



UNITED STATES
 DEPARTMENT OF THE INTERIOR
 OFFICE OF THE SECRETARY
 WASHINGTON, D.C. 20240

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Dear Mr. Aspinall:

This responds to your request for our views with respect to H.J. Res. 594 "To establish the Commission on the Future Political Status of the Trust Territory of the Pacific Islands (Micronesia)."

This Department wholeheartedly supports the purpose of H.J. Res. 594, and, in general, the procedural approach of the bill. We have, however, had the substance of this proposal under active, intensive consideration for a number of months, and, in the course of that consideration, we have developed a similar measure which has been agreed upon by the three Executive departments most vitally concerned with this matter. In view of these circumstances, we have enclosed, and we offer as a substitute for H.J. Res. 594, a draft of a joint resolution "Regarding the Status of the Trust Territory of the Pacific Islands."

As we will state further below, the people of Micronesia have become increasingly anxious to express themselves on the question of the future political status of the Trust Territory of the Pacific Islands. This is evidenced formally by House Joint Resolution No. 47 of the Congress of Micronesia, Second Regular Session, 1966, requesting the High Commissioner to petition "...the President of the United States of America to establish a commission to consult the people of Micronesia to ascertain their wishes and views, and to study and critically assess the political alternatives open to Micronesia...."

The enclosed proposed substitute measure would respond completely to that request from the popularly elected representatives of the people of the Trust Territory. It would further, in our very carefully considered judgment, meet as completely as is possible the requirements of the several and diverse Federal interests represented by the interested Departments and other agencies of the Executive branch.

Because we are proposing a substitute measure, we will not address ourselves to the details of H.J. Res. 594, but will detail below the background, together with our reasons and justification, for the proposed measure we have put before you.

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On July 18, 1947, by Joint Resolution, the Congress approved the Trusteeship Agreement between the United States and the Security Council of the United Nations, pursuant to which the United States has since administered the area known as the Trust Territory of the Pacific Islands. The Trust Territory, comprising the Mariana, Caroline, and Marshall Islands, involves over two thousand islands in the Western Pacific, and has a population of over 93,000. Since 1951, the Secretary of the Interior, by designation of the President has been responsible for the administration of the Trust Territory.

The Trust Territory occupies a unique relationship to the United States. United States sovereignty does not extend to the area, but the United States does have "full powers of administration, legislation, and jurisdiction" over the territory (Article 3 of the Trusteeship Agreement). The people of the Trust Territory are aliens as to the United States; yet the United States affords to them diplomatic protection when they travel abroad (Article 11). The Trust Territory is a foreign area for purposes of United States customs and tax laws, but the United States could, if it chose, cause these and other United States laws to apply there as fully as in the States (Articles 3 and 9).

The Trusteeship Agreement is silent as to its duration. It cannot be altered without United States consent (Article 15). Additionally, the Agreement contains no provisions concerning the procedure for its termination. The uniform United Nations practice, however, with respect to the termination of trusteeship status for other areas, indicates that an expression of opinion from the residents of the Trust Territory, in the form of a United Nations-supervised plebiscite, would probably be an essential. A copy of the Trusteeship Agreement is enclosed for ease of reference.

The United States has, through the Secretary of the Interior, created a Government of the Trust Territory which is similar in many respects to American territorial governments elsewhere. Its chief executive, the High Commissioner, by virtue of Public Law 90-16, is a Presidential appointee subject to Senate confirmation; its popularly elected territorial legislature has extensive legislative powers; its independent judiciary is headed by appointees of the Secretary of the Interior, but is largely manned by natives of the area. As in the case of American Samoa, there is no appeal from final decisions of the highest court in the Trust Territory to the Federal judicial system. The Government of the Trust Territory is financed very largely by means of Federal grants which for the last three years have approximated \$17,500,000 annually. The Congress has increased the authorization for such grants to \$35,000,000 a year for fiscal years 1968 and 1969 through enactment of Public Law 90-16. The actual appropriation for FY 1967 was \$19.2 million, and for FY 1968, \$24 million.

On the matter of political development of the Trust Territory, the Trusteeship Agreement, in the first paragraph of Article 6, requires that the United States

"foster the development of such political institutions as are suited to the trust territory and shall promote the development of the inhabitants of the trust territory toward self-government or independence as may be appropriate to the particular circumstances of the trust territory and its peoples and the freely expressed wishes of the peoples concerned; and to this end shall give to the inhabitants of the trust territory a progressively increasing share in the administrative services in the territory; shall develop their participation in government; and give due recognition to the customs of the inhabitants in providing a system of law for the territory; and shall take other appropriate measures toward these ends."

The United States is, in our judgment, meeting these objectives of political development in timely fashion. We have been and are fostering the development of political institutions and promoting self-government by, among other things, the creation and utilization of legislative bodies at all levels of the territorial government - municipal, district, and territory-wide. The people of the Trust Territory have shared and are sharing increasingly in the administration of the area through employment in the executive branch. For example, a Micronesian has recently been appointed as a District Administrator, several others serve as Assistant District Administrators and, at the Headquarters, a Micronesian was recently designated as Deputy Assistant Commissioner for Resources Development. We have given due recognition to the customs of the inhabitants in providing a system of law, as evidenced by provisions of the Trust Territory Code which recognize customs as having the status of law, in the absence of written statutes.

