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DEPARTMENT OF STATE

Washington, D.C. 20520

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December 12, 1969

MEMORANDUM

TO: EA - Mr. Marshall Green

FROM: EA/ANZ - Carleton C. Brower

SUBJECT: In-house Briefing of the Secretary on the Future of the Trust Territory of the Pacific Islands -- BRIEFING MEMORANDUM

You have been invited, along with the Under Secretary, Ambassador Johnson, Mr. Pedersen, Mr. De Palma and Mr. Cargo to an "in-house briefing" on the future of the TTPI (Micronesia), to be held in the Secretary's office at 4 p.m. on Monday, December 15, 1969. We expect that Mr. Stevenson will also be there. He and Mr. De Palma will do most of the briefing.

IO has prepared a talking paper for Mr. De Palma's use (Tab A). Because of its length, we have summarized it for you in this memorandum. A memorandum from Mr. De Palma to the Secretary, with IO's recommendations, is attached at Tab B.

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The Secretary will meet on December 16 with Secretaries Hickel and Laird and Dr. Kissinger to decide how next to proceed in discussions with Micronesians concerning their future political status. The two major issues that will be taken up at the December 16 meeting, which grow immediately out of our initial talks with the Micronesians in October, will be:

1. LAND. In October the Micronesians proposed (1) that the U. S. should give up all right of eminent domain; (2) that all land owned, controlled or used by the TTPI Government or the U. S. would be transferred to the new Micronesian Government within five years, and (3) that in the future the U. S. could acquire land only with Micronesian concurrence. Ad referendum, Secretary Hickel agreed to the Micronesian proposal in return for their agreement to an undefined permanent association with the U. S. Interior has since come up with a modified version of the Micronesian land proposal, under which the U. S. would keep eminent domain rights of an emergency nature only.

State and Defense agree that both the original Micronesian proposal, and the modified Interior version, are unacceptable because they do not assure our being able to acquire land for national security purposes. State recommends that we stick to the proposal we put forward during the October talks: i.e., if the U. S. wants land it submits a request to the Micronesian Legislature through the Governor. If the legislature does not agree, the U. S. can appeal to the U. S. Ninth Circuit Court of Appeals, whose judgment shall be binding.

Since this does not meet Micronesian desires, the Interagency Group agreed, following the October meeting, that it should be presented as part of a package that had other features attractive to the Micronesians. This package is the second issue.

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2. PACKAGE PROPOSAL. The package, providing for a Micronesian constitution convention to draw up a constitution, consists of an Enabling Act to be passed by the U. S. Congress authorizing the Micronesians to hold a constitutional convention and defining the parameters within which the resulting constitution must fall. The constitution would be referred to the President, who would determine if it did conform to these parameters. If satisfied, the President would authorize the High Commissioner to hold a referendum to seek Micronesian approval of the constitution.

Key questions are:

a. Should we at this stage offer the Micronesians, whose position is still unclear, a complete status plan which is close to being as forthcoming as we would want to be?

b. Should the plan provide for an elected or an appointed executive, or should it offer both as alternatives?

Regarding a., the working group concluded that the October discussions carried us past the point where the piecemeal negotiating tactic was relevant. A more forthcoming proposal would regain the initiative from the Micronesians, would provide a sweetener to balance our land position, and would help get the Micronesians to spell out what they really want.

The question of the executive, b. above, is a controversial one. Representative Aspinall, Chairman of the House Committee on Interior and Insular Affairs, opposes immediate provision of an elected executive, believing that a period of tutelage is necessary prior to self-government. Aspinall's approval of any arrangement is vital, and his views weigh heavily with Interior and Defense. State is also concerned

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with the U. N. angle and has argued that an elected executive is the minimum necessary to meet the Trusteeship requirements for self-government. (The Legal Adviser's Memorandum on this question is attached at Tab C.)

The Working Group has not agreed on either the appointed or elected executive, and Defense suggested putting forward both as alternatives. On balance, this seems the best course. If we offer only an appointed executive, we will run into problems with the U.N.; if we offer only an elected executive, we will run into problems with Congress.

If we offer the Micronesians a choice and they choose an elected executive, then we will still have to face selling it to Chairman Aspinall. If they choose a period with an appointed executive, we will have to sell it to the U. N., but the fact that the Micronesians were given a choice might help.

Attachments:

- A. Talking Points for Briefing of Secretary (IO).
- B. Memorandum to the Secretary from Mr. De Palma.
- C. Memorandum to the Secretary from Mr. Stevenson.

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