



United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

APR 18 1974

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IN REPLY REFER TO:

GLT.CBC.85404

Memorandum

To: Stanley S. Carpenter, Director of Territorial Affairs

From: C. Brewster Chapman, Jr., Assistant Solicitor, Territories ~~20~~
Division of General Law

Subject: Appointment of a Micronesian to the High Court of the Trust Territory of the Pacific Islands

This is in reply to the March 25, 1974, memorandum from the Acting Director on the above subject. In that memorandum you note the existence of many practical problems which should be considered prior to making such an appointment. You ask that we review the situation and make appropriate comments.

In our opinion the law as it now exists allows such an appointment to be made, with the appointee becoming a U. S. employee with the same pay, tenure and entitlements as the U. S. citizens serving on the High Court. Civil Service Regulation, 5 CFR 8.3, states that foreign and third country citizens may be appointed to overseas positions. As you are aware, neither the TTPI Government nor its components are considered to be agencies or instrumentalities of the United States so your question about defederalization of the High Court may be answered simply that it is not considered federalized in the first place.

The funding of the position seems to present no problem inasmuch as Associate Justices and the training of Micronesians to assume greater judicial responsibility are line items in the budget and we know of no law which prohibits payment to aliens for work done outside of the United States when they have been properly appointed to an overseas position.

Should your office be interested in changing the terms of the appointment, such as subjecting it to approval by the Micronesian Congress, not granting GS status, or in having the Justice paid by the Micronesian Congress, we are prepared to further advise you on the means by which this could be properly affected.

cc: Secy's File
Div. Chron. File
Docket
JAustin:cag 4/10/74
Reading file ~~1~~

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