

MICRONESIAN POLITICAL STATUS DELEGATION

Capitol Hill

Saipan

Mariana Islands 96950

February 2, 1970

Lazarus Salii
Chairman

Ekpap Silk
Co-Chairman

Tosiwo Nakayama

Andon Amaraich

Bailey Olter

Francisco Palacios

Benjamin Manglona

John Mangefel

Olter Paul

Roman Tmetuchl

Hon. Harrison Loesch
Assistant Secretary
U. S. Department of the Interior
Office of the Secretary
Washington, D. C. 20210

Dear Mr. Secretary:

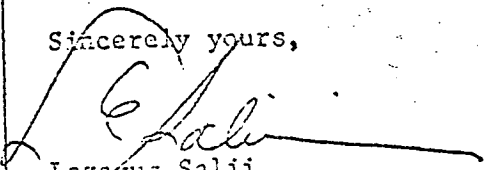
In response to your request that the Micronesian Political Status Delegation review your proposal and submit its comments to you and the Inter-agency Group before the next round of talks between your Delegation and ours, I am enclosing two copies of a draft bill which our Delegation has prepared. I would like to point out that this draft was prepared in a hurry and therefore is very rough in many areas. We had to get the draft prepared before the members of the Delegation left Saipan after the Special Session of our Congress in view of your request.

As you will note from our draft, it differs substantially from your proposal in many areas. Our draft incorporates the position we presented to you in Washington.

We shall wait to hear from you as to when your Delegation can meet with ours. If we cannot keep the late February or early March date, we are perfectly willing to meet at a later date at your convenience. The only request we make is that we meet before July so that our Delegation can have something to report to the Congress of Micronesia in July.

With best wishes and personal regards, I am

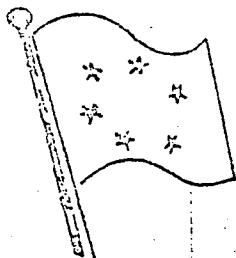
Sincerely yours,


Lazarus Salii
Chairman
Micronesian Political Status
Delegation
Congress of Micronesia

DEPARTMENT OF THE INTERIOR

FEB 25 1970

ASSISTANT
SECRETARY
P. L. M.



Lazarus Salii
Chairman

Ekpap Silk
Co-Chairman

Tosiwo Nakayama

Andon Amaraich

Bailey Olter

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NOTE: Sent via air, registered on 2/3/70.

MICRONESIAN POLITICAL STATUS DELEGATION

Capitol Hill Saipan Mariana Islands 96950

February 2, 1970

Dear

I am enclosing a copy of the draft bill which we did not have time to review at the end of this special session. Please review the draft and let me know by dispatch or letter by February 9th, if it is all right for me to send a copy of this draft to Secretary Loesch. I am also enclosing a copy of my proposed transmittal letter to the Secretary for your information. You will note from this letter that I am telling the Secretary that this is a very rough draft which we had prepared in a hurry and, therefore, needs to be reworked. Inasmuch as the Secretary is anxious to receive our comments on the proposal, I think it will be nice to send a copy of our draft to him as soon as possible.

Therefore, if you have any comments on the enclosed draft bill, please let me have them by the 9th of February.

Sincerely yours,

LAZARUS SALII
Chairman
Micronesian Political Status
Delegation

Encls.

cc: Members of the Political Status Delegation
Presiding Officers, Congress of Micronesia
K. Udui, Legislative Counsel

1 Constitution or Laws of Micronesia.

2 SECTION 6. Subject to the provisions of the Constitution of Micronesia
3 and this Act, an appeal shall lie to the United States Court of Appeals
4 for the Ninth Circuit from a final judgment of the highest court of Micronesia

5 (a) As of right, in all cases involving the Constitution,
6 laws, or treaties of the United States or any authority exercised
7 thereunder, from interlocutory orders, in all habeas corpus proceedings,
8 and in all civil cases where the value in controversy exceeds \$3,000
9 exclusive of interest and costs;

10 (b) As of right, in all cases involving substantial
11 question of law as to the interpretation or effect of any provision of
12 the Constitution or Laws of Micronesia;

