

February 17, 1967

Assistant Secretary Anderson:

Attached are three reports concerning the Trust Territory which arrived earlier this week and which, time permitting, you will want to review, notwithstanding their bulk. I have done so, in some respects too hastily, but I'd offer the following general comments:

1. The Eardley electric power report (one volume) is one of the Best Books I've ever read. It is clear, lucid, readable, free of jargon, and sensible. Another volume will follow, concerning power needs on other than the three islands (Saipan, Moen, and Yap) studied in the first report. I do, however, find troublesome one policy conclusion which Mr. Eardley urges, and which he indicates the High Commissioner has already adopted: i.e., that all power will be sold throughout the Trust Territory on a pure cost basis. While this can and should be so for certain customers, I wonder whether it doesn't mean that most of the Micronesians who don't know how to use power won't ever have power.

2. The Educational TV report (one volume) I find less persuasive. The analysis of the existing educational system (about the first third of the report) I can't fault. But I'm not at all sure that the remedy (ETV, of course, plus radio), necessarily follows. That it would be extraordinarily complex and very expensive goes without saying. But I find real difficulties in the fact that not more than 75% of the children would be served by it, and that the solution would be to dormitory elementary school children.

3. The Nathan report (three volumes) I think is good. (I understand a summary of its 730 pages will be forthcoming from Nathan.) It contains gigantic quantities of useful information and makes very specific recommendations with respect to the major areas of economic activity. I doubt that it should be adopted and followed without qualification. For example, we have recently violated one of its recommendations by deciding to educate Micronesians at Saiva; we would have extreme difficulty in according access to all the non-Micronesians whom Nathan would like to have enter; I suspect there might be Departmental policy problems associated with the recommendation that power systems (on two islands) be sold to private enterprise. But these are extremely small points, in relation to the report as a whole. In general these seem to me very useful volumes. It is encouraging that we are already proceeding along policy lines consistent with those set out toward the end of the first volume.

But note page 508, second paragraph, first sentence. I bet Nathan's people go home earlier than we do every night.

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In reply refer to:  
I-1487/67  
1 February 1967

MEMORANDUM FOR LT COLONEL W. A. WOOD, III, SPECIAL  
PROJECTS DIV, POLICY PLANNING STAFF/ISA

SUBJECT: Testimony in Support of S. 303, A Bill Providing for the  
Continuance of Civil Government for the Trust Territory  
of the Pacific Islands

REF: Your Memorandum for Mr. Forman, 1 Feb 67, subject  
as above

The referenced memorandum requested a one-page summary showing  
the possible forms of future U. S. - TTPI political association that  
would ensure continuing U. S. military access to the TTPI.

Without commenting on the desirability of any of the following forms  
of political association, the following observations from the legal  
point of view on this subject are supplied:

1. Continuation Without Change of the Existing Trusteeship Agreement. In absence of changes in the political climate of world opinion, there would be no problem with regard to United States military utilization of the TTPI.
2. Incorporation of the TTPI as a State of the Union Or as Part of an Existing State Such as Hawaii. Obviously, there would be no problem with regard to military utilization of the TTPI.
3. Inclusion of the TTPI Into the Territory of Guam or American Samoa. Similarly, there would be no problem with regard to military utilization of the TTPI.

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4. Conversion of the Trusteeship Status Into a Commonwealth Status in Association with the United States. The only such existing commonwealth is Puerto Rico. This is a unique status which has no precedent either in International Law or United States Constitutional law. The question of the nature of United States military utilization of a "Commonwealth of the Pacific Islands" would therefore necessarily be resolved by the particular instruments which would establish such a commonwealth.

5. Independence of the TTPI. Since this alternative envisages the complete sovereignty of the area apart from and equal to the sovereignty of the United States from the standpoint of International Law, an international agreement between the two sovereigns specifying the base rights of the United States would be necessary in order to insure United States military utilization of the area. It would be legally possible to fix such base rights as a prerequisite to, and embodied in the instruments of, independence. This was done in the case of the 1946 independence of the Philippines (See Title 22, United States Code, sections 1391, 1392, and 1394, and the 1947 Military Bases Agreement, T. I. A. S. 1775).

All of the above forms of political association, and variations thereof, should be studied in depth from a Department of Defense point of view before any firm United States position is taken on the desirable alternative.

SIGNED

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Office of the Assistant General Counsel  
International Affairs /dhs

cc: Mr. Niederlehner  
Circulating  
Subject: ILP-Trust Territory  
Master Chron  
R&C/ISA

