November 22.]

SIR: Referring to the negotiations between the Colt's Patent Firearms Manufacturing Company and the Fabrique Nationale d'Armes de Guerre, of Herstal, I have the honor to inform the Department of the present status of those negotiations, bringing the matter up to date since my confidential Despatch No. 1163, of July 14, 1927.

Mr. Joassart, the Director of the Fabrique Nationale, called on me Saturday, November 5th, with the report that Mr. Nichols, Vice President of the Colt Patent Firearms Manufacturing Company, had come to Herstal in reference to the proposed contract for arms with the Polish Government and had refused to accept the results of his (Joassart's) negotiations with the Polish Government, in spite of the fact that he (Joassart) held the power of attorney of the Colt's Patent Firearms Manufacturing Company to act for them in the negotiations with the Polish Government.

The break had come after Mr. Joassart had agreed on a contract with the Polish Government in which the two points which were the last to be settled were, first, the amount of the surety bond to be furnished by the Manufacturing Company, and, second, the length of time for the delivery of the jigs, dies and gauges.

The Colt's Patent Firearms Manufacturing Company found that the conditions accepted by Mr. Joassart were unacceptable to them and cabled him to that effect. A lengthy discussion followed between the Belgian and the American companies regarding the matter, the outcome of which was that the Board of Directors of the Colt's Company rejected the contract as proposed and Mr. Nichols went to Belgium to talk the matter over with Mr. Joassart. While Mr. Nichols was in Belgium he wrote a letter, copy of which is enclosed,[3] direct to the Ministry of War of the Polish Government, because of which the Poles have taken offense. They are surprised that the contract

[3] Not printed.

as accepted by the recognized agents should have been disqualified by a letter addressed over the head of the agent directly in contact with the Ministry of War. One of the ranking officials of the Ministry of War has asked explanations of this method of doing business of the American Military Attaché. Colonel McKenney made the only possible answer that the Legation had had no information as to the intentions of the Colt Company, but he was certain that the letter carried with it no desire whatsoever of being offensive to the Polish Government.

Mr. Joassart states that he has agreed with Mr. Nichols to continue the negotiations with the Polish Government on his own responsibility, with the hope of concluding a contract with the Polish Government which leaves the Colt Company entirely out of the transaction, except in so far as the Colt Company will profit by the royalties, as is provided in the license contract between the Colt's Patent Firearms Manufacturing Company and the Fabrique Nationale d'Armes. Mr. Joassart added, however, that he must obtain some modifications in the contract, especially as regards deliveries. He feels in honor bound not to induce the Polish Government to change any of the major conditions which he has already accepted, but he is now making every effort to arrange a new set-up for the contract due to the changed conditions.

Mr. Joassart informed me that he is anxious to get this contract because he believes it will lead to more business in the future. At the present moment the Rumanian Government is also considering the purchase of Browning rifles, similar to those in this contract,—Poland and Rumania being united by a military treaty, desire interchangeability of armament. Moreover, the Polish Government is holding tests with tripod machine guns and Mr. Joassart expects the Browning to give the same excellent results in the competition as the rifle. He believes, also, that the Polish military authorities are now so favorably impressed with the Browning principle as applied to firearms, that they will use arms of this manufacture wherever possible. This will include anti-aircraft and other types of light caliber automatic cannons.

On one visit to me, Mr. Joassart had asked the assistance of the Legation in getting a decision on these points, but I told him that they involved the private affairs between purchaser and seller and that for that reason it was impossible for us to take any direct steps in his favor. I have from time to time, as occasion offered itself, spoken with members of the Polish Government in favor of the arms manufactured by the Colt's Patent Firearms Manufacturing Company and have expressed the hope that the results of their tests would be so satisfactory as to induce the Polish Government to accept a con-

tract with this firm even though the price seemed to be higher than those offered by the competing companies.

Viewed from the standpoint of business, I think that the Colt Company is right in refusing the terms of the contract. I myself know enough of this kind of business to see the difficulties of fulfilling the conditions set by the Polish Government, especially at such long range. However, it is to be regretted that their action in disavowing the agent to whom they had given the power of attorney to negotiate at the last moment has created an unfavorable impression with the Polish Ministry of War.

I have [etc.] JOHN B. STETSON, Jr.

REPRESENTATIONS TO THE POLISH GOVERNMENT FOR INCREASE IN CONTINGENT ALLOWED FOR IMPORTATION OF AMERICAN AUTOMOBILES

660c.116/39

The Minister in Poland (Stetson) to the Secretary of State

[Extract]

No. 1125 WARSAW, *June 27, 1927.*

[Received July 18.]

SIR: I have the honor to report that the situation regarding the importation of American automobiles into Poland has become so vexatious that I have sent a note on the subject, copy of which is enclosed, to the Polish Foreign Office requesting that a contingent for automobiles be allotted as soon as possible.

While I am not particularly hopeful of obtaining any tangible result from this note I felt that it was necessary in the protection of American interests to go on record at this time.

. . . . . .

I have [etc.] JOHN B. STETSON, Jr.

