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OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE  
WASHINGTON, D.C. 20301

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INTERNATIONAL SECURITY AFFAIRS

9 October 1969

MEMORANDUM FOR THE RECORD

SUBJECT: Negotiations on the Political Future of the TTPI, 8 Oct 69

Present:

Assistant Secretary Leosch, Mrs. Elizabeth Farrington, Mr. George Milner, Mr. Fred Radewagen, Mr. B. Chapman, and Mr. Orme Lewis - from Interior.

Commander Edwin A. Kuhn; LTC Tom Stockton (J-5); and Mr. William Point, Director, Real Property Division, OASD/I&L - from DOD.

Mr. Norman Frisbie and Mr. Sam Peale - from State.

Mr. Neiman Craley of the TTPI Government.

The purpose of this caucus of US representatives was to consider and agree upon a revised "Lands" proposal that could be tabled tomorrow. The draft (Tab A) had been prepared by Interior and previously discussed informally with me by Mr. Chapman. Minor changes were made as indicated on the draft, and it was agreed that the "Lands" proposal as it now stands is the most generous treatment (with one exception) that the US Government reasonably could accord the Micronesians; the exception is in section 1(a) and pertains to the retention of title by the Federal Government in submerged lands adjacent to the islands of Micronesia, which is an expendable point in a bargaining sense.

It was noted in discussion that the essential questions from a US point of view are:

- A. Federal supremacy,
- B. the right to condemn property and,

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C. the right to acquire title or other interest in property in fee. It is not at all clear at this time whether the Micronesians are prepared to accept these most important points which are central to the entire relationship.

As a new item of business, I said that the Department of Defense desires to lay before the committee for the record a proposal that we give serious consideration to the alternatives to be pursued in the event the Micronesians do not agree to the points we consider vital. I suggested that one very promising alternative would be the union of the Marianas with Guam, particularly at such time in the near future that Guam becomes "self-governing" by virtue of an elected governor. I noted that polls, which had not been officially inspired by the US in any way, were being held throughout the Marianas and Guam in November on this question. I also noted that the peoples concerned had, in the past, expressed themselves as desiring such a relationship by means of polls and resolutions of the legislatures. I noted that more than 13,000 of the 16,000 acres of land in which the Department of Defense currently has an interest are found in the Marianas. Mr. Frisbie, the State representative, said such an action would present a real problem in the UN unless the trust for the entire TTPI were terminated at the same time. Assistant Secretary Leosch responded that since there was no prohibitory language in the UN Charter or Trusteeship, he was not at all inclined to reject the option I had suggested merely because it had not been done before. On the contrary, he said that he considered it a very promising alternative in the event our current intentions do not materialize; however, he went on to say that while we should take note of the alternatives at this time, we should make no positive actions in that direction until we have "pressed all the way" with our current agreed proposal on "Lands." Mr. Craley asked what sort of comment the US would make following completion of the polls on the Marianas and Guam question. Mr. Leosch said that will depend quite a bit on the outcome of these discussions. At that point, I mentioned to the State representatives that DOD had an important interest in that entire question and that we desired to be coordinated, on any possible comment or response concerning the Marianas-Guam polls.

Mr. Leosch asked Mr. Craley if he knew how the Micronesians felt about about US citizenship or nationality. Mr. Craley responded by saying they seem to be thinking in terms of some undefined third category. Mr. Leosch observed that we already

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had enough constitutional problems involved in our proposals, and we could not go beyond offering citizenship or nationality without calling into question the whole character of the relationship.

Mr. Leosch then read a copy of a letter addressed to Mr. Harrop Freeman, which purportedly had been signed by Lazarus Salii, Chairman of the Micronesian political status delegation. The letter, at Tab B, would engage Mr. Freeman as the legal counsel of the delegation but would very severely limit his participation in the proceedings. Mr. Craley then said he understood that Freeman had returned to New York the past evening and had accepted the terms proposed in Tab B.



E. A. KUHN, CDR, USN  
OASD/ISA/EAPR  
Asst. for SW Pacific & the TTPI

Attachments

1. Revised draft on "Lands"
2. Ltr to Mr. Freeman

Copies to:

LTC Stockton, Jnt Staff (J-5)  
Mr. Almond, General Counsel, ISA  
Mr. Point, Dir. of Real Prop. Div., OASD/I&L

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LANDS AND PROPERTY

SEC. 1.

(a) All right, title and interest in and to all property, real and personal, now owned, retained, controlled, held, used or claimed by the Government of the Trust Territory of the Pacific Islands or as to waters and sub-water rights adjacent thereto are hereby transferred to the Government of Micronesia, to have and to hold, with right of free disposal, absolutely and unconditionally forever.

(b) All right, title and interest in and to all property, real and personal, now owned, retained, controlled, held, used or claimed by the United States Government in whatever capacity within the Trust Territory of the Pacific Islands or as to waters and sub-water rights adjacent thereto, except as provided in (c), are hereby transferred to the Government of Micronesia, to have and to hold, with right of free disposal, absolutely and unconditionally forever.

(c) Nothing stated in (a) or (b) above shall impair the existing agreements between the Trust Territory Government and the United States Government or any agency or instrumentality thereof insofar as they relate to land use and retention, except expressly as follows:

(i) Any "retained" or "use" land not in fact now in use by the United States Government shall pass under (a) and (b) above to the Government of Micronesia at once.

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(ii) Any and all other "use" or "retention" land, whether acquired by the United States, whether from the Government of the Trust Territory of the Pacific Islands or otherwise, shall pass to the Government of Micronesia no later than five (5) years after the effective date of the Constitution of Micronesia.

(iii) The Government of Micronesia shall, by its own law, provide a speedy and efficient way to grant temporary use of any publicly owned property upon joint declaration of an emergency by the Government of the United States and the Government of Micronesia. Upon termination of the specific use for which "use" or "retention" rights have been given, any property held under such rights shall revert to Micronesia. A change in use shall not be permitted, except upon the consent of the Government of Micronesia.

(d) Micronesia shall have within its land areas and adjacent sea, such system or systems of ownership, use, title, registry and transfer as may be decided upon by the Government of Micronesia. The systems may be the same or different for different areas or districts.

(e) The Government of Micronesia shall determine and fix its rights in and to tidelands, the continental shelf, the territorial sea, the deep ("high") seas, the ocean floor or seabed, fisheries, and navigation of waters in accordance with such accepted theory of international law as may be in the best interests of Micronesia.

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