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In reply refer to:
I-22140/70

DoD 12 APR 1985
5200-1-R (1-603) 29 April 1970
M. J. Cirno

MEMORANDUM FOR CDR. E. A. KUHN, USN
OASD/ISA/EAPR

SUBJECT: Draft of Paragraph vi - Page 22 of Draft
Constitutional Convention Bill - Acquisition
of Land by the United States

We are enclosing a copy of the draft of paragraph vi which should be made part of the Draft Constitutional Convention Bill. I have discussed this draft with Mr. Harrison of the Department of Justice and have added the changes which he had suggested. In brief, those changes and mine are the following:

The term "promptly" has been added in order to enable the United States to refer to express language in pursuing its appeal from the Congress of Micronesia should that Congress proceed in a dilatory manner. This term is in line 3.

The term "federal law and procedures" has been added so that the United States may pursue its claims and seek the acquisition of property in accordance with the established means available elsewhere throughout the United States.

Finally, the terms "seek to" in the fourth line from the end of the draft have been omitted since these terms add nothing to the proposed provision and may be confusing. United States pursues its right to acquire property and only would lose in the event that the higher courts of the United States had determined that its public need or purpose was legally deficient.

10 of 10 pages

Page 1 of 2 Pages

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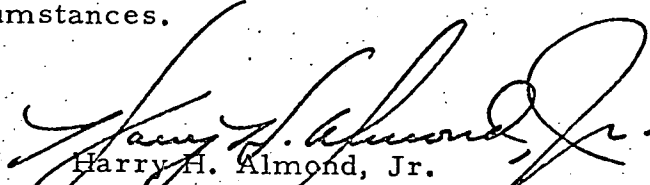
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With these changes it is our view that the Department of Defense would have adequate protection in acquiring property in Micronesia under all circumstances.



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

Attachment
a/s

cc: Capt. W. Miller, JCS - I-164957
Lt. Col. T. Stockton, J5/FE - I-164958
Mr. Harold Harrison, D/Justice - I-164946
Mr. Niederlehner
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PAGE 22 OF DRAFT CONSTITUTIONAL CONVENTION BILL

(VI). In the event that the Executive does not introduce a bill as required by this subsection, or the Congress of Micronesia fails to act promptly on a bill in the session at which it has been introduced, or it does not pass the bill, or it disagrees with the need for the acquisition by the United States of the property or interest in property sought to be acquired, or in the event that the United States wishes to appeal from a final decision of the paramount court of Micronesia rendered in accordance with subsection (iv), then the United States shall have the right to proceed in accordance with established federal law and procedures to acquire the property or interest in property, with the right of appeal under said federal law and procedures to the United States Court of Appeals for the Ninth Circuit.