

RS/R FILES

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~~DENY~~ 4269

Attention Mudell
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DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY B.H. BAAS DATE 6/23/87 **JUL 5 1967**

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TS AUTH. REASON(S) E.O. 12856

ENDORSE EXISTING MARKINGS SEC. 1.3(2)(5) + 1.3(b)

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Dear Mr. Luce:

Since I am going to be away from Washington until mid-July, I am responding urgently to your letter of June 30, 1967 regarding the political future of the Trust Territory of the Pacific Islands.

The Department of State cannot concur in either your proposed memorandum to the President or your proposed letter to Congressman Aspinall, because, in our opinion, the drafts imply a latitude of choice which does not in fact exist on the matter of self-government. As I explained in our meeting on April 19 this year, the United States must pursue policies in Micronesia which are consistent with our binding international obligations, and as the Department specifically concerned with foreign affairs, it is the considered judgment of the Department of State that action to make the Trust Territory a non-self-governing territory of the United States would violate Article 6 of the 1947 Trusteeship Agreement with the United Nations Security Council. As I emphasized in our meeting there is no room for ambiguity on this point of principle, and there can in practice be ample safeguards to protect broad United States interests if Micronesia were offered self-governing status in the program that we have contemplated.

The Honorable
Charles F. Luce,
Acting Secretary of the Interior.

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DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY B. BAAS DATE 8/4/87

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E Thus, while the Department of State concurs in the idea of seeking urgent Presidential approval to submit our agreed draft joint resolution to the House Interior and Insular Affairs Committee hearings in July, we believe it essential that the memorandum to the President be more explicit and more accurate in explaining the problem of the future territorial status of Micronesia. If a Commission were to recommend non-self-governing status as you favor and as you believe would be desired by Congress, the President would be faced with recommendations which could not be implemented without violating a solemn international commitment. This risk could be minimized to some extent during any Commission or Congressional proceedings by Department of State testimony, but the risk of unacceptable recommendations and possibly legislation is sufficiently great that we believe the President should be cautioned in advance. Apart from these considerations the effect on Micronesian sentiment, now extremely favorable to the United States, of adopting a course of action we could not implement could be devastating.

We also recommend most strongly that the President be urged to consult key Congressional leaders in both the House and the Senate Interior, Armed Services and Foreign Relations Committees to alert them to this constraint on our freedom of action.

We are prepared to meet urgently with your staff to draft appropriate language for a mutually acceptable memorandum to the President, and we are prepared to suggest changes in the proposed letter to Congressman Aspinall. In the latter case, however, we believe we might better wait until after the President decides how to proceed.

Sincerely yours,

NICHOLAS deB KATZENBACH

Under Secretary

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Cleared with: L - A. [unclear]