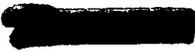




UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF TERRITORIES
WASHINGTON 25, D.C.

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Memorandum

FEB 10 1965

To: Under Secretary

From: Director, Office of Territories

Subject: Navy "Point Paper" on U. S. Control of Guam and the Trust Territory of the Pacific Islands

Enclosed for your ready reference is the aforementioned Navy "Point Paper" which was sent to Mr. McGeorge Bundy at the White House, to Messrs. William Bundy and Walt W. Rostow in the State Department, and to the Secretary of the Interior. It has the "strong endorsement" of the Secretary of the Navy. Interior has not been asked to comment, but we have received several telephone calls from State asking for the definitions of unincorporated and incorporated territories; how one becomes the other; and how either becomes a State or part of a State. All such inquiries were based upon the Navy paper. In view of State's activity, we suspect that you or the Secretary may be asked about the paper and, therefore, we offer these comments. If you think it desirable, we shall arrange to forward a copy of this memorandum with letters signed by you to each of the recipients of the Navy Point Paper.

With respect to the statements contained in the paper, those concerning Background are entirely accurate. As to the Points, we either concur in or have no opinion (because it is not our bureaucratic business to do so) concerning all save three (numbered 4, 5, and 11). As for number 4, we do not think that either Statehood or inclusion in Hawaii exhausts the possible forms of ultimate political status for Guam. As for number 5, we see no necessary reason to regard incorporation as the next step for Guam. As for number 11, specifically the last sentence thereof, if the implication is that Guam is not now "incontrovertibly a part of the United States", we would differ with it. The sentence is somewhat ambiguous, however, and it may simply mean that the islands of the Trust Territory are not incontrovertibly a part of the United States. With the statement so construed we would of course entirely concur.

Turning to the Recommendations, the paper recommends, first, that Guam be converted into an incorporated territory preparatory to

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admission of Guam into the Union as a State or inclusion in the State of Hawaii; and, second, that economic, social and political ties between the United States and the Trust Territory be strengthened so as to facilitate a plebiscite leading to conversion of this area into an unincorporated territory of the United States.

Insofar as the Trust Territory is concerned, our present programs are bent toward the foregoing recommendation of the Point Paper, although we have not, and in my judgment should not now, determine that the ultimate status of the Trust Territory will necessarily be that of an unincorporated territory. I believe that we should retain some flexibility with respect to the hoped-for form of association with the United States, because the satisfactory alternatives are several.

Turning to the recommendations on Guam, one of the two reasons for being of the Office of Territories is "to further international peace and security by conducting territorial affairs in close coordination with the defense policies of the United States." Accordingly, we could not and we will not object to the recommendations of the Point Paper, or to any other proposal seriously advanced as serving the strategic interests of the United States, simply because it departs somewhat from the settled pattern of the past or because it might be difficult of achievement.

In this instance, however, we suggest that the Navy recommendation may be based upon a misconception either as to what an act of incorporation means or as to what it will achieve. We do not know this, for the Point Paper is brief, but it may be helpful if we would comment on both aspects.

As a matter of law, an incorporated territory is one to which the Congress has expressly extended the provisions of the United States Constitution. By so doing, the Congress has been regarded as stating that the territory is an "inchoate state", and that it will in due course be admitted to the Union by the Congress, but only when it is "ready" for Statehood. Usually the period of time between incorporation and Statehood spans several decades (roughly five in the case of our two newest States), but this need not be the case. Indeed, it is not essential as a matter of law that an area be incorporated prior to its admission to the Union.

Because the act of incorporation has been regarded historically as the first step toward Statehood, we suspect that the legislative process of "incorporating" Guam as a territory today would be as

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difficult and almost as long a process as admitting it into the Union as a State or part of a State. Once "incorporated", the international legal status of the territory would not have been altered. (The United States reported to the United Nations on its administration of the former incorporated territories of Alaska and Hawaii because they were regarded as "non-self governing"). From the standpoint of the Guamanians, they will not have achieved anything new in the exercise of political power, since incorporated territories in the past have not elected their own governors; they have been subject to organic acts which can be amended or repealed at the whim of the Congress; and a Delegate to the House of Representatives is only customary, not mandatory, for incorporated territories. In short, the immediate political effect of incorporation would appear to us to be nil.

As we read the paper, the Navy's reasons for urging incorporation of Guam appear in paragraph 4, to forestall future subversion attempts and groom Guam for Statehood, and in paragraph 11 (given a construction which may not be accurate) to cause Guam to become incontrovertibly a part of the United States. Because, as stated above, we foresee no immediate political benefits for Guam resulting from incorporation, we are dubious that subversion attempts would be affected one way or another. Although incorporation would, indeed, lead toward Statehood, we do not see why that status would necessarily be helpful to the achievement of the Navy's goals. As for paragraph 11, we think Guam is, for all relevant purposes, a part of the United States. In short, we cannot see what incorporation per se would accomplish.

As you are aware, our legislative program includes a constitutional amendment which looks toward permitting United States citizens resident in the American territories to participate in Presidential elections. We have also proposed a bill which would provide delegates to the House of Representatives from Guam and the Virgin Islands. We have endorsed legislation authorizing Guam and the Virgin Islands to elect their own governors. These three proposals have direct political interest, application, and benefit to the people of Guam. These bills have popular support and are in the tradition of government by the consent of the governed. Enactment of any one would, we believe, do more to accomplish the Navy's goals as we understand them than the mere act of incorporation of the territory. In addition, we expect to ask the Congress to enact legislation to permit articles from the Trust Territory to enter the United States on the same favored basis as articles from the territories of the United States; to permit Trust Territory citizens to enter the mainland on approximately the same basis as U. S. nationals; and to permit appeals from the High Court of the Trust Territory through the Federal judicial system. We would, of course, welcome the support of all interested Federal agencies in achieving the enactment of these measures.

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We would welcome the opportunity to explore matters touched upon in the Point Paper, along with all possible alternatives, by meeting with or writing to any and all interested agencies. We shall await your pleasure or their's in this regard.

(Sgd.) Mrs. Ruth G. Van Cleve

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Enclosure

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