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TERRITORIAL POLITICAL DEVELOPMENT

Problem: To devise a political system which will (1) meet the self-government desires of the people of the three American territories; (2) be legislatively obtainable; (3) fit within the Constitutional framework of the United States; and (4) remove the American territories from UN scrutiny. For the moment leave aside item 4.

If we assume that independence does not meet the first criterion, we can also assume that statehood or a version of statehood does not meet the second criterion. "A version of statehood" would include the proposals to make the territories as a part of existing states. Judging from the Samoan and Guam reaction to the Fong proposal, the latter would not meet the first criteria as well. The Virgin Islands gave the same short shrift to a somewhat comparable proposal introduced by Congressman Bennett of Florida. A "commonwealth" status un Puerto Rico probably does not meet the second requirement.

The political disabilities of a U. S. citizen resident in one of the territories relate to his inability to choose the governor, to elect a voice in the U. S. Congress, and to participate in Presidential elections. A further civic disability is the impossibility of his writing or revising the basic charter of the territorial government through either constitutional convention or local referendum. At least in theory the constitutional residual authority of the Congress to legislate for the territory, including the right to amend or repeal without consultation the basic governmental charter, is a further disability. Lastly, the U. S. citizen resident in

the territory does not enjoy the full fundamental protection of the U. S. Constitution.

The political goals which have been articulated in Guam and the Virgin Islands at present are the election of the governor and election of some form of Congressional representation. Participation in Presidential election would seem to occupy a poor third in priority. Achievement of either or both of the first two objectives seems to be possible within a relatively brief time span. The third is much more speculative.

Further questions which need to be explored are whether the full protection of the U. S. Constitution might be legislatively extended to the territories without an act of "incorporation." Historically, the act of incorporating a territory has been a promise of ultimate statehood. Another question is whether the Congress will accept and enact as law a locally drafted constitution--in statehood admission fashion rather than Puerto Rican commonwealth fashion--although this would not overcome the Congressional role contained in Article IV of the Constitution.

If the full range of possibilities suggested above can be achieved, the territories would come close to the integration status defined in UN Resolution 1541; any lesser achievement would back away from meeting those standards. An examination needs to be made to determine the extent to which any of the "feasible" steps will meet the requirements of the fourth criteria--removal from UN scrutiny. It may be that nothing feasible will meet the requirements of the UN although full study should

be given the "constitutional" references in Resolution 1541. Each of the three American territories view their problems differently and each would articulate its political goals differently. The greatest differences, of course, are between Samoa and the two organized territories.

Turning to the Trust Territory, it will be difficult and undoubtedly costly in terms of political objectives to seek to elevate the Trust Territory to a status higher than the three American territories. In the first place the Trust Territory is less well equipped than any of the areas to govern itself. The "Micronesian self" is a figment of UN and U.S. imagination as has amply been demonstrated by the Saipan politicians before, during and after the Congress of Micronesia session.

Economically the Trust Territory could not support even the transportation and communication systems needed to keep the territory going. A leap-frogging over the "territorial status" of Guam and American Samoa would unquestionably not meet the requirements of criteria 2 and 3. Even more in the Trust Territory than in the three American territories, there is a need for careful analysis before plunging into a course of action with high political costs. Some of the factors to be considered are:

1. Any political solution short of independence will meet with widespread UN opposition.
2. As long as the U.S. has a "veto" in the Security Council, the present arrangement cannot be changed to our disadvantage.

3. Micronesians are currently reluctant to consider the question of political status beyond a generalized preference for association with the U. S.
4. The sooner a plebiscite is held, the sooner a more favorable vote for the U. S.
5. No plebiscite should be held without certain knowledge that the resolutions will be promptly implemented.
6. The post-plebiscite status will be largely determined by the status of the three American territories.

It seems to be fashionable to seize upon the Trust Territory as the problem. Probably because we have consistently provided State with more information on the Trust Territory and the level of UN interest has always been greater. An attempt to solve the Trust Territory problems, however, without first coping with the American territorial problem is a case of ignoring realities. The cart is before the horse. What is actually needed seems to me to be a careful exploration of the practical courses open to us, and whatever variations can be suggested, and then matching them against the criteria State feels the U. S. will have to meet in the UN.

It is interesting to note that, unlike the trusteeship provisions, of the United Nations Charter, Chapter XI/"Declaration Regarding Non-self-governing Territories," does not mention once the word "independence." Article 73 (b), in fact reads;

"to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its people and their varying stages of advancement."

Resolution 1541 does set some further tests for determining whether a territory is "self-governing." Our question is the extent to which those additional tests are in fact controlling.

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