We have not yet sought to elicit "the freely expressed wishes of the peoples concerned" as to the political status they would prefer. But in light of the evidence that the people of the Trust Territory are increasingly anxious to express themselves on this issue, we believe that the United States Government should promptly take action on this subject. In August of 1966, the Congress of Micronesia expressly requested that we do so. By overwhelming majorities in each house of that Congress, a resolution was adopted which stated in part that "this generation of Micronesians should have an early opportunity to determine the future constitutional and political status of Micronesia." The resolution called for the creation of a Presidential commission to assess the political alternatives open to Micronesia and to ascertain the wishes and views of the Micronesians. The full text of the pertinent resolution, H.J. Res. No. 47, is enclosed.

The enclosed joint resolution, if enacted, will respond to the request of the Congress of Micronesia. It will respond in what we believe will be a most comprehensive and effective manner. We think it is important, if we are to accept the responsibilities inherent in the undertaking requested by the representatives of the people of Micronesia, and as proposed by the joint resolution, that from the very beginning we devote our best efforts and our combined resources to the task. It is our hope that the Congress will, by enactment of the joint resolution, join in this effort.

Until an effort has been made to identify the status options which are realistically available to the Micronesians, it seems to us premature for representatives of the United States to discuss officially status options with them. We would anticipate that among the options available to the Micronesians, when they are asked to participate in a plebiscite, would be sovereign independence. Article 6 of the Trusteeship Agreement, quoted above, implies that this should be so. Additionally, there is evidence that certain Micronesians believe that some form of permanent association with the United States is the most attractive status alternative. Indeed, Micronesians in increasing numbers have attempted to sort out for themselves some of the possible forms which Trust Territory-United States association might take. They have received little assistance from us in this pursuit, for the Department of the Interior has been reluctant to articulate the possibilities, because of our concern that some such possibilities may not be realistically available. Too, prior to the recent inception of the Congress of Micronesia, there was no force around which political opinion could coalesce. Happily this is no longer the case, and, as H.J. Res. No. 47 indicates, it is the Micronesian people who are now seeking, at an accelerating pace, the resolution of their political status.

If the people of the Trust Territory incline toward permanent political association with the United States, the form of that association is a matter ultimately for the Congress of the United States to act upon. It is because of this basic Congressional responsibility that we have proposed the enclosed draft legislation authorizing the participation in a status commission of representatives of the United States Congress. Without such participation, it would be difficult for the proposed commission to arrive at, in the words of the Congress of Micronesia resolution, "meaningful proposals of the political and constitutional alternatives open to the people of Micronesia."

Specifically, the joint resolution begins with a series of seven recitals, the first four of which reflect the basic relationship of the Trust Territory to the United States and our obligations to the Trust Territory. The fifth acknowledges the request of the Congress of Micronesia that a commission be created; the sixth announces the desire of the President to create such a commission and to invite Congressional participation; and the seventh recognizes the recent

Congressional action we have already noted which we believe evidences Congressional support of an intensive program to promote the political, economic, social and educational advancement of the Trust Territory.

Section 1 states that "it is the sense of Congress that whatever steps may be necessary shall be taken to provide for such a degree of self-government" as will permit the Micronesians to participate in the foreseen plebiscite. This language means that, on the day they go to the polls to vote on their political future, the Micronesians must know what the consequences of their vote will be. If they vote to associate with the United States, they must know with reasonable certainty the terms of that association. Differently stated, they must know just what "degree of self government" will be theirs, under whatever option in the plebiscite they choose.

Section 1 also provides that this plebiscite, this occasion on which the people of the Trust Territory will "express their wishes. . . on the future status of the Trust Territory," will be held "as soon as possible, and not later than June 30, 1972." As these words indicate, it is our hope that the plebiscite will in fact be held earlier than 1972. This Department would prefer 1969 or 1970. But in any event, it should in our judgment be held within the next five years.

Section 2 provides that in addition to eight members of the Commission to be appointed by the President, there shall be eight Congressional members representing the Committee of the House and Senate most concerned. The Senate Committees on Interior and Insular Affairs, Foreign Relations and Armed Services, and the House Committees on Interior and Insular Affairs, Foreign Affairs, and Armed Services, are specified. The section also provides that the President shall appoint an additional member who shall be the Chairman.

Section 3 requires the Commission to study and assess all factors bearing upon the future of the Trust Territory, and to submit recommendations to the President and to the Congress of the United States concerning the best means to obtain the objective set forth in section 1. Section 3 requires that the submission must be made within eight months after funds are appropriated and made available to the Commission.

Section 4 provides for the detail of employees to the Commission, the hiring of technical or expert personnel, and for the payment of travel expenses of the Commission members, and per diem in lieu of subsistence.

Section 5 authorizes the appropriation of not to exceed \$200,000 to be available until expended, for the purposes of the Commission. This amount should permit necessary travel to, from and through the Trust Territory by members of the Commission, travel to and from Washington by public members, assuming that there will be such, and by Micronesian

members of the Commission, if any; a staff, for approximately 12 months, consisting of the Executive Secretary and one secretary; and all other necessary expenses of the Commission such as communications, printing and supplies.

The Bureau of the Budget has advised that this report and the enclosed substitute proposal are in accord with the President's program.

Sincerely yours,

Secretary of the Interior

Hon. Wayne N. Aspinall
Chairman, Committee on Interior
and Insular Affairs
House of Representatives
Washington, D. C. 20515

Enclosures

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