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7-11-69

TO : U - Mr. Richardson  
THROUGH: S/S  
FROM : L - Carl F. Salans  
SUBJECT: Interior's Organic Act of Micronesia -  
INFORMATION MEMORANDUM

Conclusion

The draft "Organic Act of Micronesia" prepared by the Department of the Interior would not, in our view, achieve the United States objective: that is, to enable the United States, consistent with our obligations under the Charter, to terminate U.N. supervision of the Trust Territory. The draft Act does not provide "a full measure of self-government" for the Territory; therefore, under Article 73 of the Charter, we would be obliged to report to the U.N. General Assembly on our administration of the Islands. Moreover, the draft Act would not discharge our treaty obligations under Article 76 of the Charter which require the U.S. "to promote...progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory" and, like obligations under Article 6 of the Trusteeship Agreement.

Discussion

The draft Organic Act would constitute the Islands as an unincorporated territory of the United States.

(a) The executive authority would be vested in a Governor and Lt. Governor not popularly elected but appointed by the President.

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(b) The Governor would have the right to veto Micronesian Congress legislation on any subject whatsoever. If the Micronesian Congress overrode a gubernatorial veto the President still would have an absolute veto as to any matters affecting the "national defense or national interest of the United States."

(c) The judicial authority would be vested in a District Court Judge also appointed by the President.

(d) Members of the Micronesian Congress would be elected directly but would be sworn to support the Constitution and laws of the United States.

The significant provisions of Interior's proposal are summarized at Tab A. The text of the draft Organic Act is at Tab B.

Thus, if the U.S. were to terminate the Trusteeship Agreement following adoption of this Organic Act, the Islands would become a "non-self-governing territory". The U.S. would be bound to report to the U.N. by Article 73 of the Charter on the administration of the Territory. The supervisory organs of the U.N. for "non-self-governing territories" are the General Assembly, its Fourth Committee and the Committee of Twenty-four, rather than the Trusteeship Council.

Attachments:

Tab A - Summary of Interior's proposal  
Tab B - Interior's draft Organic Act

cc: IO - Mr. DePalma

L/UNA:HR:is:McCisin:dws Ext. 3782, 2/11/69

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