

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
Washington 25, D. C.

Dear Mr. Chairman:

This is in reply to your request for the views of the Department of Defense on Senate Resolution 346, 87th Congress, a resolution to express sense of Senate on relieving Chinese refugee problem.

The humane purpose for which the resolution is designed is understood and appreciated, but since it touches on certain areas of interest to the Department of Defense, it is felt that these areas should be discussed for the benefit of the Committee.

The resolution speaks of resettling Chinese refugees in unpopulated islands of the Pacific Ocean.

Most of the unpopulated islands of the Pacific Ocean are without minimal amenities and cannot support a community without some physical preparation and considerable outside help for a fairly long period of time. It would be a doubtful kindness to Chinese refugees to place them in the completely different environment of the Pacific Ocean without undertaking to provide them with food, clothing, shelter, tools, instructions, leadership, and some hope for a more prosperous future. In the particular case of the unpopulated islands forming part of the Trust Territory of the Pacific Islands, which the United States administers as a "strategic area" by agreement with the Security Council of the United Nations, the Department of Defense regards as undesirable any action which might call into question before the United Nations the need for continuing United States administration of the Trust as a "strategic area". The resettlement of Chinese refugees on islands included in the Trust Territory of the Pacific Islands might bring into question the "strategic" character of part of the Trust and thus serve to encourage a debate in the United Nations as to the aptness of continuing the arrangement whereby all of the Trust Territory is considered a strategic area under the administration of the United States.

The resolution also speaks of the possibility of leasing Pacific Ocean islands to the Government of the Republic of China.

The Department of Defense has strong reservations regarding the desirability of leasing or taking any action which would lead to a transfer of sovereignty to the Government of the Republic of China over any territory not already held by it. With regard to the Trust Territory of

the Pacific Islands, the arguments stated above would apply with even greater force to indicate reasons why the Department of Defense feels it undesirable to alter the legal position of any of the islands. Insofar as other islands are considered suitable for leasing to the Government of the Republic of China, the political and legal ramifications would have to be examined in some detail in each case. It may be pointed out that United States administration in some unpopulated Pacific Ocean Islands is limited by the treaties under which United States administration was acquired, and that political and legal difficulties may arise in attempting to transfer "sovereignty" or even some of the powers of administration to the Government of the Republic of China in some cases.

The resolution mentions the use of MSTIS ships in helping to transport Chinese refugees. This use of limited MSTIS capacity must be weighed against other uses which have high priority. MSTIS resources are already used to the maximum of their capacity in fulfilling present requirements.

With respect to the other areas mentioned for possible resettlement, the Department of Defense defers to the other interested Departments and agencies of the Government.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

Cyrus R. Vance

Honorable J. W. Fulbright
Chairman, Committee on Foreign Relations
United States Senate

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
Washington 25, D. C.

September 7, 1962

Dear Mr. Chairman:

This is in reply to your request for the views of the Department of Defense on Senate Resolution 346, 87th Congress, a resolution to express the sense of the Senate on relieving the Chinese refugee problem.

The resolution speaks of resettling Chinese refugees in unpopulated islands of the Pacific Ocean. The humane purpose for which the resolution is designed is understood and appreciated.

Since the proposal touches on certain areas of interest to the Department of Defense, it is felt that these areas should be discussed for the benefit of the Committee. Most of the unpopulated islands of the Pacific Ocean are without minimal amenities and cannot support a community without some physical preparation and considerable outside help for a fairly long period of time. It would be a doubtful kindness to Chinese refugees to place them in the completely different environment of the Pacific Ocean without undertaking to provide them with food, clothing, shelter, tools, instructions, leadership, and some hope for a more prosperous future. In the particular case of the unpopulated islands forming part of the Trust Territory of the Pacific Islands, which the United States administers as a "strategic area" by agreement with the Security Council of the United Nations, the Department of Defense regards as undesirable any action which might call into question the need for continuing United States administration of the Trust as a "strategic area". The resettlement of Chinese refugees on islands included in the Trust Territory of the Pacific Islands might bring into question the "strategic" character of part of the Trust and thus serve to encourage a debate in the United Nations as to the aptness of continuing the arrangement whereby all of the Trust Territory is considered a strategic area under the administration of the United States.

The resolution also speaks of the possibility of leasing Pacific Ocean islands to the Government of the Republic of China.

The Department of Defense has strong reservations regarding the desirability of taking any action which would lead to a transfer of sovereignty to the Government of the Republic of China, by lease or otherwise, of attributes of sovereignty over any territory where that Government has not heretofore exercised sovereignty. With regard to

Chinese Refugees

Trust Territory

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the Trust Territory of the Pacific Islands, the arguments stated above would apply with even greater force to indicate reasons why the Department of Defense feels it undesirable to alter the legal position of any of the islands. Insofar as other islands are considered suitable for leasing to the Government of the Republic of China, the political and legal ramifications would have to be examined in some detail in each case. It may be pointed out that United States administration in some unpopulated Pacific Ocean islands is limited by the treaties under which United States administration was acquired, and that political and legal difficulties may arise in attempting to transfer "sovereignty" or even some of the powers of administration to the Government of the Republic of China in some cases.

The resolution mentions the use of American military transports for the purpose of resettling refugees. Such use of military transports would have to be on a reimbursable basis and must be weighed against priority military requirements.

With respect to the other areas mentioned for possible resettlement, the Department of Defense defers to the other interested Departments and agencies of the Government.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

Signed

John T. McNaughton

Honorable J. W. Fulbright
Chairman, Committee on Foreign Relations
United States Senate