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DEPARTMENT OF DEFENSE  
OFFICE OF GENERAL COUNSEL  
WASHINGTON, D. C. 20301

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I-13867/72

6 October 1972

MEMORANDUM FOR MR. PHILIP E. BARRINGER  
DIRECTOR, FOREIGN MILITARY RIGHTS  
AFFAIRS, ISA, OSD

SUBJECT: AGREEMENT UNDER SECTION 305, TITLE III OF THE  
COMPACT OF FREE ASSOCIATION BETWEEN THE  
UNITED STATES OF AMERICA AND THE PEOPLE OF  
MICRONESIA, REGARDING THE STATUS OF UNITED  
STATES ARMED FORCES IN MICRONESIA.

I have reviewed the above draft and offer the following  
preliminary and personal comments:

1. Add to Article I:

"d. Defense sites means those lands, areas, waters  
and facilities and the air space above them in  
Micronesia which have been designated for use by  
the United States of America in accordance with  
Section 303, Title II of the Compact of Free Associ-  
ation. For purposes of applying criminal law, they  
are sites reserved or acquired for the use of the  
United States of America and are under the concurrent  
jurisdiction of the United States of America and  
Micronesia.

"e. Government of Micronesia - includes all  
political subdivisions and entities comprising that  
government."

2. I recommend that paragraph 2 of Article II be modified  
by the language shown below:

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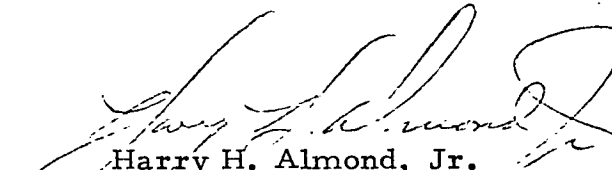
"2. The Armed Forces of the United States and United States Contractors shall pay reasonable amounts for services rendered by the Government of Micronesia and materials received from the Government of Micronesia at their request in connection with the use of Micronesian ports, harbors and airfields."


3. As to Article XI I assume that this provision will be coordinated with the Department of State and Department of Interior since there is an overlap in interests with those agencies.

4. I recommend that in Article XII an additional provision be added as paragraph 12 reading as follows:

"United States personnel convicted by Micronesian courts will not be subject to cruel and unusual treatment."

This provision follows United States constitutional provisions.

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

cc: Capt. Robert A. Shaid, ISA, OSD  
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