[Enclosure]

The American Minister (Stetson) to the Polish Minister for Foreign Affairs (Zaleski)

No. 755 WARSAW, *June 24, 1927.*

EXCELLENCY: I have the honor to address myself to Your Excellency with the request that the Polish Government examine carefully the situation actually existing regarding the importation of American automobiles into Poland, with a view to finding a solution more satisfactory to the requirements of American manufacturers.

My understanding is as follows: When the Polish Government decided, in the autumn of 1925, to introduce contingents, stating at

that time that they considered this a temporary measure, contingents of fixed amounts for the importation of automobiles were then or later granted to certain governments, while an unallocated amount was set aside as a contingent for all other governments. Since then, as separate requests for import licenses for automobiles were made to the Polish Government, they were considered separately, and granted or not granted, according to a theory which I am unable to understand because there has not come to my knowledge the facts and figures touching upon the procedure followed by the Polish Government for the granting of contingents for automobiles.

I respectfully submit for Your Excellency's consideration that it is scarcely just that manufacturers of the United States, which is *par excellence* the country of automotive industry, should in this way be treated in a less cordial and less equitable manner than manufacturers of other countries, more especially in view of the *Modus Vivendi* of February 10, 1925,[4] by which the American and Polish Governments agreed to accord to merchandise manufactured in the two countries equitable treatment, as expressed in the most favored nation clause.

The representatives of certain American makes of cars in Poland state that they are losing business every day because they are unable to obtain permits for import. They have few or no cars in their warehouses or showrooms. Nevertheless, certain foreign manufacturers have cars in stock but a smaller demand for them. The result is a distinct injustice to American manufacturers, because the freedom of competition is taken from them by the general situation existing here. I ask no special favors for American cars. I desire only that the Polish customer should have the opportunity to exercise his choice under conditions of freedom and equality.

In view of the present conditions, I urgently request that the Polish Government accord to American manufacturers a contingent for automobiles as generous as is warranted by the importance of the United States as the center of the automotive industry of the world, and by the treatments accorded by the Polish Government to other countries manufacturing automobiles.

As the sale of automobiles is largely dependent on the season of the year, the question is urgent or it will be impossible for American manufacturers to take advantage of the demand which is greatest in spring and summer and almost disappears in autumn and winter. I therefore solicit Your Excellency's good offices with a view to receiving as prompt a reply as possible. Moreover, in view of the practice of my Government in making public all facts regarding the importation or exportation of merchandise to and from its territories, I should greatly appreciate it if Your Excellency could find it con-

[4] *Foreign Relations*, 1925, vol. II, p. 692.

venient to supply me with the rules and regulations in force in Poland regarding the granting of contingents.

Accept [etc.] JOHN B. STETSON, Jr.

660c.116/40

The Minister in Poland (Stetson) to the Secretary of State

[Extract]

No. 1173 WARSAW, *July 25, 1927.*

[Received August 10.]

SIR: Adverting to the Legation's Despatch No. 1125, of June 27, 1927, relative to representations made in a note to the Polish Ministry of Foreign Affairs on the subject of contingents granted by the Polish Government for the importation of American motor cars into Poland, I now have the honor to inform the Department that the answer to the above-mentioned note, copy of which was transmitted the Department with the despatch above referred to, has just been received by the Legation.

. . . . . .

I have [etc.] JOHN B. STETSON, Jr.

[Enclosure—Translation]

The Polish Minister for Foreign Affairs (Zaleski) to the American Minister (Stetson)

WARSAW, *July 21, 1927.*

MR. MINISTER: In your note No. 795 [*755*] of June 24th, last, you were good enough to bring to the attention of the Ministry of Foreign Affairs the question of the procedure adopted by the Polish authorities with regard to the distribution of contingents established for certain articles the importation into Poland of which is forbidden in principle. Furthermore, and in particular, you have called the attention of the Ministry to the question of the contingents reserved for motor cars of American origin.

In acknowledging receipt of this note, I have the honor to enclose herewith, for your information, an explanatory memorandum relative to the procedure applied by Poland with regard to this matter. At the same time, I shall call your attention to the fact that the general procedure with regard to the regulating of foreign commerce was published in the *Monitor Polski* No. 301, of the year 1925.

This measure has always been considered as temporary, the Polish Government remaining sincerely desirous of orienting in a more and more liberal way its economic policy. The Polish Government is not unmindful of the serious inconveniences which result for its commercial relations with foreign countries, from the policy regulating its

trade, the institution of which, however, was dictated by superior interests of national economy to which, I should say, exporters in search of markets in Poland can not be indifferent.

Nevertheless, as regards the United States, the regime of regulation does not seem to have been prejudicial to the development of American exports to Poland. The United States occupies the second place among importing countries in Poland. It is to be noted that American imports into Poland constituted, in 1924, 12.4 per cent of the total imports, in 1925, 13.8 per cent, and in 1926, 18 per cent. The Polish-American balance of trade has always been very favorable to the United States and during the last years has been uniformly unfavorable to Poland. This has not been the case with a single other country, which proves that the treatment accorded by the Polish authorities to products originating in the United States has been more favorable than that to imports from other countries allied to Poland by commercial agreements.

With regard to special contingents for American automobiles mentioned in your note under acknowledgment, I have to advise you that the competent authorities are at present studying this question with a view to finding out whether it would be possible to give to the articles mentioned a special contingent. However, I must point out in this connection that in view of the present Polish balance of trade this question presents the most serious difficulties.

