



DEPARTMENT OF DEFENSE  
OFFICE OF GENERAL COUNSEL  
WASHINGTON, D. C. 20301

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14 August 1969

MEMORANDUM FOR CHIEF, INTERNATIONAL AFFAIRS DIVISION  
OJAG, DEPARTMENT OF THE ARMY

DEPUTY ASSISTANT JUDGE ADVOCATE GENERAL  
INTERNATIONAL LAW, OJAG, DEPARTMENT  
OF THE NAVY

CHIEF, INTERNATIONAL LAW DIVISION  
OJAG, DEPARTMENT OF THE AIR FORCE

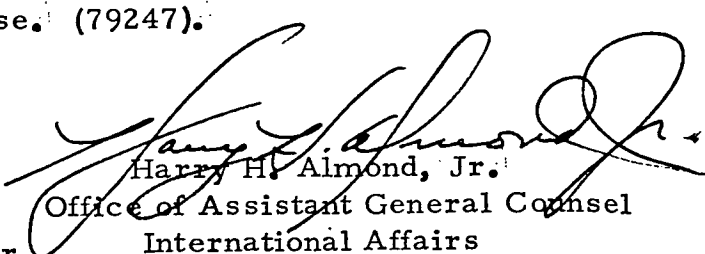
CAPTAIN WILLIAM O. MILLER, JAGC, USN  
LEGAL ADVISER, DIRECTOR, JOINT STAFF

SUBJECT: Proposed "Organic Act" - Micronesia:  
Mr. Meeds' Bill and Joint Resolution

1. I am attaching copies of the bill proposed by Mr. Meeds and the Joint Resolution which he has proposed which would call for a differing plan for bringing "Micronesia" under United States sovereignty. We will be asked to review this Bill and the Joint Resolution in the near future. If you have any comments on either of them, either as they stand, or in comparing them, as alternatives to the "Organic Act" which are now being separately proposed, or any changes that might be made to them, would you kindly advise me in the next two or three days.

2. I am also attaching a copy of the Department of State's proposed provision for the "Organic Act", preserving United States' rights in the seas adjacent to the islands of Micronesia. If you have any comments concerning this proposal, would you kindly advise me as to these. (79247).

CC: Mr. Niederlehner  
Circulating  
Master Chron  
Subj: ILP-Trust Terr.

  
Harry H. Almond, Jr.  
Office of Assistant General Counsel  
International Affairs

Att:  
a/s

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10-410277

H.H.A.  
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91st Congress  
1st Session

→ Mic → approval M. Cong.  
→ explain, endorse  
→ referendum - upon  
→ Cong. - continuing referendum  
offer -

Mr. Meeds

A B I L L

To provide for the form of the government of the territory of Micronesia, its relations with the Federal Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Micronesian Federal Relations Act".

Sec. 2. The provisions of this Act shall apply to the territory known as the Trust Territory of the Pacific Islands administered by the United States of America in accordance with the Trusteeship Agreement approved by the Security Council of the United Nations on April 2, 1947, and by the United States of America on July 18, 1947.

Sec. 3. (a) The Trust Territory of the Pacific Islands is hereby declared to be an unincorporated territory of the United States (hereafter in this Act referred to as the "territory of Micronesia"). The capital and seat of government of the territory of Micronesia shall be located at such place as the legislature shall establish. The government of the territory of Micronesia shall have the powers set forth in this Act, shall have power to sue by such name and, with the consent of the legislature evidenced by enacted law, may be sued upon any contract entered into with respect to, or any tort committed incident to, the exercise by the government of the territory of Micronesia of any of its lawful powers.

(b) The government of the territory of Micronesia shall consist of three branches, legislative, executive, and judicial, and its relations with the Federal Government in all matters shall be under the general administrative supervision of the Secretary of the Interior.

Sec. 4. (a) All inhabitants of the territory of Micronesia on July 18, 1947, including those temporarily absent on that date, who after that date continued to reside in the territory of Micronesia or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality, are declared to be citizens of the United States as of July 18, 1947.

(b) All persons born in the territory of Micronesia, on or after July 18, 1947, subject to the jurisdiction of the United States, are hereby declared to be citizens of the United States as of the date of their birth.

Sec. 5. (a) The legislative power of the territory of Micronesia shall extend to all rightful subjects of legislation not inconsistent with--

- (1) the provisions of this Act;
- (2) the treaties and international agreements of the United States;
- (3) the laws of the United States applicable to the Trust Territory of the Pacific Islands or the territory of Micronesia;

(4) the Executive Orders of the President of the United States and orders of the Secretary of the Interior; and

(5) sections 1 through 12 of the Code of the Trust Territory of the Pacific Islands.

