



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

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Dear Mr. Speaker:

Enclosed herewith is a proposed bill "To establish a commission on the Status of the Trust Territory of the Pacific Islands."

I recommend that the bill be referred to the appropriate committee for consideration and I urge that it be enacted.

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 90,000. 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), and it will presumably continue indefinitely until the parties agree to its termination. 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.

The United States has, through the Secretary of the Interior, created a Government of the Trust Territory which is similar in many respects

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to American territorial governments elsewhere. Its chief executive, the High Commissioner, is appointed by the Secretary of the Interior; 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 and appropriated funds, currently running at the level of approximately \$17,500,000 per year. About \$400,000 in local revenue was collected, in addition, during the most recent fiscal year.

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 Trust Territory 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.

In our judgment, the action sought by the Congress of Micronesia can most effectively and expeditiously be commenced by the creation of a commission, so constituted as to represent the views of both the Government of the United States and the people of the Trust Territory, which commission would (a) assess the alternatives as to political status which are open to the people of Micronesia; (b) consult with the people of Micronesia so as to ascertain their wishes and views; (c) formulate recommendations as to the future political status of the Trust Territory and the procedure required to achieve that status; and (d) submit a report containing such recommendations to the President of the United States, the Congress of the United States, and the Congress of Micronesia. Such report would be submitted no later than 6 months following the commission's initial meeting.

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, it may prove desirable to afford to the Micronesians the chance to choose the alternative of perpetuating the trusteeship. We understand that there is some sentiment now to the effect that it is too early for the Micronesians to be asked to decide upon their political future. 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 for this reason important, in our judgment, that the Congress be represented on the proposed commission, so as to assist in the assessment of the status alternatives. The association alternatives are in theory very numerous. They surely include the many forms which the United States has provided in the past: territorial status, either incorporated or unincorporated; commonwealth status, as in the current case of Puerto Rico; admission to the Union, as a State. But they include variations or combinations of these forms, all of which ought to be considered by representatives of the Micronesian people, of the interested agencies of the executive branch of the United States Government, and of the Congress of the United States. It is because of the need for this three-way involvement that we have proposed the enclosed draft legislation authorizing the participation in a status commission of representatives of the United States Congress, the executive branch and representatives of the Micronesian people. Without such tripartite 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, section 1 of the bill establishes the Commission on the Status of the Trust Territory of the Pacific Islands, and section 2 states that the purpose of such Commission is to study the alternatives as to political status open to Micronesia, and, through consultation, assess the views of the people of Micronesia toward such alternatives.

Section 3 provides that the Commission shall be composed of fifteen members: three members of the Senate; three members of the House of Representatives; three members of the Senate of the Congress of Micronesia; three members of the House of Representatives of the Congress of Micronesia; and three members of the Federal executive branch.

Section 4 provides for the organization and operation of the Commission. The section provides in part that members of the Commission who are members of the United States Congress, or who are representatives of the executive branch, shall serve without additional compensation, but that the Commission members who are members of the Congress of Micronesia shall receive \$50 per diem when engaged in Commission duties. All members of the Commission shall be reimbursed for travel, subsistence, and necessary expenses in the performance of such duties.

Section 5 sets forth the specific duties of the Commission and requires that a report be made by the Commission to the President, the Congress, and the Congress of Micronesia no later than 6 months following the Commission's initial meeting.

Section 6 sets forth certain powers of the Commission including the authority to obtain information it deems necessary to carry out its functions from any executive branch department, agency or instrumentality. The section also authorizes such departments, agencies, or instrumentalities to provide such information. It does not direct them to do so, inasmuch as agencies may find it necessary to withhold classified documents.

Section 7 authorizes the appropriation of not more than \$150,000, to remain available until expended, for the purpose of carrying out the provisions of the bill. The section also authorizes the Commission to appoint and fix the compensation of an Executive secretary and such other personnel as may be necessary to enable the Commission to carry out its functions without regard to the civil service laws, rules and regulations.

It is contemplated that the sum of \$150,000 would be sufficient to permit one trip to, from and through the Trust Territory by each of the non-Micronesian members of the Commission (potentially nine); one trip to and from Washington by each of the Micronesian members; 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.