In conclusion, I have the honor to assure you that the American Government may count on receiving in Poland, within the limits of the commercial arrangement in force, treatment identical to that accorded to other countries with regard to the temporary regulations governing foreign commerce, as well as with regard to the alterations, lightening these regulations, which will be made therein. The Polish Government is far too anxious for a more intense development of the economic relations between Poland and the United States to let the least doubt exist in this regard.

Accept [etc.]

For the Minister and by his authorization:

A. TARNOWSKI

Director of the Political and Economic Department

[Subenclosure—Memorandum—Translation]

In establishing the sum totals of the contingents for articles the importation of which is prohibited in Poland, the competent Polish Authorities have adopted as a basis of their policy the natural contingents which were the average of globular importations effected during recent years.

The contingents in question are established every three months for every quarter which follows. Their sum total is communicated to

the Central Import Commission, an organization composed of the representatives of Polish commercial institutions, which is charged with the duty of distributing these contingents among Polish importers. Nevertheless, the Commission in question is only authorized to distribute three-fourths of the contingents established for each article, one-fourth remaining as a reserve to enable the Ministry of Industry and Commerce to be in a position to satisfy, in case of necessity, the just reclamations of Polish importers or of foreign exporters whose interests might perhaps have been injured through the distribution of contingents by the Central Import Commission.

With regard to the distribution of three-fourths of the contingents, this is effected as the requests of Polish importers come in, without taking into consideration the origin of the merchandize to be imported.

Nevertheless, it should be noted that import licenses are only issued for merchandize coming from a country which has concluded a treaty of commerce with Poland.

660c.116/38 : Telegram

The Secretary of State to the Minister in Poland (Stetson)

WASHINGTON, *July 30, 1927—3 p. m.*

30. (1) Department of Commerce reports that Polish distributor of Goodyear tires states that Michelin Tire Company, a French concern, has received permits for importation during period July–September 75,000 kilograms of tires leaving available only 24,000 to be supplied by all other tire exporters. Commercial Attaché can furnish particulars. *Modus vivendi* of 1925 stipulates that "in the matter of licensing or prohibitions of imports or exports, Poland and the United States respectively, so far as they at any time maintain such a system, will accord to the commerce of the other treatment as favorable, with respect to commodities, valuations and quantities, as may be accorded to the commerce of any other country", and "Every concession with respect to any . . . regulation affecting commerce now accorded or that may hereafter be accorded by the United States or by Poland, by law, proclamation, decree or commercial treaty or agreement, to any foreign country will become immediately applicable without request and without compensation to the commerce of Poland and of the United States and its territories and possessions, respectively."

Under these two provisions permits should be granted for importation of American automobile tires into Poland in at least as large a quantity as of French tires. Please take up the matter with Polish Government and protest in such form as you consider most effective against this discrimination against American trade in contravention of the terms of the *modus vivendi*. Please state that you have been instructed to request a statement of the basis on which

the system of contingents is applied. Also state broadly that the Government of the United States is confident that on examining the facts of the situation the Polish Government will at once take suitable action to insure that the rights to which imports from the United States are entitled under the *modus vivendi* are in fact fully accorded.

You may also state orally that according to information furnished by the Department of Commerce 40 to 50 percent. of the tires imported into Poland during the first 3 months of 1927 were of American origin; and that according to the best available information the total tire exports of the United States during that period were at least equal to those of any other country. During the second quarter, though comparative figures are not available, tire exports from the United States to Poland were double those in the first quarter. Consult Commercial Attaché regarding figures. [Paraphrase.] Pending receipt of statement from Polish Government as to basis upon which contingent system is applied, it may be advisable for you to avoid putting statistical statements in writing. [End paraphrase.]

(2) Department approves your action reported despatch 1125, June 27. If you deem it advisable you may refer in your communication to that and any other similar cases.

You are authorized to take similar action in like cases in the future. Please keep the Department closely advised, and forward promptly copies of any communications to the Polish Government pursuant to these instructions.

KELLOGG

660c.116/40 : Telegram

The Secretary of State to the Minister in Poland (Stetson)

WASHINGTON, *August 20, 1927—2 p. m.*

32. Your despatch July 25. Department's telegram July 30. In view of unsatisfactory character of foreign office note of July 21 reply should be made, unless you perceive objection, further defining position of this Government in the matter of contingents. You should point out that one of principal grounds for dissatisfaction is secrecy with which contingent system is administered. *Modus vivendi* guarantees equitable treatment with respect to each article subject to licensing and Department wishes means of knowing whether such treatment is actually being accorded. In this connection, refer to statement of Polish Government in regard to favorable showing of United States in total import trade of Poland, and point out that this is by no means conclusive indication of favorable treatment under contingent system inasmuch as 70 per cent. of total imports is said to consist of articles not subject to licensing.

Request statement of number of import licenses for automobiles granted various exporting countries, and if not already obtained request similar statement for tires.

[Paraphrase.] Following for your guidance. The Department believes that by continued pressure at present time some influence may be exerted toward ending the contingent system. If present occasion is taken to state emphatically the position of our Government, more favorable treatment may be accorded other articles apart from the prospect of securing tangible result on automobile contingents.

