



15 May 1974

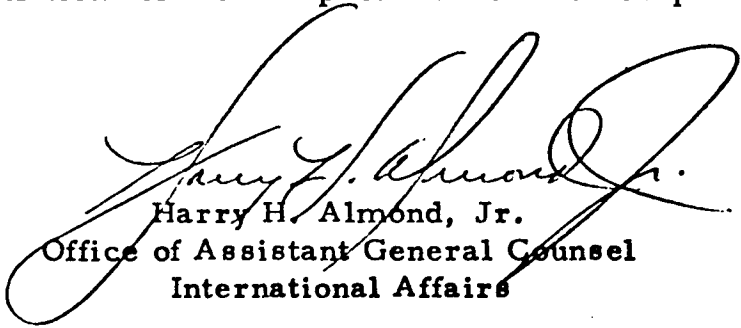
MEMORANDUM FOR CAPTAIN EDWARD C. WHELAN, JR., USN
EA&PR, ISA, OASD

SUBJECT: Micronesia Status Negotiations.

We are sending by separate memorandum, or if possible with this memorandum, the coordinated position within DoD with respect to Article 7 of the constitution proposed for the Marianas. Article 7 as you know is intended to protect United States defense interests and security interests within the context of the Marianas becoming a part of the United States - as an unincorporated territory or commonwealth. Secondly. A cable has been prepared to be coordinated (copy attached) with respect to the final fallback positions intended by the Department of Defense concerning key features in the Compact which had not been resolved. In the event that Ambassador Williams is uncertain concerning these provisions it would be appropriate for you to provide him the necessary background. The cable is being sent by Mr. Doolin and represents the position which we believe is that of the entire Defense Department.

In addition I will send by subsequent mail questions to be presented to Mr. Herman Marcuse. His responses should constitute his opinion and ultimately that of the Department of Justice with respect to further key issues in the Compact which have already been discussed. You may provide Mr. Marcuse with necessary background as he needs. As you will recall these questions are intended to ensure that the negotiations of the Compact will lead to acceptable language.

Encl


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

cf: GC
Chron
Circulating
File: ILP - TTPI

cf: Capt Robert A. Shaid.
EA&PR, ISA

10-63699

"Sec. 732a. ~~to assist the U.S. in fulfilling~~ its defense responsibilities under Title V of this Covenant and notwithstanding any other provision of this Covenant, prior to or after the termination of the trusteeship the U.S. Government, its departments or agencies, may acquire all right, title and interest to the following areas:

(1) On Tinian Island. Seventeen thousand four hundred seventy-five acres and the waters immediately adjacent thereto for the United States to establish an integrated basing area in the Commonwealth.

(2) On Saipan Island.

(a) Adjacent to Isley Air Field. Five hundred acres for the United States, which shall, at its discretion, make available such acreage as is not essential for the immediate exercise of its defense responsibilities for the use of the Government of the Northern Marianas provided such use is compatible with the defense responsibilities of the U.S.

(b) At Tanapag Harbor. Three hundred twenty acres for the United States, which shall, at its discretion, make available such acreage as is not essential for the immediate exercise of its defense responsibilities for the use of the Government of the Northern Marianas, provided such use is compatible with the defense responsibilities of the US.

(3) Farallon de Medinilla Island. Two hundred twenty-nine acres encompassing the entire island and the waters ~~immediately~~ adjacent thereto.

b. No provision of the Constitution of the Commonwealth of the Northern Marianas nor of legislation of the Government of the Northern Marianas shall in any way impair any interest in property held by the U.S. Government, its departments or agencies, or impede the future acquisition of interests in property by the U.S. Government, its departments or agencies.