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Memorandum of Conversation

EXCISE

REVIEWED BY

hues

DATE 3/17/81

DATE: May 1, 1969

REASON FOR DECLASS. DATE

EXEMPTION(S)

ENCLOSURE MARKINGS

DECLASSIFIED/RELEASABLE

RELEASE DENIED

PA or FOI EXEMPTIONS

SUBJECT: Possible Legal Action on Behalf of the Micronesians

BIAS

PARTICIPANTS: Professor Harrop Freeman - part-time Professor of Law at Cornell; prospective legal representative for the people of Micronesia  
William H. Gleysteen - IO/UNP  
Samuel R. Peale - IO/UNP

COPIES TO:

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- IO - Mr. De Palma
- IO:UNP - Miss Brown
- Mr. Gleysteen
- EA/ANZ - Mr. Blackburn
- EA/J - Mr. Herndon

- INR/REA - Miss Hubbard - 10
- C - Mr. McHenry
- Interior - Mrs. Farrington

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Professor Freeman identified himself as a part-time Professor of Law at Cornell; a frequent advocate of civil liberties cases; a representative of Quaker interests at the United Nations; and a former professor of Secretary Rogers.

Professor Freeman said that, as a result of his involvement in a conference on Japan/China questions, which included a discussion of the Okinawa problem, Micronesian friends of his had approached him to express their concern about the possible relocation of US military facilities in the TPI and the threat which they felt such a redeployment posed for the Micronesians. At their request Professor Freeman went to Saipan to discuss the situation and to offer his advice. He stated that he had talked with over twenty of the members of the Congress of Micronesia; that he had seen and heard things unfortunately reminiscent of the Indian situation; and that as a result he had agreed to act as the representative of the Micronesian people, both to settle past grievances and to prevent further deprivation of their rights. As examples of the former, he mentioned the treatment of the Micronesians on Kwajalein, Eniwetok and Bikini; the public lands held by the Administration, the use of which was denied the Micronesians and for which they should be paid rent; the war claims (which he felt his pressure had helped to settle) and pre-war claims. As for

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preventing future abuses, he was primarily concerned with possible military deployment, land acquisition and so on, but he also mentioned exploitation of Micronesian resources -- in particular, the sea.

As for his plans in handling this matter, Professor Freeman said that he had already been in touch with both the UN Secretariat staff and some of the national representatives on the Trusteeship Council and that this would be his first avenue of approach. He did say, however, that he was prepared to take a case before the International Court and that seeking the attention of the Security Council was another possibility. He claimed that both Ambassador Goldberg and Senator Morse had agreed to associate themselves with him in this effort, with each to advise on his particular area of expertise -- the United Nations and the Congress. Ambassador Goldberg hoped that the use of the International Court and the Security Council would not be necessary, but Professor Freeman emphasized they could not be ruled out. In any case, he wanted to know the Department's position on these complaints he had raised, the tactics he proposed to follow, and our thoughts about the possibility of renegotiating the Trusteeship Agreement.

Mr. Gleysteen, commenting first on the possibility of redeployment in the TTPI, said that we had the right to locate such facilities there now under the terms of the Agreement and that any decision to do so would depend on a variety of factors involving our posture in the Pacific as a whole -- not just on narrow Micronesian considerations. Professor Freeman questioned our right to establish such facilities just on the basis of our own strategic needs; he believed a case could be made that our first responsibility was to the Micronesians.

Mr. Gleysteen said that, as with most of Professor Freeman's points, there was a strong element of legal judgment on which he, as a non-lawyer, could not give anything more than a personal view. Mr. Gleysteen said that the United States was certainly aware of its obligation to the Micronesians under the Trusteeship Agreement and that while we were not sure of their attitudes toward bases, we did not feel bases were by definition bad -- for the Micronesians or anyone else. In any case, Professor Freeman should be able to agree with the view that there was no inherent contradiction between the welfare of the Micronesians and our strategic posture. Professor Freeman seemed to accept this point.

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As to the possibility of renegotiating the Agreement, Mr. Gleysteen said that we had not really given this much thought and questioned the seriousness of the Micronesians about this particular idea. Rather we, and apparently the Micronesians as well, were interested in examining long-range and more permanent solutions for the future of the TTPI. We felt the idea of renegotiating the Agreement would fall on rather barren ground -- not only in Washington, but also in Micronesia unless our more basic proposals proved totally unacceptable.

Regarding specific complaints which Professor Freeman had raised, Mr. Gleysteen said that the Professor should not assume that we necessarily disagreed with him; in fact, we were not shy to criticize US administration of the Territory, and we would wish him every success in attempting to correct any wrongs. Mr. Gleysteen did say that he thought our previous record regarding taking of land in Bikini, Kwajalein and elsewhere needed to be placed in historical perspective and that this problem would be manageable in the future.

Mr. Gleysteen asked for Professor Freeman's reading of the Micronesian attitudes on matters such as bases. Freeman responded that in Saipan, and perhaps in the Marianas as a whole, they would be receptive -- if they could make their own deal. In Palau the sentiment in opposition was very strong, with the resulting danger of the people opting for independence or even some form of association with Japan. Professor Freeman thought the sentiment in both Truk and Ponape was strongly against bases, but at the same time they wished to continue some form of association with the United States. Finally, in the Marshalls (no mention was made of Yap), although there were strong feelings about the nature of past treatment and opposition to hardware constantly landing in their lagoons, Professor Freeman felt the people would be willing to work out arrangements -- for a price.

Mr. Gleysteen asked if this diversity of views on this important issue was not symptomatic of one of the basic problems in the TTPI -- of trying to find a common voice to listen to -- and to deal with. Professor Freeman agreed, but said on many

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issues Micronesians were seeking a common view, and doing so successfully. For example, their Status Commission's recommendations were carefully balanced to represent a variety of views. He agreed that a unified position was very important and said it was for this reason that he was insisting that all members of the Congress of Micronesia authorize his status as their legal representative. He expected this to be accomplished either through a joint resolution of the Congress or by each member signing his retainer -- with this approval to take place in July. Until he had such support he would not proceed. Professor Freeman further agreed with Mr. Gleysteen's view that what was needed was a dialogue between responsible and representative Micronesians, speaking for the people as a whole, on the one hand and US officials on the other. Anything less was only dismissed as the views of radicals or profit-seekers -- and only served to weaken otherwise legitimate positions.

Comment: Although obviously a habitual defender of "oppressed peoples", Professor Freeman appeared sincere in his desire to help the Micronesians. He said that no costs would be assessed to the Micronesians and that he had no need to make a profit from the case. [

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He admitted that his retainer was still not firm and his research barely begun. Moreover, in appearing to agree that US and Micronesian interests were not inherently in conflict, he seemed to be leaning to some sort of "out of court" settlement of past grievances and assurances regarding the future rather than any major confrontation between the United States and the Micronesians.

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