In apportioning licenses, regard should be given to normal share from the United States in total imports of each article which is subject to licensing. In consultation with commercial attaché, compute, if possible, such share for tires and automobiles, based on import statistics for period preceding the adoption of the contingent system. Try to obtain assurances that licenses will be allotted to American imports on this basis if you consider such share equitable and if it is not now being received. As occasion arises, follow similar procedure regarding other articles.

Department should be kept fully informed. [End paraphrase.]

KELLOGG

660c.116/45

The Minister in Poland (Stetson) to the Secretary of State

No. 1206 WARSAW, *August 23, 1927.*

[Received September 12.]

SIR: In amplification of the Legation's telegraphic despatch No. 58, August 23, 1927, 11 a. m.,[5] I now have the honor to transmit herewith copy of a note which I have forwarded to the Polish Ministry of Foreign Affairs, with regard to the question of the allocation of import licenses for American goods imported into Poland, in particular motor cars, tires and tubes.

Prior to presenting the note in question I had a conversation with Mr. Knoll, the Acting Minister for Foreign Affairs, with regard to the matter treated of therein. Mr. Knoll told me that Marshal Pilsudski,[6] Mr. Bartel, the Vice Premier, and Mr. Kwiatkowski, the Minister of Commerce, had all come to the conclusion that the contingent system was not producing the results they had expected, for which reason they had decided that it must be done away with as soon as possible. He went on to say that the Ministry of Foreign Affairs had been from the first somewhat skeptical of the contingent system working out satisfactorily, but that they always found it

[5] Not printed.

[6] Premier and Minister of War.

difficult to prevail upon the Ministry of Commerce to accept their point of view in matters relating to commerce.

Mr. Knoll, however, either was unable or did not see fit to furnish me with any information as to when contingents would be done away with or as to what system would be inaugurated to replace the present one.

Further conversation with Mr. Knoll confirmed what I had already heard, namely, that other countries besides ourselves are pressing the Ministry of Foreign Affairs with a view to securing something more than the present contingent system grants them. I refer in particular to the Italian Government which, I understand, has been and is continuing to encounter great difficulties with regard to securing a sufficient contingent to permit them to export their oranges to Poland.

Mr. Knoll asked me to make the note that I told him I was about to send him as strong as possible, as that would strengthen his hand in his dealings with Marshal Pilsudski, Mr. Bartel and the Ministry of Commerce.

I impressed upon Mr. Knoll that at the present moment we were particularly interested in getting additional contingents for motor cars, tires and tubes. I pointed out that the sale of motor cars, tires and tubes was to a large extent dependent upon the season and that unless an additional contingent would be secured at once the manufacturers of the articles in question would lose their best opportunity of disposing of their goods in Poland. Mr. Knoll assured me that he would do his utmost to secure for us at an early date the additional contingents requested.

I am not particularly hopeful that anything concrete will come of the Legation's representations in this matter, although I feel that the fact that we and other governments are keeping after the Poles will make them realize sooner or later that a change in their economic and commercial system, so as to accord most favored nation treatment to the goods of all nations, will be to their advantage in the long run.

I have [etc.] JOHN B. STETSON, Jr.

[Enclosure]

The American Minister (Stetson) to the Polish Acting Minister for Foreign Affairs (Knoll)

No. 795 WARSAW, *August 18, 1927.*

EXCELLENCY: I have the honor to inform Your Excellency that the Warsaw representative of the Goodyear Tires Company has brought to the attention of the Legation the fact that, while he had requested that he be permitted to import 110,000 kilos of automobile tires and

tubes during the third quarter of the present year, import permits covering only 13,000 kilos were granted him. The Legation further understands, from a reliable source, that the Dunlop Tire Company, a British concern, and the French Michelin Company, have each received import permits covering approximately 75,000 kilos for the same period.

The *Modus Vivendi* of 1925 between Poland and the United States stipulates that "in the matter of licensing or prohibitions of imports or exports, Poland and the United States, respectively, so far as they at any time maintain such a system, will accord to the commerce of the other treatment as favorable, with respect to commodities, valuations and quantities, as may be accorded to the commerce of any other country" and "every concession with respect to any duty, charge or regulation affecting commerce now accorded or that may hereafter be accorded by the United States or by Poland by law, proclamation, decree or commercial treaty or agreement to any foreign country will become immediately applicable without request and without compensation to the commerce of Poland and of the United States and its territories and possessions respectively."

Under the foregoing provisions permits should be granted for importation of American automobile tires into Poland in at least as large a quantity as of English or French tires.

My Government has directed me to bring the foregoing to the attention of Your Excellency's Government, and to protest against what it considers discrimination against American trade, in contravention of the terms of the *Modus Vivendi* of 1925. In the absence of facts and figures proving the contrary, my Government is obliged to believe that such discrimination really does exist. My Government is confident, however, that following an examination of the facts of the situation the Polish Government will immediately take the necessary steps to insure that the rights to which imports from the United States are entitled under the terms of the *Modus Vivendi* between the two countries are in fact fully guaranteed.

