

X

LIMITED OFFICIAL USE
DEPARTMENT OF STATE
THE LEGAL ADVISER

37

02
7.6

TO: L - Mr. Meeker July 6, 1966
FROM: L/UNA - Robert Starr RS
SUBJECT: Enlistment of Citizens of the TTPI in the United States Army and Air Force.

Attached for your clearance is a proposed reply to a request for the Department's views on H.R. 12856, a bill which would authorize the acceptance of citizens of the TTPI for enlistment in the Army and Air Force in time of peace (Tab A). A copy of H.R. 12856 is also attached (Tab B). Our reply states that the Department does not favor adoption of H.R. 12856 in view of the pertinent provisions of the United Nations Charter and the Trusteeship Agreement with the Security Council, and it makes specific reference to Article 84 of the Charter and Article 5 of the Trusteeship Agreement.

We considered the question of the use of volunteer forces from the Trust Territory some months ago when we learned that Congressman Aspinall had introduced this bill. Our study (Tab C) reached the conclusion that the better legal view is that volunteer forces from the Trust Territory may only be used for one of the purposes spelled out in Article 85 of the Charter and Article 5 of the Trusteeship Agreement. However, H.R. 12856 is not limited in these respects and would presumably permit use of volunteer forces from the Trust Territory for other purposes. This could raise a serious question of violating our international engagements.

Our legal position has not yet been communicated to Congress, either formally or informally.

L/LUNA:RIS Starr:mw:7-6-66

DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY <u>A. S. Green</u>	DATE <u>1/3/85</u>
<input type="checkbox"/> EXEMPT	<input type="checkbox"/> EXG. RATE
<input type="checkbox"/> ...	<input type="checkbox"/> ...
<input checked="" type="checkbox"/> ...	<input checked="" type="checkbox"/> ...
<input type="checkbox"/> ...	<input type="checkbox"/> ...
... OF ... EXEMPTIONS	