(b) No law shall be passed by the legislature of Micronesia imposing any tax upon the property of the United States or property of the territory of Micronesia; nor shall the property of nonresidents be taxed at a higher rate than the property of residents.

(c) No import or export levies shall be imposed on goods transported between or among the administrative districts of the territory of Micronesia, or any political subdivision thereof, and the levy of duties on goods imported into the territory of Micronesia is hereby reserved to the legislature of Micronesia.

Sec. 6. (a) The executive authority of the territory of Micronesia shall be vested in a chief executive. During the ten-year period beginning on the effective date of this Act, the President of the United States shall, by and with the advice and consent of the Senate, appoint an individual to serve as chief executive of the territory of Micronesia.

Each individual so appointed shall serve at the pleasure of the President. Authorization is hereby granted the people of the territory of Micronesia to amend their constitution, according to its terms, to provide for an elected chief executive whose first term shall begin no sooner than the expiration of the ten-year period which begins on the effective date of this Act. As of the date the first elected chief executive of the territory of Micronesia takes office, the Secretary of the Interior is authorized to appoint a Comptroller for the territory of Micronesia, who shall perform such duties as the Secretary may prescribe.

(b) The chief executive shall have veto power over all legislation proposed by the legislature of the territory of Micronesia; except that the legislature may, upon the vote of two-thirds of its membership, appeal any such veto to the Secretary of the Interior and his decision in the matter shall be final. In any case in which the legislature of the territory of Micronesia fails or refuses to enact a measure for a proposed expenditure submitted by the chief executive, which he deems to be critical to the welfare of the people of Micronesia, the chief executive may appeal the issue to the Secretary of the Interior after notice to the legislature and the decision of the Secretary in the matter shall be final.

(c) The chief executive shall appoint all heads of executive departments and agencies of the government of the territory of Micronesia, to serve at the pleasure of the chief executive. The employment practices of the government of the territory of Micronesia shall provide for the fullest possible participation by qualified Micronesians at all levels of the government of the territory of Micronesia. A uniform salary schedule shall be established within five years after the effective date of this Act and shall apply to all officers and employees of the government of the territory of Micronesia. Appointments, compensation, and promotion of officers and employees of the government of the territory of Micronesia shall be based on merit, educational qualifications, and experience; except that, where the chief executive deems it necessary, he may contract for employment of persons of non-Micronesian ancestry who shall, in addition to their normal salary, be entitled to a cost-of-living allowance plus costs of transportation to and from the territory of Micronesia.

Sec. 7. All expenses incurred or obligations contracted by the government of the territory of Micronesia shall be paid by the treasurer of the government of the territory of Micronesia out of revenues in his custody.

Sec. 8. The judicial authority of the government of the territory of Micronesia shall be vested in one paramount court, and such inferior courts as may be provided for in the constitution of the territory of Micronesia or by act of the legislature of the territory of Micronesia. Judges of the paramount court shall be appointed by the chief executive, by and with the advice and consent of the legislature of the territory of Micronesia, as provided in the constitution of the territory of Micronesia, shall hold their offices during good behavior, and along with other judges of the territory of Micronesia shall not have their compensation diminished during their continuance in office. Appeals shall be had to the Federal court system through the United States District Courts of the Ninth Circuit.

Sec. 9. The Government of the United States shall not condemn property without payment of just compensation, which compensation may be paid to the property owner in lump sum or placed in trust according to law enacted by the government of the territory of Micronesia. The paramount court of the territory

take



of Micronesia shall have original jurisdiction in United States condemnation cases.

Sec. 10. The title to all property real and personal, owned by the United States within the territorial limits of the territory of Micronesia which is not reserved by the President of the United States within one year after the effective date of this Act, is hereby placed under the control of the government of the territory of Micronesia, and the legislative branch shall have authority, subject to such limitations as may be imposed by this Act or the constitution of the territory of Micronesia, to legislate with respect to such property as it may deem appropriate.

Sec. 11. The minting of coins and printing of currency is prohibited in the territory of Micronesia.

Sec. 12. Amendment of the constitution of the territory of Micronesia shall be according to its terms; except that no such amendment shall become effective except as provided in this section. Each amendment to the constitution of the territory of Micronesia, adopted according to its terms, shall be forwarded to the President of the United States. If the President finds that the proposed amendment conforms substantially with the provisions of the constitution of the

the territory of Micronesia, the provisions of this Act, and the provisions of the Constitution of the United States of America, he shall so certify to the <sup>Legislative</sup> ~~Executive~~ of Micronesia and the amendment shall take effect as of the date of such certification. If the President finds that the proposed amendment does not so conform, he shall so advise the legislature of the territory of Micronesia, stating wherein in his judgment the amendment does not so conform and submitting provisions which will in his judgment make the amendment so conform. The legislature of the territory of Micronesia may take such further action with respect to such amendment as it may deem appropriate. Any revision of such amendment shall be returned to the President and the same procedure repeated until the President makes a certification to the legislature of the territory of Micronesia as provided in the third sentence of this section.

