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TIP I - 14

August 18, 1969	
DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY	B.H. BAAS DATE 4/10/87
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TO : L - Mr. Stevenson

FROM : L/UNA - Stephen M. Boyd

SUBJECT: Micronesian Organic Act

1. On August 15 L, IO and H received a memorandum from the Under Secretary's office stating that until we receive further evidence of Congressional and Micronesian sentiment, State should go along with Interior's position that the draft organic act should provide for a governor appointed by the President with the advice and consent of the Senate of Micronesia. Mr. Peale (IO/UNP) was advised orally by Mr. Ruser (U) however, that we could continue our general reservation to the Executive provisions at the final meeting of the Inter-Agency working group last Friday.

2. At that meeting Justice raised serious constitutional doubts about subjecting Presidential authority to Micronesian consent. Accordingly, Interior, Justice and Defense agreed to delete that provision and instead to make the President's appointment subject only to advice and consent of the U.S. Senate. Under this provision the Micronesians would have no formal role in the appointment of either the Governor or the Lieutenant Governor.

3. This change makes crystal clear that the Micronesians could not be considered to have achieved "self-government" as prescribed by the Charter and the Trusteeship Agreement. Interior (in the person of Brewster Chapman who chaired the working group) seems to accept that the appointed governor provision falls short of self-government but nevertheless maintains that the Trusteeship Agreement can be lawfully terminated unilaterally without the Micronesians having achieved self-government. Interior argues that under the Trusteeship Agreement our obligation is only to promote development towards self-government, not necessarily to arrive at the final destination.

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4. Before learning of this latest development, Mr. Salans phoned Mr. Abramowitz (U) to express disappointment at the memorandum mentioned in paragraph 1 above. Mr. Abramowitz suggested that if we really feel strongly we should come back with another memorandum on the subject. I will be working on a draft memorandum this week, but think we should try to make it a joint L-IO paper.

5. My counterparts in IO agree. We believe it would be useful for you and Mr. DePalma to meet as soon as possible to consider our next moves and in particular to make sure that Ambassador Yost has fully considered the problem and that his views are considered in the final decision making process.

CC: L - Mr. Salans
IO/UNP - Mr. Gleysteen

L:L/UNA:SMBoyd:mab

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