



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

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I-41585

3 May 1974

MEMORANDUM FOR MR. JOHN A. DUGGER  
DAGLOS, ISA, OASD

SUBJECT: Draft Compact of Free Association - TTPI.

I request your comments concerning the following clause appearing in the Draft Compact:

"Section 302

(b) The Government of the United States may conduct within all activities and operations [on] the lands, [and] waters and superjacent airspace in the territory of Micronesia necessary for the exercise of its responsibility and authority under Section 302(a)."

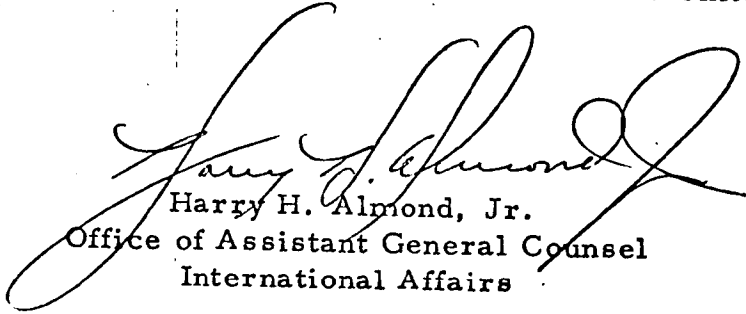
The United States will be seeking to assume full responsibility and authority over all matters relating to Defense and Micronesia. The cited clause operates as an enabling provision and is intended therefore to facilitate and facultate United States operations. The primary question raised is first whether we need to add in the terms "superjacent airspace" or whether the reach of the clause extends by implication to such airspace. Second, I am separately concerned with whether the United States should be seeking the right to extend its activities to those areas (wherever they are) under the jurisdiction or control of Micronesia.

Unquestionably the law of the sea efforts will be reaching into these matters. The reason for retaining the clause without further change however has been based primarily on the belief of our negotiating team that in raising these issues Micronesia will open up

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other issues of what may be a serious concern to the United States.

  
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