YUGOSLAVIA

RIGHT OF AMERICAN CITIZENS OF YUGOSLAV BIRTH TO VISIT YUGOSLAVIA WITHOUT BEING LIABLE FOR MILITARY SERVICE.¹

360F.117/90

The Minister in Yugoslavia (Wilson) to the Secretary of State

No. 96 Belgrade, April 3, 1934.

[Received April 20.]

Sir: With reference to the Legation’s despatch No. 662 of October 5, 1929,² relative to a new law regarding military service in the Kingdom of Yugoslavia, I have the honor to inform the Department that on March 19th, the Legation received a communication from the American Consulate in Belgrade with the enclosure of a letter from the Yugoslav Vice Consul in New York, addressed to a naturalized American citizen in response to an inquiry concerning the possibility of naturalized American citizens of Yugoslav origin visiting Yugoslavia without the necessity of undergoing military service. A copy of this letter and the enclosure is transmitted herewith for the information of the Department.³

It was immediately noted that in the Vice Consul’s letter the following statement appeared:

“A Yugoslav citizen naturalized in a foreign country has a right to visit his homeland every three years without being compelled to service in the Army.”

Since this is not the practice of the Yugoslav authorities at the present time, the Legation addressed an inquiry to the Ministry for Foreign Affairs, dated March 20th, 1934, a copy of which is also enclosed for the Department’s information,⁴ in which the Ministry’s assurance was requested as to whether or not the statement of the Yugoslav Consulate General in New York might be taken as being correct, and whether naturalized American citizens of Yugoslav origin may in the future visit Yugoslavia for a period of three months every three years without being compelled to undergo military service.

¹ For previous correspondence regarding the liability of American citizens for military service in Yugoslavia, see Foreign Relations, 1932, vol. ii, pp. 617 ff.
² Not printed.
³ Neither printed.

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There is enclosed a copy of the Ministry’s reply to the inquiry, dated March 26, 1934, in which the Legation was informed that in accordance with the law for the organization of the Army and Navy of September 6, 1929, as completed and modified by the law published on October 28, 1931, Yugoslav subjects naturalized in foreign countries have the right to visit their native country and to reside there for six months each third year without being forced to complete their service in the Royal Army—all of the above in accordance with the conditions foreseen by Article 45 of the above mentioned law of September 6, 1929, and as modified by Article 28 of the law of October 28, 1931.

In this relation I have the honor to enclose a translation of Article 45 of the law of September 6, 1929, as modified by the law of October 28, 1931, mentioned in the Ministry’s reply. The Legation, after careful perusal of the amended text is of the opinion that instead of making it possible for a naturalized American citizen of Yugoslav origin to return to Yugoslavia every three years for a short residence without being compelled to undergo military service, the text as amended simply tightens the regulations regarding the forced military service of such naturalized American citizens of Yugoslav origin who have not complied with the provisions of Article 45. It is, of course, evident that the great majority of Yugoslav subjects proceeding to the United States for naturalization have not complied with the provisions of Article 45 of the law of September 6, 1929, and therefore that the very strict regulation with regard to their being compelled to undergo Yugoslav military service upon their return to this country remains for the great majority unrelaxed.

The matter is being reported to the Department at some length in the hope that the Department may consider it appropriate to bring the matter to the attention of the Royal Yugoslav Consulate General in New York, in order that what appears to be misleading information will not be given in the future to naturalized American citizens of Yugoslav origin who might upon the receipt of such information feel themselves entitled to visit their native land to the consequent embarrassment both of themselves and of the Legation.

Respectfully yours,

CHARLES S. WILSON

The Secretary of State to the Minister in Yugoslavia (Wilson)

No. 59

WASHINGTON, June 11, 1934.

Sir: The Department has received your despatch No. 96 of April 3, 1934, relative to the law regarding military service in the Kingdom

*Not printed.*
of Yugoslavia, and has carefully noted the enclosures which accompanied your despatch. It appears that on February 16, last, the Yugoslav Vice Consul, in New York City, stated in a letter to an American citizen that a Yugoslav citizen naturalized in a foreign country has a right to visit his homeland three months every three years without being compelled to serve in the army. It is noted that in the letter of March 19, 1934, addressed to you by the American Consul at Belgrade, it is stated that if such a right exists, the Ministry of War apparently is not aware of the fact. It is noted that you placed this matter before the Royal Ministry for Foreign Affairs and asked to be informed whether or not the statement of the Royal Yugoslav Consulate General may be taken as correct, and that in the Ministry’s reply of March 26, 1934, you are informed that in accordance with Article 45 of the law of September 6, 1929, regarding the organization of the army and navy, as amended by Article 28 of the law of October 28, 1931, such persons have a right to visit their native land and remain there for a period of six months every three years without being subject to service in the Royal Army.

