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In reply refer to:
I-4659/70

23 April 1970

**MEMORANDUM FOR COMMANDER EDWIN A. KUHN
USN, OSD/ISA/EA & PR**

**SUBJECT: TTPI Meeting with Members of the Department
of Justice and the Department of Interior,
April 22, 1970.**

It is my understanding from the meeting which took place on April 22, 1970, based upon the comments made by members of the Department of Justice, that the Department of Interior will revise provisions in the draft Constitutional Act relating to the acquisition of property in Micronesia taking into account the following:

1. The question of "need" is a legislative or administrative matter and not a judicial question and the necessary provision reflecting such decisions to be made as to "need" will be added to the Micronesia Constitutional Act.

2. The Court of Claims is a Constitutional Court that can review the matters raising a case or controversy and the necessary provisions will be made to assure that only matters justiciable in this sense will be taken to that Court.

3. The matter of emergency powers was I believe left open. It is our view however that there should be spelled out in the Act a provision indicating that the United States can exercise emergency powers not only in the acquisition of land but for such other purposes as an emergency may demand. The United States Supreme Court cases have indicated the importance of this, and as the Department of Justice pointed out, the Cuban missile crisis also raised issues of this kind which may be avoided by appropriate provisions in the act.

Harry H. Almond, Jr.
Office of Assistant General Counsel
International Affairs

cc: Capt. W. Miller/JCS

Subj: ILP-Trust Territory
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