The Legation is unable to consider as final Your Excellency's note of July 21st last, relative to contingents for the importation of American motor cars. While I appreciate Your Excellency's statement that the Polish Government is examining the situation with a view to granting a special contingent for the importation of American motor cars, I feel I must reiterate to Your Excellency that the sale of motor cars in Poland is largely dependent on the season of the year, and that unless the special contingent Your Excellency mentions is forthcoming at an early date the American manufacturers interested will lose the opportunity of disposing of their cars which an early granting of such a contingent would have insured them.

With regard to the system under which contingents are granted, the memorandum accompanying Your Excellency's note leaves me with the impression that it is the policy of the Polish Government not to publish but to keep secret the data relating to the granting and establishing of such contingents, such as the number of licenses issued, the nationality of the person to whom issued, etc., which in itself amounts to a deterrent to healthy trade. This is unfortunate, more especially in view of the policy of my Government of making public all information regarding imports into and exports from the United States and its territories, and certainly lends weight to the belief that there does exist discrimination against American products in Poland, in the matter of granting import licenses.

Accept [etc.] JOHN B. STETSON, Jr.

660c.116/48 : Telegram

The Minister in Poland (Stetson) to the Secretary of State

[Paraphrase]

WARSAW, *September 27, 1927—5 p. m.*

[Received 9:45 p. m.]

66. Department's telegrams No. 30, July 30 and No. 32, August 20. The Legation has received from the Polish Government a verbal offer of an import contingent for American automobiles of 320 metric tons quarterly, beginning January 1, 1928. This amount, the Polish Government states, is 30 to 40 tons more than the present contingent for American cars. Of the total quarterly contingent of 320 metric tons 240 tons will be charged against automobiles of the General Motors and Ford Companies. It is intimated by the Polish Government however, that, if desired, the American allotment might be redistributed so as to give other American automobile manufacturers a larger proportion of the total contingent. It should be remarked that the total American quarterly contingent of 320 metric tons would include American cars entering Poland through Denmark. In this connection it is stated by the Ministry of Commerce that, inasmuch as 50% to 60% of the labor employed on American automobiles assembled in Denmark is American and as Danish labor represents only approximately 30% of the labor employed thereon, the Polish Government does not regard American cars assembled in Denmark as meeting the requirements of Polish law, and that Danish certificates of origin for such cars might therefore properly be withheld. The Legation has no means of verifying the accuracy of the foregoing statement but if it is correct, the refusal of the Polish Government to grant Danish certificates of origin to such cars apparently would be justified. The Legation is under the impression, however, that

the Polish Government is not really disposed to refuse Danish certificates of origin to American automobiles assembled in Denmark unless, possibly, this Government should seek to obtain a larger contingent for American cars exported directly to Poland from the United States than that offered by the Polish Government.

The Polish authorities state that French automobiles will be granted a quarterly contingent of 250 metric tons as compared with the 320 metric tons for American automobiles. The French contingent of 250 metric tons is said to be larger than that for any other country.

For the last quarter of 1927 the contingent for General Motors and Ford automobiles is said to be 240 metric tons. The Polish Ministry of Commerce states that for the same period all other American automobiles come under general contingent, which it is said, has been reduced somewhat. The Legation has been assured, however, that if individual requests for import permits for American automobiles other than Fords or those of the General Motors Corporation are presented by the Legation they will receive sympathetic consideration. France has a contingent of 250 tons, which is the largest enjoyed by any country.

With reference to tires and tubes, the American contingent, beginning January 1, 1928, will be 112 tons quarterly. The contingent for French tires and tubes, which is larger than that for any other country, will be exactly the same as the American contingent.

The Polish Government states that it has been unable to present the contingent figures above mentioned in a note to the Legation inasmuch as it desires that these figures be kept secret. The information concerning the French contingents has nevertheless been given to the Legation, it is said, as evidence of good will on the part of the Polish Government.

In order that the necessary steps may be taken preparatory to applying the new contingents on January 1, 1928, the Polish Government has requested an early reply to its verbal offer.

STETSON

660c.116/51 : Telegram

The Secretary of State to the Minister in Poland (Stetson)

WASHINGTON, *October 31, 1927—6 p. m.*

47. Your 66, September 27, 5 p. m.

(1) Please inform Polish Government that quarterly import contingent of 320 metric tons for American automobiles during 1928 would be acceptable to this Government, provided this amount does not include automobiles manufactured from American parts in Denmark or other foreign countries. You may point out that if latter

were included effect would be to curtail rather than to increase the authorized importations of American cars.

Department is advised that paragraph 45 of Danish Customs Regulations provides that "As manufactured in Denmark, shall be considered not only such goods as are entirely of Danish origin, but also those imported which have undergone a substantial manipulation in Denmark." It is said that statement to same effect appears on Danish export declaration. If necessary you may bring foregoing to attention of Polish authorities and point out that so far as Danish Government is concerned automobiles assembled in Denmark, of which American materials might constitute over fifty per cent of total cost, apparently would be recognized as entitled to certificates of origin as Danish products. It may be well, however, before mentioning this point to Polish authorities to consult with Danish Minister.

(2) You may state that quarterly contingent of 112 metric tons for American tires and tubes during 1928 would be acceptable to this Government.

