



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

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18 October 1973

MEMORANDUM FOR CAPTAIN EDWARD C. WHELAN  
EA&P REGION, ISA, OASD

SUBJECT: Transition to Self-Government.

Pursuant to your request for a review of Mr. Berg's paper on the transition of the Trust Territories to self-government of October 1973, I offer the following brief comments:

1. The paper in general conforms with our prior understandings of the procedures to be adopted and can be accepted in substance subject to the remarks which follow here.

2. On Page 3 there is a statement at the bottom of the page indicating that the new constitution of Micronesia will "grow from the Compact." This statement is not clear and should be reworded to say:

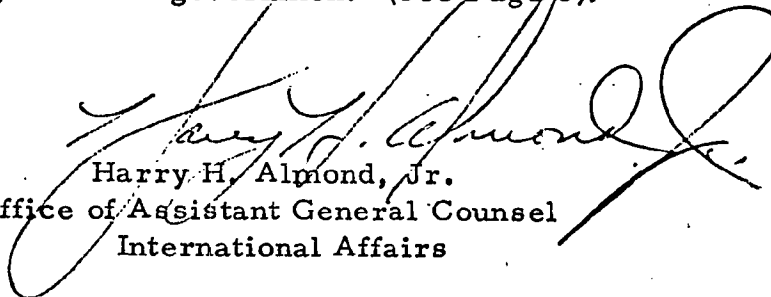
"If free association, presumably through a Commonwealth status, is to be the new legal status of Micronesia, the Constitution of Micronesia will reflect the understandings set forth in the Compact."

3. Particular emphasis must be given on Pages 4 and 5, as in the past, to the need to keep the United States Congress including the Foreign Affairs Committees of both the House and the Senate fully aware of the activities taking place here. The Foreign Affairs Committees are clearly involved on account of the present international concern associated with Micronesia through the Strategic Trust Agreement.

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4. On Page 6 it is noted that an independence option will be included in the plebiscite. There are political or policy reasons that might dictate offering such an option, but as indicated in prior memoranda the United States does not necessarily have a legal obligation to offer independence at this time. This conclusion has been reached notwithstanding the fact that the Micronesian people will exercise through their plebiscite which is described as the "sovereign right of self-government" (see Page 6).

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

cc: Mr. W. Solf, JAG-A  
Mr. P. E. Barringer, FMRA, ISA  
COL W. R. Kenty, J-5  
GC  
Chron  
Circulating  
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