

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

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MEMORANDUM FOR MR. McGEORGE BUNDY

FILE

Subject: Guam security program

On October 9, 1961, the White House Office referred to the Director of the Bureau of the Budget, for appropriate handling, a petition by the Legislature of Guam in which the President is urged to "revoke Executive Order No. 8683 as it applies to the territory of Guam." That order, as amended, provides for the "Guam Island Naval Defensive Sea Area" and the "Guam Island Naval Air Space Reservation." The Legislature objects to the provision in the order which forbids the entrance of any person, other than those on public vessels of the United States, or any vessel or aircraft, other than public vessels and aircraft of the United States, into the area without authorization by the Secretary of the Navy. Among other things, they believe this provision is archaic, prevents the development of civilian industry and tourist trade, makes second-class citizens out of persons residing on Guam Island, and is generally incompatible with the development of local self-government.

On April 16, last, Senator Gruening made a statement before the Senate relative to Guam and inserted in the Congressional Record an article from the March 1960 California Law Review headed "Peacetime Martial Law in Guam" (Congressional Record, pp. 6076 ff.). Views and conclusions critical of the security-clearance program under E.O. 8683 are set forth in the article. (Questions as to the validity and force of E.O. 8683 were raised (by the authors of the above-mentioned article, et al.), but not directly decided, in the 1961 Circuit Court of Appeals cases Buenaventura vs. the United States of America and Suento vs. the United States of America (291 F. 2d 86)).

The Navy Department, by letter of March 2, 1962, has advised that it objects to the revocation of E.O. 8683 (citing, in connection therewith, Guam's vital military importance and an apprehension over the security of Guam from new and continuing sources of danger) and has further stated that "On September 14, 1961, the Secretary of the Navy approved the suspension of entry control requirements into Guam for U.S. citizens for a six-month period. This temporary suspension was extended indefinitely by the Chief of Naval Operations on October 5, 1961 (26 FR 9503). No further suspension of the administrative regulations under the executive order which would permit the entry of non-U.S. citizens or foreign flag vessels or aircraft is contemplated at the present time."

(We are informally advised that Senators Jackson and Anderson some weeks ago requested the Department of Defense to review the Guam security program, including its constitutional aspects, and that the Joint Chiefs of Staff are now making such a review.)

The Secretary of the Interior, by letter of May 15, 1962, has expressed sympathy with the lifting of such restrictions of this security program as may be no longer necessary or which will not affect the defense posture of the United States, and has pointed out that the security requirements make difficult the administration of the civilian government of Guam; but he has also observed that the Department of the Interior is not in a position to comment on defense considerations with respect to the military security program in Guam.

It seems to us (1) that the communications from the Navy and Interior Departments neither point clearly to the proper course of action with respect to E.O. 8683 nor warrant a firm conclusion that no action is called for, and (2) that the determination of the proper course of action is dependent upon considerations which your office may bring to bear on this matter. While national security considerations cannot be disregarded, we believe that the reasons advanced by the Guam Legislature have a great deal of merit. The continuation of the restrictions contained in E.O. 8683 do not appear to be compatible with our general policy to increase local self-government. It seems to us that appropriate steps could be taken to safeguard our Guam bases just as they are safeguarded elsewhere in the United States without resort to restrictions of the type contained in E.O. 8683. Your advice as to the course of action which would be most in the national interest on this matter would be appreciated.

Some twelve naval defensive sea areas were established in the Pacific Ocean in 1939, 1941, and 1952 and eight such naval air space reservations were established in 1941. These apparently have been terminated only in respect of Palmyra Island, Rose Island, and Tutuila Island. We have prepared a table which identifies these various areas and reservations.

I forward herewith a copy of (1) each of the documents referred to above, (2) E.O. 8683, with notations as to past amendments thereof, and (3) the pertinent Navy Department regulations.

(signed) David E. Bell

Director

Attachments