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ASSISTANT SECRETARY FOR  
CONGRESSIONAL RELATIONS  
  
FEB 24 1975  
  
SIGNED ON

Honorable Patsy T. Mink,  
House of Representatives  
Washington, D.C. 20515

Dear Mrs. Mink:

This is in response to your letter of February 4 to Mr. Tom Johnson of our Legal Adviser's Office posing several specific questions relating to the service of Trust Territory citizens in the United States armed services. I believe Mr. Holton's letter to you of January 31, which crossed in the mail with your letter, was responsive to some of your questions. Nonetheless, I have addressed a number of these issues again below.

In our view the Trusteeship Agreement does not prohibit the voluntary enlistment of a Trust Territory citizen who has been lawfully admitted to the United States for permanent residence. As Mr. Holton explained in his letter, we do not regard such Trust Territory citizens as coming within the scope of the restrictive language of Article 5 of the Trusteeship Agreement. That Article does, however, restrict the use which could be made of other Trust Territory citizens if they were to enlist in our armed forces--thus effectively precluding their enlistment. We understand that the recruiting practices of our armed services, as established by statutes and regulations, are consistent with this interpretation of Article 5 of the Trusteeship Agreement.

It is, however, possible that some Trust Territory citizens falling within the scope of Article 5 have been enlisted in our armed forces. The statutory and regulatory restrictions mentioned above apply to the recruitment of aliens generally and are not applicable in time of war. Since the Services appear to have no

regulations specifically aimed at the recruitment of Micronesians, it is possible that some Trust Territory citizens not admitted to the United States for permanent residence were enlisted during the Vietnam and Korean wars. We have brought this apparent loop-hole to the attention of the Department of Defense General Counsel's Office.

With respect to your inquiry as to the number of U.S. veterans of Micronesian nationality, I regret that we cannot improve upon the information conveyed to you by Assistant Secretary of Defense McClary in his letters to you of May 24 and June 20, 1974.

Sincerely,

Robert J. McCloskey  
Assistant Secretary  
for Congressional Relations

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Clearances:

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L - Mrs. McDowell *See*  
EA/ANP - Mr. Knowles *See*  
IO/USP - Mr. Kimball *See*

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