The Department notes the Legation’s opinion that instead of making it possible for a naturalized American citizen to return to Yugoslavia every three years for a short residence without molestation, the amendment of Article 45 of the law of September 6, 1929 by Article 28 of the law of October 28, 1931, tends to tighten the regulations regarding military service in Yugoslavia.

The Department has very carefully read the translation of the law as amended and believes that the interpretation contained in the Note of the Ministry of Foreign Affairs may be regarded as proper in the cases of naturalized American citizens who have not regularized their status under Article 45 of the law of September 6, 1929 as amended by Article 28 of the law of October 28, 1931. Inasmuch, however, as it appears from your despatch that the Yugoslav military authorities do not administer the law in accordance with that interpretation, the Department cannot advise American citizens in the sense thereof. In this connection, the Department infers from your despatch that so far as the administration of the law is concerned, naturalized American citizens of Yugoslav origin who have not complied with the provisions of the above law as amended are inducted into military service without being allowed any period of unmolested sojourn in Yugoslavia.

It is requested that you ask as discreetly as possible the Ministry of Foreign Affairs to discuss this matter with the Ministry of War so that the information furnished by the former and the practice of the military authorities may be harmonized and in order that the Department may be properly advised as to the rights and liabilities of naturalized American citizens of Yugoslav origin while in Yugoslavia.
Of course, you will on every occasion present to the Yugoslav authorities the Department's view, based on Section 1999 of the Revised Statutes of the United States, which freely recognizes the principle of the right of expatriation, that a naturalized citizen of the United States should not, upon his return to Yugoslavia, be obliged to perform military or other obligations or be held liable for failure to perform such obligations which had not actually accrued under Yugoslav law, prior to his emigration to the United States.

It is desired that you request the Foreign Office to issue appropriate instructions to the Consulate General in New York City in order that the information which was given by that office in the case above referred to may not be repeated, at least not while the practice of the military authorities is known to be contrary to such information.

The Department will await a report from you as to the result of your action in this matter.

Very truly yours,

For the Secretary of State:

WILBUR J. CARR

360H.117/82

The Chargé in Yugoslavia (Abbott) to the Secretary of State

No. 170

BELGRADE, July 19, 1934.
[Received August 2.]

SIR: I have the honor to refer to the Department's instruction No. 59 of June 11, 1934, relative to the administration by the Yugoslav military authorities of Article 45 of the Law of September 6, 1929, regarding the organization of the Army and Navy, as amended by Article 28 of the Law of October 28, 1931, and a statement in connection with the law made in a letter of the Yugoslav Consulate General at New York.

As will be noted from the reply of the Royal Ministry for Foreign Affairs, No. P. No. 19508-Am 40 of July 18, to the Legation's note No. 114 of July 11 (copies of which with translations are transmitted herewith), the interpretation of the law that persons of Yugoslav origin naturalized in foreign countries have the right to return to Yugoslavia for a period not exceeding six months every three years, if they have complied with the provisions of Article 45 of the law referred to, is confirmed, and the attention of the Yugoslav Legation in Washington and the Consulate Generals at New York and Chicago directed to these provisions.

With regard as to whether the Yugoslav military authorities administer the law in accordance with the above interpretation, a point

*Neither printed.*
raised in the Legation's note under reference, but to which the Royal Ministry's reply made no mention, I took occasion again to raise the point during a conversation at the Foreign Office and I was orally given positive assurance that they did so. In the face of such an assurance and inasmuch as I was unable to point out any instance of the disregard of the provisions of Article 45 by the military authorities I did not feel justified in pressing for confirmation in writing.

In my opinion it is safe to assume that no naturalized American citizen of Yugoslav origin need fear induction into the Military service of the Kingdom if he has strictly complied with the provisions of Article 45 of the law in question.

Respectfully yours,                        Wainwright Abbott