(3) With reference to allotment of definite portions of American contingents to certain American manufacturers, please state that this Government would prefer to leave such allotment for negotiation between individual companies and Polish authorities. Since contingency might arise, however, in which an American company would not be in position fully to utilize its allotment, you should request that any allotment determined upon by Polish authorities will not be so rigidly maintained as to deprive other American producers of opportunity of utilizing any unused portion of quotas assigned any particular company.

(4) Department understands that, beginning January 1, 1928, American automobile contingent of 320 metric tons quarterly would be larger than for any country and that American quarterly contingent for tires and tubes of 112 metric tons would not be exceeded by contingent of any other country and equalled only by that of France.

(5) In order that this Government may feel assured that American share in Poland's imports will reflect relative importance of United States in manufacture of articles in question you should request that in event of any subsequent increase in contingents of other countries, corresponding increase will be made in American contingents.

6. You should request that some means be provided by Polish authorities whereby you may readily ascertain at any given time for any article subject to licensing total quantity of importations from United States effected on a given contingent and total number of unused licenses outstanding.

KELLOGG

660c.116/52 : Telegram

The Minister in Poland (Stetson) to the Secretary of State

[Paraphrase]

WARSAW, *November 4, 1927—3 p. m.*

[Received 4:15 p. m.]

78. Department's No. 47, October 31, 6 p. m. The proposals reported in my No. 66, September 27, 5 p. m., were a final offer by the Poles and were also intended as an answer to our argument that American imports had been discriminated against under system of secret contingents. From my last conversations with Polish officials there is little doubt that further discussions will bring a demand from the Poles for a clear statement as to whether or not we consider automobiles assembled in Denmark from American parts as American cars and entitled to full consideration as such.

If, however, we accept the offer of 320 metric tons including cars assembled in Denmark, we thereby admit the Polish contention that such cars are American and prejudice the possibility of gaining further substantial increase as the contingent for the United States thus becomes far greater than that of any other country. If, on the other hand, we contend that cars assembled in Denmark are not American, we might be able to secure a contingent for direct imports equal to or greater than the French. This, of course, obviously involves the risk that such an increase would be at the expense of Ford and General Motors products imported from Denmark.

I think it would be very unwise to continue conversations until we are ready to clearly state our position on the points enumerated above.

STETSON

660c.116/52 : Telegram

The Secretary of State to the Minister in Poland (Stetson)

[Paraphrase]

WASHINGTON, *November 9, 1927—1 p. m.*

51. Your telegram No. 78, November 4, 3 p. m. The Department desires any information you may discreetly obtain with respect to action the Danish Minister is likely to take to obtain a contingent for 1928 for automobiles assembled in Denmark should such cars be considered as imported from Denmark rather than the United States. Any indication you can furnish as to the possible amount of such a contingent would be useful.

KELLOGG

660c.116/53 : Telegram

The Minister in Poland (Stetson) to the Secretary of State

[Paraphrase]

WARSAW, *November 24, 1927—10 a. m.*

[Received 6:45 p. m.]

82. Department's telegrams No. 51, November 9, 1 p. m., and No. 56, November 21, 4 p. m.[7]

1. I am informed by the Danish Minister that he has been authorized to give the same protection to Ford and General Motors cars assembled in Denmark from American parts as to articles of Danish origin. He points out, however, that although the balance of trade between Denmark and Poland is favorable to Poland, he has been instructed not to make any threat of reprisals as regards coal should the Polish Government reduce or abolish contingents for automobiles or other Danish products.

2. The Danish Minister has no better means than I have of knowing how large a contingent may eventually be granted for automobiles imported into Poland from Denmark. But the Minister assures me that all his influence will be exerted to obtain for importations from Denmark a contingent equal to that which we may obtain.

3. Referring to my telegram No. 66 of September 27, and to the statement appearing in its paragraph 5, the Danish Legation has now officially notified the Polish Government that more than half the value of General Motors automobiles is added in Denmark.

4. It is my opinion that if the Legation were authorized to protect only direct importations, the American interests would be best served. I believe that we have a fair chance, by unofficial cooperation with the Danish Legation, of obtaining a joint contingent greater than the present offer of 320 metric tons per quarter.

STETSON

660c.116/55 : Telegram

The Secretary of State to the Minister in Poland (Stetson)

[Paraphrase]

WASHINGTON, *December 8, 1927—6 p. m.*

58. (1) The Department approves suggestions in fourth paragraph of your telegram No. 82 of November 24, 10 a. m. In respect to import contingents for automobiles, you should confine your negotiations with the Polish authorities to cars which are manufactured

[7] Latter not printed.

wholly in the United States. For such cars you should try to obtain a contingent of 320 metric tons per quarter, and in any case a quarterly contingent no smaller than France or any other country may receive.

(2) You may point out, if necessary, that since the Danish Government is of opinion that cars manufactured in Denmark largely from American parts are entitled to Danish certificates of origin, and that since heretofore the Polish Government has itself accepted such cars as Danish, they should be admitted under a Danish contingent.