Sec. 13. This Act shall become effective as of the date of the ratification of the constitution of Micronesia as provided by section 5 of the Joint Resolution entitled "Joint Resolution providing for the organization of a constitutional government by the people of Micronesia".

H.A.

Mr. Needs

JOINT RESOLUTION

Providing for the organization of a constitutional government by the people of Micronesia.

Whereas the Trust Territory of the Pacific Islands was placed under the Trusteeship system, established in the Charter of the United Nations, by means of the Trusteeship Agreement approved by the Security Council of the United Nations on April 2, 1947, and the United States Government on July 18, 1947, after due constitutional process; and

Whereas the United States of America was designated under the terms of the Trusteeship Agreement as the administering authority of the Trust Territory of the Pacific Islands; and

Whereas the United States has heretofore assumed obligations for the civil administration of the Trust Territory in accordance with the terms of the Trusteeship Agreement; and

Whereas the Congress of the United States of America by the Act of June 30, 1954 provided that until Congress shall further provide for the government of the Trust Territory of the Pacific Islands, the executive, legislative and judicial authority necessary for the civil administration of the Trust Territory shall continue to reside in such person or persons and shall be exercised in such manner and through such agency or agencies as the President of the United States may direct or authorize; and

Whereas by Executive Order numbered 11021, the President of the United States vested responsibility in the Secretary of the Interior for the civil administration of all the Trust Territory; and

Whereas the Congress deems it appropriate that in the process of developing self-government, the people of the islands of Micronesia should enjoy certain rights and responsibilities inherent in the representative form of government; and

Whereas it is desirable that these rights and responsibilities be clearly set forth: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the principles of government by consent of the governed and right of self-determination, the people of the islands of Micronesia are authorized, as provided by this Joint Resolution, to form a government for the islands of Micronesia pursuant to a constitution of their own adoption.

Sec. 2. The Congress of Micronesia is authorized to call a constitutional convention to convene not later than January 1971 to formulate and draft a constitution for the islands of Micronesia subject to the conditions and qualifications prescribed by this Joint Resolution. The procedure for the funding, drafting, and adoption of the constitution by the people of Micronesia shall be in accordance with the rules and regulations established by the Congress of Micronesia. The delegation from each district to the Congress of Micronesia shall select from among its members one representative to the constitutional convention. Additional delegates shall be elected from among the qualified voters of each district to be apportioned as the Congress of Micronesia shall direct, provided that each district shall receive at least one additional delegate.

Sec. 3. The recommendation of the constitutional convention of a draft constitution for the islands of Micronesia shall be submitted not later than January of 1972 to the Congress of Micronesia for adoption.

Sec. 4. Upon adoption by the Congress of Micronesia, the proposed constitution shall be forwarded to the President of the United States. If the President finds that the proposed constitution provides a republican form of government, includes a bill of rights, and conforms substantially with the applicable provisions of this Joint Resolution, the Micronesian Federal Relations Act, and the Constitution of the United States of America, he shall so certify to the High Commissioner of the Trust Territory, who shall so advise the Congress of Micronesia. If the President finds that the proposed constitution does not provide for a republican form of government, or for a bill of rights, or does not conform substantially with the provisions of this Joint Resolution, the Micronesian Federal Relations Act, or the Constitution of the United States, he shall so advise the High Commissioner of the Trust Territory, stating wherein in his judgment the constitution does not so provide or conform and submitting provisions which will in his judgment make the constitution so provide and conform. The High Commissioner shall in turn submit such message to the Congress of Micronesia for further action.

The revised document shall be returned to the President and the same procedure repeated until the President and Congress of Micronesia are in agreement.

Sec. 5. Upon certification by the President in accordance with the second sentence of section 4 of this Joint Resolution, the proposed constitution shall be submitted to the people of Micronesia for their ratification at an election to be held within three months after the date of such certification. Upon approval by a majority of the qualified voters casting votes, the constitution shall become effective in accordance with its terms.

SEC. \_\_\_\_\_ The breadth of the territorial sea adjacent to the respective islands of Micronesia shall be the same as that recognized by the United States in its international relationships. All laws and treaties of the United States of general application concerning the rights of persons and foreign nations in the continental shelf,<sup>1</sup> territorial sea, the contiguous zone, the high seas, including fisheries, and the sea bed and the subsoil and thereof, shall be applicable to Micronesia.

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1. The term "continental shelf" as used here is under negotiation at this time.