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February 16, 1971

**MEMORANDUM FOR COMMANDER E. A. KUHN**

**SUBJECT: The Resolution of the Senate of Micronesia  
Calling for Interpretations of Article 8 of the  
Trusteeship Agreement - Cable from HICOM-  
TERPACIS SAIPAN to SEC INTERIOR, DTG:  
120522Z Feb 71**

Senator Bailey Olter introduced in the Micronesian Senate a request that legal advisers from the State Department and Interior provide interpretations of Article 8 of the Strategic Trust Agreement concerning Micronesia. The preambular paragraphs are set forth in the above message. The operative paragraphs are not included and we expect to receive those in a later message.

Would you kindly indicate the interest of the Office of General Counsel in concurring or commenting on any legal interpretations involved with Article 8. Would you also kindly provide us with the operative paragraphs if and when you receive them.

SIGNED

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

typed by jad

CC: Master Chron  
Circulating  
Gen. Counsel

File: ILP-TTPI ←

10- 419454

DEPARTMENT OF DEFENSE

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ACTION

DISTR CJCS(01) DJS(02) SJCS(03) J3(12) J4(03) J5(02) SECDEF(07)  
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FM HICOMTERPACIS SAIPAN  
TO RULSSAA/SECINTERIOR  
INFO RUEHC/SECSTATE  
RUEKJCS/SECDEFENSE  
RUEADWW/WHITE HOUSE  
RUHJOSA/CINCPACREP GUAM/TTPI  
RUEDEKA/USUN NEW YORK  
GR NC  
RT

*Mr. Bushart*  
*Pls ref HHA*  
*we should do on concurrence*  
**F. TTPI**

UNCLAS. FROM HICOMTERPACIS SAIPAN POLAD. INTERIOR FOR ASST SEC LOESCH AND OFFICE OF TERRITORIES. STATE FOR IO/UNP, EA/ANZ, S/PC. DEFENSE FOR OSD/ISA. WHITE HOUSE FOR MR LEVIN (NSC).  
SUBJECT: CONGRESS OF MICRONESIA AND ARTICLE 8 OF THE TRUSTEESHIP AGREEMENT

1. FEBRUARY 11 SENATOR BAILEY OLTER INTRODUCED SENATE RESOLUTION 10 WHICH REQUEST STATE DEPARTMENT LEGAL ADVISOR AND INTERIOR DEPT. SOLICITOR TO PROVIDE SENATE OF CONGRESS OF MICRONESIA WITH "THEIR RESPECTIVE LEGAL INTERPRETATIONS AND DEFINITIONS OF ARTICLE 8 OF TRUSTEESHIP AGREEMENT." RESOLUTION PASSED SENATE FEBRUARY 12. KEY PREAMBULAR PARAS IN RESOLUTION ARE AS FOLLOWS.
2. "WHEREAS, SECTION 4 OF ARTICLE 8 OF TRUSTEESHIP AGREEMENT CONTAINS LANGUAGE CONCERNING RIGHTS INHABITANTS OF IT SHOULD ACQUIRE IN CONSIDERATION OF RIGHTS OBTAINED BY MEMBERS OF UN IN THE TT, BUT MICRONESIAN PEOPLE HAVE NEVER BEEN ABLE TO DETERMINE WHAT RIGHTS THEY SHOULD ACQUIRE UNDER THIS PROVISION: AND"
3. "WHEREAS, A GREAT DEAL OF INTEREST HAS BEEN EXPRESSED BY PROSPECTIVE INVESTORS FROM MEMBERS OF UN BUT THEIR BUSINESS PERMITS HAVE BEEN DENIED BECAUSE OF POSSIBLE LIMITATIONS CONTAINED IN ARTICLE 8 OF TRUSTEESHIP AGREEMENT..."
4. "WHEREAS U.S. HAS CONCLUDED TREATY WITH JAPAN WHEREBY

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JAPANESE NATIONALS MAY SALVAGE JAPANESE VESSELS WHICH HAVE SUNK IN WATERS AND WHEREBY JAPANESE FISHING VESSELS WILL BE PERMITTED TO PROVISION IN PARTS OF TRUST TERRITORY, THESE BEING ADDED CONSIDERATION FOR SETTLEMENT OF MICRONESIAN WAR DAMAGE CLAIMS; AND"  
5. "WHEREAS, TESTIMONIES FROM ATTORNEY GENERAL OF TRUST TERRITORY HAVE INDICATED THAT UNDER PROVISIONS OF ARTICLE 8 OF TRUSTEESHIP AGREEMENT NO NATION OTHER THAN U.S. MAY INVEST OR DO BUSINESS IN MICRONESIA..." DORRANCE

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