

Non D/D E.O. Doc 213

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
Washington 25, D. C.

March 27, 1962

Honorable Robert S. McNamara
Secretary of Defense
Washington 25, D. C.

Attention: Mr. Frank J. Sherlock
3 D-960 Pentagon

Dear Mr. Secretary:

The Department of the Interior, in consonance with the provisions of Executive Order No. 10006, has presented a proposed Executive order relating to the Trust Territory of the Pacific Islands. With the informal concurrence of a representative of that Department, the draft order has been revised by this Bureau so as to incorporate in it the complete Executive order provisions pertaining to these islands.

I forward herewith copies of the so revised order ("Administration of the Trust Territory of the Pacific Islands by the Secretary of the Interior"), together with copies of the February 26, 1962, letter by which an Assistant Secretary of the Interior transmitted the original proposal to this Bureau.

The Director of the Bureau of the Budget would appreciate receiving an expression of your views with respect to this matter. Assistant Secretary Beasley has stated, in his transmittal letter referred to above, "We recommend that the draft executive order be signed, if possible before May 31, 1962" It has, however, been suggested to us informally, by a representative of the White House Office, that the order should preferably be issued a month earlier than the date indicated above. Accordingly, it is requested that your response hereto be delivered to this Bureau not later than April 13, next.

Sincerely yours,

/s/ Arthur B. Focke

General Counsel

Enclosures

C O P YUNITED STATES
DEPARTMENT OF THE INTERIOR

February 26, 1962

Dear Mr. Bell:

Enclosed are seven copies of a draft executive order transferring administration of the Northern Mariana Islands of the Trust Territory of the Pacific Islands from the Secretary of the Navy to the Secretary of the Interior. We recommend that the draft executive order be signed, if possible before May 31, 1962, the opening date of the Trusteeship Council. The effective date of the order, however, is July 1, 1962.

The administration of the Trust Territory was transferred from the Secretary of the Navy to civilian administration under the Secretary of the Interior by Executive Order No. 10265 of June 29, 1951. Subsequently, the islands of the Northern Marianas, except for the island of Rota, were returned to Navy jurisdiction by Executive Order No. 10408 of November 10, 1952, as amended by Executive Order No. 10470 of July 17, 1953.

The matter of divided administrative responsibility has been kept under study by both Departments and it has now been determined that the Northern Marianas should be returned to Interior. In this connection, we should point out that the Trusteeship Council of the United Nations, which annually reviews our administration of the Trust Territory, has been critical of the "split" administration. During the session of June 1961, after appropriate clearances had been obtained by the State Department, the Trusteeship Council was advised by the High Commissioner that "this matter has been receiving most careful attention at the highest level of our Government and I can now further say that the Departments concerned are agreed in principle that the administration of the Territory should be unified. The detailed steps for bringing about this unified administration are now in process of being worked out."

The Departments of the Navy and Interior are working out the details of the transfer and have recommended July 1, 1962, as the most appropriate transfer date. As we mentioned before, it is hoped that the order can be promulgated before May 31, the scheduled opening date of the Trusteeship Council session.

We have submitted copies of the draft executive order to the Departments of the Navy and State on an informal basis. Both have advised that they have no objections to the order in its present form.

Upon transfer of the Northern Mariana Islands to the jurisdiction of the Secretary of the Interior, we shall move the Trust Territory headquarters to Saipan as the provisional capital of the territory. Headquarters were initially established in Hawaii and, in 1954, were transferred to Guam as an interim move. The facilities now located on Saipan which are being made available without exchange of funds make the move of Trust Territory headquarters particularly advantageous at this time.

Your favorable consideration of the enclosed draft executive order will be greatly appreciated.

Sincerely yours,

Honorable David E. Bell
Director, Bureau of the Budget/s/ D. Otis Beasley
Assistant Secretary of the Interior

3-27-62

EXECUTIVE ORDER

ADMINISTRATION OF THE TRUST TERRITORY OF THE
PACIFIC ISLANDS BY THE SECRETARY OF THE INTERIOR

WHEREAS the Trust Territory of the Pacific Islands was placed under the trusteeship system established in the Charter of the United Nations by means of a trusteeship agreement approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, after due constitutional process (hereafter referred to as the trusteeship agreement); and

WHEREAS the United States of America was designated under the terms of the trusteeship agreement as the administering authority of the Trust Territory referred to above (hereinafter referred to as the trust territory); and

WHEREAS the United States has heretofore assumed obligations for the government of the trust territory and has carried out such government under the provisions of Executive Orders Nos. 9875 of July 18, 1947, 10265 of June 29, 1951, 10408 of November 10, 1952, and 10470 of July 17, 1953; and

WHEREAS thereunder the Secretary of the Navy is now responsible for the government of the Northern Mariana Islands except the Island of Rota and the Secretary of the Interior is responsible for the government of all of the remainder of the trust territory; and

WHEREAS it appears that the purposes of the trusteeship agreement can best be effectuated at this time by placing in the Secretary of the Interior responsibility for the administration of all of the trust territory:

NOW, THEREFORE, by virtue of the authority vested in me by the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681) and as President of the United States, it is ordered as follows:

Section 1. Responsibility of Secretary of the Interior. The responsibility for the administration of civil government in the trust territory is hereby delegated to the Secretary of the Interior. Subject to such policies as the President may from time to time prescribe, and in harmony with applicable law, and, where advantageous, in collaboration with other departments and agencies of the Government, the Secretary of the Interior shall take such actions as may be necessary and appropriate to carry out the obligations assumed by the United States as the administering authority of the trust territory under the terms of the trusteeship agreement and under the Charter of the United Nations: Provided however, That the authority to specify parts or all of the trust territory as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas, in accordance with Article 13 of the trusteeship agreement, shall be exercised by the President: And provided further, That the Secretary of the Interior shall keep the Secretary of State currently informed of activities in the trust territory affecting the foreign policy of the United States and shall consult the Secretary of State on questions of policy concerning the trust territory which relate to the foreign policy of the United States, and that all relations between the departments and agencies of the Government and appropriate