(3) You may also state, if you think it necessary, that the United States itself regards as Danish, rather than American, the trade in cars assembled in Denmark. But such action should be taken only if the Legation considers it absolutely necessary in obtaining the contingent indicated in the first paragraph above. In any statement, however, regarding trade in the products of assembling plants abroad, you should carefully avoid prejudicing possible intercession by this Government in behalf of American proprietary interest in the assembling plants themselves.

(4) Referring to Legation's despatch No. 1330 of November 17.[8] In the event that the Polish authorities should indicate willingness to grant us greater contingent for automobiles fully manufactured in the United States than that allotted to France, you should not urge too strongly that the United States be granted contingent for toilet articles equal to that of France, in view of Department's attitude respecting allotment of contingents as stated in fifth paragraph of telegram 32, August 20.

KELLOGG

660c.116/56 : Telegram

The Minister in Poland (Stetson) to the Secretary of State

[Paraphrase]

WARSAW, *December 23, 1927—noon.*

[Received December 23—11:38 a. m.]

88. Referring to Department's telegram No. 58 of December 8, regarding contingents for importation of automobiles. I am accepting quarterly contingent of 250 metric tons for automobiles imported under American certificates of origin, in consideration of assurances to me by the Polish Government that we are receiving treatment equal to that granted to most favored nation.

STETSON

[8] Not printed.

EXTRADITION TREATY BETWEEN THE UNITED STATES AND POLAND AND ACCOMPANYING PROTOCOL, SIGNED NOVEMBER 22, 1927

Treaty Series No. 789

Treaty Between the United States of America and Poland, Signed at Warsaw, November 22, 1927 [9]

The United States of America and the Republic of Poland, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice, between the United States of America and the Republic of Poland, and have appointed for that purpose the following plenipotentiaries:

The United States of America: H. E. John B. Stetson, Jr. Envoy Extraordinary and Minister Plenipotentiary in Warsaw.

The Republic of Poland: H. E. August Zaleski, Minister for Foreign Affairs,

Who, after having so communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

It is agreed that the Government of the United States and the Government of Poland shall, upon requisition duly made as herein provided, deliver up to justice any person who may be charged with, or may have been convicted of any of the crimes specified in Article II of the present treaty committed within the jurisdiction of one of the High Contracting Parties and who shall seek an asylum or shall be found within the territory of the other, provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

ARTICLE II

Persons shall be delivered up according to the provisions of the present Treaty, who shall have been charged with, or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms parricide, assassination, manslaughter when voluntary, poisoning or infanticide;
2. The attempt to commit murder;
3. Arson;

[9] In English and Polish; Polish text not printed. Ratification advised by the Senate, Feb. 24, 1928; ratified by the President, Mar. 14, 1928; ratified by Poland, Apr. 29, 1929; ratifications exchanged at Warsaw, June 6, 1929; proclaimed by the President, June 18, 1929.

4. Wilful and unlawful destruction or damage of track and railroad establishments, which endangers human life;

5. Crimes committed at sea:

a. Piracy;

b. Wrongfully sinking or destroying a vessel at sea or attempting to do so;

c. Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of a vessel.

d. Assault on board ship upon the high seas, with intent to do bodily harm.

6. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein;

7. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear;

8. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit dies and the utterance, circulation or fraudulent use of the above mentioned objects;

9. Forgery or the utterance of forged papers or the fraudulent use of any of the same, providing the loss occasioned exceeds one thousand dollars or Polish equivalent;

10. Embezzlement or criminal malversation committed by public officers or depositaries, where the amount embezzled exceeds one thousand dollars or Polish equivalent;

11. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries and where the amount embezzled exceeds one thousand dollars or Polish equivalent;

12. Fraud or breach of a trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any Company or Corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds one thousand dollars or Polish equivalent;

13. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds one thousand dollars or Polish equivalent;

14. Larceny if the damage caused exceeds one thousand dollars or Polish equivalent;

15. Perjury or subornation of perjury, where as a result of such a false testimony, an innocent person has been punished by imprisonment or a more severe penalty, or a person has been unjustly acquitted of a crime or an unjust sentence was pronounced in a civil case where the amount exceeds one thousand dollars or Polish equivalent and a loss of this amount actually resulted;

16. Kidnapping of minors or adults defined to be the abduction or detention of a person or persons, in order to exact money from them, their families, or any other person or persons, or for any unlawful end;

17. Crimes and offences against the laws for the suppression of slavery or slave trading;

18. Crimes defined as the so-called traffic of women and girls, that means recruiting, abduction or seduction for immoral purposes of said persons, provided such crimes be punishable by imprisonment of at least one year, or by more severe penalty.

Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before or after the fact, provided such participation be punishable by imprisonment of at least one year by the laws of both the High Contracting Parties.

Article III

The provisions of the present Treaty shall not import a claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences.

When the crime belongs to those designated in Article II sec. 1 and 2—the fact that the offence was directed against the life of the Head of the State, the President, of one of the High Contracting Parties, or against the Head of a Foreign State, or against the life of any member of his family shall not be deemed sufficient to sustain that such crime or offence was of a political character, or was an act connected with crimes or offences of a political character.

