

7/18/67

Ben -

It seems to me that, if the TTPI were given independence, such status would be patently inconsistent with the Trusteeship Agreement in that the Security Council and the Administering Authority would both have to terminate the Trusteeship Agreement and ~~approve~~ approve the independence of the TTPI.

This conclusion would be the same if the TTPI were to be converted into a non-self-governing territory of the United States, like American Samoa, Guam, and the Virgin Islands, or converted into a State of the Union, a part of Hawaii, or a Commonwealth like Puerto Rico. In this sense, the first sentence of the second full paragraph on page 4 of the Aspinall Letter is misleading since it implies that the Congress to the exclusion of the Security Council has the authority to approve such conversion.

It seems to me that, if the TTPI were given complete self-government, except for defense and foreign affairs which would continue to be the responsibility of the Administering Authority, no inconsistency with the Trusteeship Agreement, requiring Security Council approval, would result from this "self-denying" ordinance of the Administering Authority. This would appear consistent with Article 6 and would be a waiver of ~~the~~ some of the rights of the Administering Authority under, for example, Article 3.

While I therefore cannot concur with State that a Congressional determination that non-self-governing status would be a violation of the Trusteeship Agreement (unless that determination was put into force without the consent of the Security Council), neither can I concur with Interior that such status is a "move toward self-government" (exchange of letters between Katzenbach and Luce).

JHS

P.S. I have asked Lee R. to add his comments here in light of his interest in the future status of the TTPI.

- 1. I disagree with Jerry's first P.
- 2. I Agree " " Second "
- 3. " " " " Third "
- 4. I disagree with state
- 5. I concur with interior as to

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