

PEACE CORPS / MICRONESIA

TRUST TERRITORY OF THE PACIFIC ISLANDS

May 3, 1969

Headquarters
P. O. Box 392
Saipan, Mariana Islands
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MEMORANDUM FOR THE RECORD

FROM: Jerry Fite, Program Officer, PC/Micronesia

SUBJECT: Cancellation of Micro VIII Volunteer Attorneys

After sleeping on this one for two nights and after considerable contemplation, I hope any initial overreaction to the news that the Peace Corps has cancelled Micronesia's request for seven Volunteer attorneys has been replaced, on my part, by reasonable concern.

Obviously, clarification of the reasons for the cancellation is needed. From this end, there seems to be only one plausible explanation: the often-cited charge of "activism" on the part of the attorneys. Lack of need cannot be the reason, for the urgent necessity of legal assistance in all facets of the legal field in Micronesia has been thoroughly and repeatedly documented, concurred in and approved by the Attorney General, the Chief Justice, the Congress of Micronesia, District Administrators, District and Municipal Legislatures, Peace Corps staff and the High Commissioner. Documentation of the need for attorneys was sufficient to warrant PC/M's total request being placed on the matrix after our program review.

An effort to reduce the number of Volunteers in Micronesia cannot logically be the rationale. Granted, there may well be too many Volunteers, but this problem could be more effectively attacked by reducing the large number of Volunteer generalists (220) matrixed for Micro VIII than by removing seven professionally-skilled Volunteers.

Why were attorneys programmed in the first place? First, only Volunteer attorneys have been explicitly and emphatically requested by Micronesian leadership. This leadership has been consulted, and their advice heeded, in other areas of Volunteer activity. But other requests have invariably been initiated by the Trust Territory administration. The Congress of Micronesia passed a resolution in their January session specifically documenting the need for attorneys and requesting the Peace Corps to meet this need. The Congress' request was concurred in by the Trust Territory administration which added a supplemental request for attorneys to work under the Attorney General and his staff and the Chief Justice and his staff.

Secondly, a legal education program was devised in December, 1968, at a three-day conference of Volunteer attorneys, the Chief Justice, the Attorney General and the Legislative Counsel of the Congress of Micronesia. This program, jointly sponsored by the three branches of government, aimed to upgrade the skills of Micronesians already employed in legal areas (most of them only high school graduates) and to assist promising students in qualifying for law schools and in obtaining scholarships for formal legal education. If this

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program is to go into effect, the Micro VIII attorneys are needed to replace those completing their service this summer.

A third factor is the increasing emphasis by Peace Corps world-wide, endorsed by PC/M, on professionalism among Volunteers. It has been our experience that professionally skilled Volunteers do meet the three purposes of the Peace Corps Act, and are generally exceptionally successful in meeting purposes two and three because they succeed so well in fulfilling purpose one. Professionally-trained Volunteers are essential to our goal, as expressed in our Program Memorandum and our Project Descriptions, of increasing the effectiveness of the Peace Corps in Micronesia while reducing the overall number of Volunteers.

What about activism? While there are isolated cases where Volunteers have not used the best judgement in attempting to solve existing problems between Micronesians and the Trust Territory administration, this has rarely been true of Volunteer attorneys. Volunteer lawyers have been accused of "political activism" when they have brought it to the attention of the administration that due process was not granted to a Micronesian, or have informed Micronesians, at their request, of their rights as guaranteed in the Trusteeship Agreement.

Volunteer attorneys have been accused of influencing legislation by local Legislatures and the Congress of Micronesia. This simply is not true. First, our attorneys are carefully selected and have all received quality legal training. Their moral obligations to their profession are not deferred because of Volunteer status. Secondly, this accusation reflects the attitude of kindly condescension with which responsible Micronesians are often regarded by Americans. Micronesian politicians, as a whole, are exceptionally intelligent and capable leaders who do not operate at the whim of a fresh-faced recent law school grad. The fact of the increasing involvement of Micronesian legislators in the affairs of Micronesia must be recognized by the United States as the fruits of the efforts of the U.S. government to prepare Micronesians to accept and appreciate democracy. To place responsibility for the growing awareness and influence of Micronesian leaders on Volunteer attorneys is not only inappropriate, it is a tactical error that has serious implications for the future relationship between Micronesia and the United States.

In a recent editorial in the Guam Daily News, the editor half-seriously credited the Peace Corps with the increase in Micronesian participation in their political affairs over the past three years. The editorial said, in part, "I don't know if it is good or bad. But isn't it strange that the Micronesians were a docile, meek, compliant sort of people -- until about three years ago. It was then they started to arch their back, and make anti-American noises, and started to talk about such things as independence ..."

Unfortunately the editor, as with most Americans in Micronesia, dismissed the significance of the founding, only a little more than three years ago, of the Congress of Micronesia. It must be understood that the editor's words accurately reflect prevalent opinion, and it is frightening to study the words. The implication is that everything would be fine if Micronesians would return

to their meek, docile, compliant ways.

And is it Newthink, thought control, or merely a perverse kind of logic that inspires such chilling words as: "... anti-American noises ... independence."

I facetiously said, about two years ago, when concern about the "bland" Volunteer was still being tossed about, that Micronesia had no bland Volunteers, not because we were blessed by selection, but because Micronesia will not allow a Volunteer to be bland. I believe that more firmly now, and I am no longer facetious. When the kind of activism that congers up visions of burning, looting and killing is applied to Volunteers who are educating people to insist upon and assume their legal rights regarding property, self-government and individual fulfillment, I can only think of the words another American activist said, "I tremble for my country when I reflect that God is just." But there are those who would contend that Jefferson did not have the political realities to deal with in his day that tinge efforts at fulfilling the present-day democratic way of life. Unless the rules have changed, Volunteer "activism" is whole-heartedly, reverently, pro-American.

What are the implications of cancelling the Volunteer Attorney Program? First, it means that the installation of justice in Micronesia for all will be seriously delayed, if not cancelled. Not only will Micronesians have no legal resource, the administrative burden of the Trust Territory and the Judiciary will be multiplied.

Secondly, if we respond to the invariable "why?" of Volunteers with the fact that the program was summarily cancelled by Washington, Volunteers will be convinced that the action is indicative of the utilization of the Peace Corps as a part of American policy in Micronesia not contained in the Trusteeship Agreement. There will be mass resignations among Volunteers, there will be petitions and news stories. There may be staff resignations.

If we attempt to justify the action on program grounds or on availability we will not be telling the truth.

We will be cancelling the program which has most clearly been designed at the request of Micronesians. We will not, in the future, be able to tell Micronesians in good conscience that "the Peace Corps has no programs, we respond to your requests to meet your needs."

Peace Corps/Micronesia will have assumed a political position.

What alternatives are available? I think there are only two:

1. Restore the seven attorneys for Micronesia assignment;
2. Eliminate the Peace Corps from Micronesia.

I hold even more firmly a belief I first stated two months ago. Under the present conditions, the Peace Corps cannot operate in Micronesia without denying the principles upon which the agency is based and was created.

We have worked under practically every kind of government. Peace Corps Volunteers have served successfully under dictatorships, royalty, even under Communist-inspired leaders. Apparently the only system not applicable for the Peace Corps is our own.

In agreement with Jerry's statement
Donald E. Heitcock