We are convinced that this proposal is a matter of great importance and timeliness, both to the United States and to the people of Micronesia. We are hopeful, therefore, that the Congress will give this proposal prompt and favorable consideration.

The Bureau of the Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely yours,

Secretary of the Interior

Hon. John W. McCormack
Speaker of the
House of Representatives
Washington, D. C.

Enclosures

A B I L L

To establish a Commission on the Status of the Trust Territory of Pacific Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, because the people of the Trust Territory of the Pacific Islands, through their elected representatives in the Congress of Micronesia, have expressed a desire to have established a commission to consider the future political status of the Trust Territory, the Congress of the United States hereby establishes the Commission on the Status of the Trust Territory of the Pacific Islands.

Declaration of Purpose

SEC. 2. The Congress of Micronesia, noting its view that this generation of Micronesians should have an early opportunity to determine the future constitutional and political status of Micronesia, resolved in August 1966, that a commission be established in order to consult with the people of Micronesia so as to ascertain their wishes and views, and in order to study and assess critically the political alternatives open to Micronesia. The Congress of the United States, noting the responsibilities of the Government of the United States to the people of Micronesia under the Trusteeship

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Agreement between the United States and the Security Council of the United Nations, concurs in such views and believes that a commission comprised of representatives of the Congress of Micronesia and of the Government of the United States can effectively undertake such consultation and assessment.

Commission on the Status of the Trust Territory of the Pacific Islands

SEC. 3. The Commission on the Status of the Trust Territory of the Pacific Islands (hereinafter referred to as the "Commission"), shall be composed of fifteen members, as follows:

- (a) Three members of the Senate of the United States Congress, to be appointed by the President of such Senate;
- (b) Three members of the House of Representatives of the United States Congress, to be appointed by the Speaker of such House of Representatives;
- (c) Three members of the Senate of the Congress of Micronesia, to be appointed by the President of such Senate;
- (d) Three members of the House of Representatives of the Congress of Micronesia, to be appointed by the Speaker of such House of Representatives; and
- (e) Three representatives of the executive branch of the United States Government, to be appointed by the President.

SEC. 4. (a) The President shall appoint a chairman from among the members of the Commission.

(b) Any vacancy which may occur on the Commission shall not affect its powers or functions, but shall be filled in the same manner in which the original appointment was made.

(c) The initial meeting of the Commission shall be held no later than 60 days after the date of enactment of this Act, at such time and place as may be specified in a call issued by the chairman.

(d) Eight members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings. Each member of the Commission who is a member of the United States Congress may be represented on the Commission from time to time by a representative of his choosing, and each such representative while acting in that capacity shall have the full powers and duties of a member of the Commission.

(e) Members of the Commission who are members of the United States Congress or who are representatives of the executive branch of the United States Government shall serve without additional compensation. The members of the Commission who are members of the Congress of Micronesia shall each receive \$50 per diem when engaged in the actual performance of duties vested in the Commission. All members of the Commission shall receive reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

Duties of the Commission

SEC. 5. The Commission shall

(a) assess critically the alternatives as to political status open to the people of Micronesia;

(b) consult with the people of Micronesia so as to ascertain their wishes and views;

(c) formulate recommendations as to the future political status of the Trust Territory and the procedure required to achieve that status; and

(d) submit a report containing such recommendations to the President of the United States, the Congress of the United States, and the Congress of Micronesia, no later than six months following the initial meeting of the Commission.

Powers of the Commission

SEC. 6. (a) The Commission or, on authorization of the Commission, any committee of two or more members, at least one of whom shall be a member of the Congress of Micronesia, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable.

(b) The Commission is authorized to obtain from any department, agency, or instrumentality of the executive branch of the Government of the United States any information it deems necessary to carry out its functions under this Act, and each such department, agency, and instrumentality is authorized to furnish such information to the Commission upon request made by the Chairman or the Vice Chairman when acting as Chairman.

Appropriations and Personnel

SEC. 7. (a) There are hereby authorized to be appropriated such sums, but not more than \$150,000, as may be necessary to carry out the provisions of this Act, and such moneys as may be appropriated shall be available to the Commission until expended.

