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

I-21511/77

April 1, 1977

MEMORANDUM FOR CAPTAIN JAMES M. ELSTER  
EA&PR, ISA, OASD

SUBJECT: PRM-19 - Review of Micronesia Political  
Status Negotiations

(S) 1. This document primarily raises policy questions. The legal aspects which might address certain policy choices will be concerned with how best to conform the negotiations and their outcomes to national security objectives. It should be emphasized that in my opinion the fact that the Trust Territory is a strategic Trust Territory clearly distinguishes what the United States might do particularly with respect to actions in the UN. Both as administering authority and with respect to what might be expected in negotiating outcomes for more permanent self-government association with the United States the fact that this is a strategic territory provides the United States with certain preferential claims to maintain its strategic interests. Although the veto in the Security Council provides a legal measure with respect to US decisions, the US should, if the occasion arises, feel free to use it to ensure that its objectives are met. *and negative*

(S) 2. The paper itself sets forth the principal political obstacles which stand in the way of the US securing its favored outcomes. Nevertheless the point must be emphasized with respect to the external relations in any relationship between the US and Micronesia. The US must have primary and preferentially exclusive control and jurisdiction over foreign policy, including those relating to the law of the sea and defense. From an internal point of view the US might separately decide with Micronesia how to allocate control and competence over some of these matters. But if the US objectives fall short of exclusive control in the external sense it is my view that national security objectives may readily be impaired.



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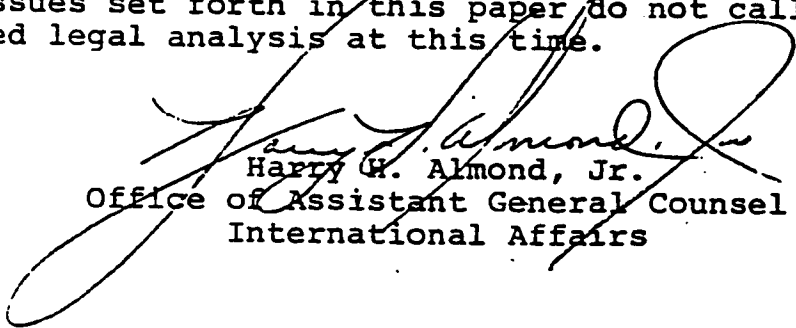
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(S) 3. A wide range of policy questions are set forth in the paper and cannot be reviewed in terms of a legal analysis. Nevertheless, notwithstanding positions taken in the paper with respect to US defense obligations, in my view it is necessary for the US to assume full military and defense responsibility as to Micronesia if it wishes also to have full control over defense policy. Should specific issues arise in the "window of possibilities" (Page 30 et seq) and in the decisions requested of the President at Page 40 et seq I would prefer to address these on a "as raised" basis. But in my view although our preferred outcome would be a commonwealth for all of Micronesia the policy variables and negotiating issues set forth in this paper do not call for detailed legal analysis at this time.

  
Harry H. Almond, Jr.  
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