Article IV

The person delivered up shall be tried only for the crime or offence for which he was surrendered. This provision, however, does not apply to the case, when the said person fails to leave the territory of the Party to which he was surrendered within the period of three months after the date of inflicting upon him the penalty for the crime or offence for which he was delivered, or after the date of his being advised of his acquittal or of the fact that his case has been dismissed.

ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, or according to the laws of the place where he was found, the criminal is exempt from prosecution or punishment for the offence for which the surrender is asked.

Extradition shall also not be granted if, in a case of concurrent jurisdiction, there has been concluded or is pending in the surrendering State the prosecution of the fugitive on a charge growing out of the same set of facts as that upon which the extradition is sought.

ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the provisions hereof be actually under prosecution, out on bail or in custody, for another crime or offence, his extradition may be deferred until such proceedings be determined, or until he shall have been set at liberty in due course of law.

ARTICLE VII

If a fugitive criminal claimed by one of the Parties hereto, shall be also claimed by one or more powers, such criminal shall be delivered to that State whose demand is first received.

Nevertheless, the surrendering State may give preference to a third State provided it is bound by a treaty concluded with that State so to do.

ARTICLE VIII

Under the stipulations of this Treaty, the United States of America shall not be bound to deliver up its citizens, and the Republic of Poland shall not be bound to deliver up either Polish citizens or those of the Free City of Danzig.

ARTICLE IX

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offence, or which may be material as evidence of the crime, shall so far as practicable, according to the laws of either of the High Contracting Parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected.

ARTICLE X

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting

Parties. In the event of the absence of such agents from the country or its seat of government, requisitions may be made by Consular officers.

A duly authenticated copy of the sentence of the Court, before which the conviction of the criminal took place, shall be produced with requisition of surrender.

If the person, whose extradition is requested, is merely charged with crime or offence, or convicted by default, a duly authenticated copy of the warrant of arrest of the Court, and of the depositions upon which such warrant may have been issued, shall be produced with such other evidence, as may be deemed competent in the case.

Extradition shall be carried out in conformity with the law governing it in the country, where the requisition of surrender is made.

ARTICLE XI

The arrest of a fugitive criminal may be requested even upon telegraphic advice, stating the existence of a sentence of conviction or a warrant of arrest.

In Poland the requisition for the arrest shall be directed to the Minister of Foreign Affairs, who will transmit it to the appropriate authorities.

In the United States of America, the requisition for the arrest shall be directed to the Secretary of State, who shall confirm the regularity of the requisition and request the appropriate authorities to take action thereon in conformity with the law.

In both countries, in case of urgency, the requisition for the arrest and detention may be addressed directly to the appropriate magistrate, in conformity with the laws in force.

A person provisionally arrested shall be released unless within three months from the date of arrest the formal requisition for surrender with the documentary proofs set out in Article X have been produced by the diplomatic agent of the demanding Government or, in his absence, by a Consular officer thereof.

ARTICLE XII

In every case of a request made by either of the High Contracting Parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their power.

No claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition, provided, however, that any officer or officers of the surrendering Government so giving assistance, who shall in the course of

their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

These claims for fees are to be submitted through the intermediary of the respective Government.

Article XIII

The expenses of arrest, detention, examination and transportation of the accused shall be paid by the Government, which has preferred the demand for extradition.

Article XIV

The provisions of the present Treaty shall be applicable to all territory wherever situated, belonging to either of the High Contracting Parties, or in the occupancy and under the control of either of them during such occupancy or control.

Article XV

The present Treaty shall be ratified by the High Contracting Parties and the exchange of ratifications shall take place at Warsaw, as soon as possible.

This Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications and shall be applied, although the crime or offence, for which the extradition has been claimed, have been committed before its entering into force.

The present Treaty may be terminated, yet it will remain in force for one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof, the undersigned Plenipotentiaries have signed the present Treaty and affixed thereto their respective seals.

Done in duplicate at Warsaw this 22 day of November 1927.

[SEAL] John B. Stetson jr
[SEAL] August Zaleski

Protocol accompanying the treaty of extradition between the United States of America and the Republic of Poland

At the moment of signing the Treaty of Extradition between the United States of America and the Republic of Poland the undersigned Plenipotentiaries, duly empowered, have agreed as follows:

1. The Polish Government consents to extradite, at the request of the Government of the United States of America, all fugitive criminals as they are referred to in the accompanying treaty, in cases where the charge involved exceeds $200.00, although the minimum provided for in the accompanying treaty for the High Contracting Parties is $1,000.00.

The foregoing agreement applies to the provisions of Paragraphs 9, 10, 11, 12, 13, 14 and 15 of Article II of the accompanying treaty.

2. The Polish Government, which by virtue of Article 104 of the Treaty of Peace at Versailles [10] conducts the foreign affairs of the Free City of Danzig, undertakes to do all that is necessary to secure the adherence of the Free City of Danzig to the provisions of this protocol and the accompanying treaty as soon as possible.

In faith whereof, the undersigned Plenipotentiaries have signed the present protocol and affixed thereto their respective seals.

Done in duplicate at Warsaw this 22 day of November 1927.

[SEAL] JOHN B. STETSON, jr
[SEAL] AUGUST ZALESKI

[10] Malloy, *Treaties*, 1910–1923, vol. III, pp. 3329, 3385.