(b) The Commission is authorized to appoint and fix the compensation of an Executive Secretary and such other additional personnel as may be necessary to enable the Commission to carry out its functions, without regard to the civil service laws, rules, and regulations, but any Federal employee subject to those laws, rules, and regulations, who may be detailed to the Commission (which detail is hereby authorized) shall retain his civil service status without interruption or loss of status or privilege.

A HOUSE JOINT RESOLUTION

Requesting the High Commissioner, through the Secretary of the Department of the Interior, to petition the President of the United States of America to establish a Commission to ascertain the political desires of the people of Micronesia, and to develop and recommend procedures and courses of political education and action, with such alternatives as may be applicable and appropriate, to lead to the attainment of such desires and determination of the political status of Micronesia.

WHEREAS, the Micronesian people should freely exercise their sovereign right of self-determination as set forth in the Trusteeship Agreement between the United Nations and the government of the United States of America; and

WHEREAS, the Congress of Micronesia believes that this generation of Micronesians should have an early opportunity to determine the ultimate constitutional and political status of Micronesia; and

WHEREAS, such determination should be made on the basis of meaningful proposals of the political and constitutional alternatives open to the people of Micronesia; now, therefore,

BE IT RESOLVED by the House of Representatives of the Congress of Micronesia, Second Regular Session, 1966, the Senate concurring, that the High Commissioner, and through him the Secretary of the Department of the Interior, be and are hereby enjoined to use their good offices 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; and,

BE IT FURTHER RESOLVED that said commission report its findings to the President of the United States of America no later than December 31, 1968.

Adopted, August 9, 1966

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JOINT RESOLUTION

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Regarding the Status of the
Trust Territory of the Pacific Islands

Whereas the United States is the Administering Authority of the Trust Territory of the Pacific Islands, pursuant to the Trusteeship Agreement between the United States of America and the Security Council of the United Nations; and

Whereas the United States, in the Trusteeship Agreement, undertook a solemn obligation to "foster the development of such political institutions as are suited to the trust territory" and to "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 people concerned;" and

Whereas the United States, in the Trusteeship Agreement, further undertook a solemn obligation to promote the economic, social, and educational advancement of the inhabitants of the Trust Territory; and

Whereas the United States is dedicated to the principle of government by consent of the governed; and

Whereas the Congress of Micronesia has petitioned the President 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; and

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Whereas the President has proposed to establish a commission in response to such petition and has invited Congressional participation; and

Whereas the Congress by enacting Public Law 90-16 has evidenced its support for an intensive program to promote the political, economic, social and educational advancement of the Trust Territory: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, 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 people of the Trust Territory freely to express their wishes as soon as possible, and not later than June 30, 1972, on the future status of the Trust Territory.

SEC. 2. In addition to eight members of the Commission to be appointed by the President, the appointment of eight members of Congress to serve on the President's Commission on the Status of the Trust Territory is hereby authorized. Four of such members shall be appointed by the President of the Senate, two to be from among the members of the Senate Committee on Interior and Insular Affairs, and one each from among the members of the Committees on Foreign Relations and Armed Services; and four shall be appointed by the Speaker of the House of Representatives, two to be from among the members of the House Committee on Interior and Insular Affairs, and one each from among the members of the Committees

on Foreign Affairs, and Armed Services. An additional member shall be appointed by the President, and shall serve as Chairman.

SEC. 3. The Commission shall study and assess all factors bearing upon the future of the Trust Territory and shall consult as appropriate with representatives of the people of Micronesia. The Commission shall, no later than eight months after funds for the Commission are appropriated and made available to the Commission, 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.

SEC. 4. Employees of the Executive branch may be detailed to assist in the work of the Commission, with or without reimbursement. Any member of the Commission who may be appointed by the President from among the public shall be compensated \$75 per diem for his services when engaged on Commission business, and all members shall be entitled to reimbursement for actual travel and per diem in lieu of subsistence when engaged on Commission business. The Commission is authorized to procure services as authorized by 5 U.S.C. 3109.

SEC. 5. There is authorized to be appropriated out of moneys in the Treasury not otherwise appropriated such funds as may be necessary for the purpose of carrying out the provisions of this joint resolution, but not to exceed \$200,000, to be available until expended.