13 (c) As of right, from any conviction by the highest court
14 of Micronesia in the exercise of its criminal jurisdiction whereby the
15 appellant has been sentenced to death or to imprisonment for a term
16 exceeding one year or to a fine of \$1,000 or over;

17 (d) As of right, upon petition by the Government of Micronesia
18 in all cases involving substantial questions of international law
19 affecting the rights or claims of Micronesia or Micronesians;

20 (e) By the Government of Micronesia, with the leave of the
21 United States Court of Appeals for the Ninth Circuit in any other case, if
22 in the opinion of that court the question involved in the appeal is one
23 which by reason of its general or public importance, or of the magnitude
24 of the interests affected, or for any other reason, ought to be submitted
25 to the United States Court of Appeals for the Ninth Circuit for decision.

1 SECTION 7. The determination of the United States Court of Appeals
2 for the Ninth Circuit on any appeal from the highest court of Micronesia
3 shall be transmitted to the Clerk of the highest court in Micronesia by the
4 Clerk of the United States Court of Appeals for the Ninth Circuit under
5 its seal, and judgment shall thereupon be entered by the highest court of
6 Micronesia in conformity with that determination, or such other proceedings
7 by way of a new trial or otherwise shall be taken in the highest court
8 of Micronesia as are required by that determination.

9 SECTION 8. Any party may appeal to the Supreme Court of the United
10 States from an interlocutory or final judgment, or order of the United
11 States Court of Appeals for the Ninth Circuit, determining the constitutionality
12 of an Act of Congress of the United States. A party who has received notice
13 of appeal under this Section shall take any subsequent appeal or cross appeal
14 to the Supreme Court. All appeals or cross appeals taken to other courts
15 prior to such notice shall, after such notice, be treated as taken directly
16 to the Supreme Court.

17 SECTION 9. (USC _____ shall be amended so as to carry
18 out the above provisions.)

19 EXTERNAL AFFAIRS

20 SECTION 10. All Micronesian citizens shall be entitled to U.S.
21 consular and diplomatic services and protection, to the same extent and
22 under the same terms and conditions, as citizens of the United States.

23 SECTION 11. After the formation of the Government of Micronesia,
24 no existing treaties, executive agreements or other international obliga-
25 tions to which the United States is a party shall apply to and be binding

1 upon Micronesia unless and until the Micronesian Government expressly
2 indicates in formal writing its accession thereto.

3 SECTION 12. Upon request of the Government of Micronesia, and only
4 during such time as the request is not withdrawn, the United States shall:

5 (a) represent Micronesia, without cost to Micronesia, in all
6 United Nations and international agencies; and

7 (b) conduct such external (international) affairs as
8 Micronesia may assign to the United States on behalf of the Micronesian
9 Government.

10 CITIZEN ENTRY INTO UNITED STATES

11 SECTION 13. All Micronesian citizens of whatever age, sex or
12 condition shall at all times have free entry for any period into the United
13 States and its territories or possessions free of any restrictions and for
14 any purpose, and while therein to engage in education, employment, business
15 or other lawful activity.

16 To this end and for this purpose, the following laws of the United
17 States are amended as follows:

- 18 _____
19 _____
20 _____
21 _____

22 DEFENSE

23 SECTION 14. Upon request of the Government of Micronesia, and only
24 during such time as the request is not withdrawn, the United States shall
25 take such action on behalf of Micronesia as shall be required to assure

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1 the security of Micronesia in the face of foreign aggression.

2 SECTION 15. After the formation of the Government of Micronesia,
3 Micronesia agrees not to allow any country other than the United States
4 and the United Nations to enter into any part of Micronesia and its territorial
5 waters for military purposes for such period of time as the Government
6 of Micronesia shall determine.

7 LANDS AND PROPERTY

8 SECTION 16. (a) All right, title and interest in and to all
9 property, real and personal, now owned, retained, controlled, held,
10 used or claimed by the Government of the Trust Territory of the Pacific
11 Islands or as to waters and sub-water rights adjacent thereto are hereby
12 transferred to the Government of Micronesia, to have and to hold, with
13 right of free disposal, absolutely and unconditionally forever.

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

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

25 (i) Any "retained" or "use" land not in fact now

1 in use by the United States Government shall pass under (a) and (b) above
2 to the Government of Micronesia at once.

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

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

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

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

25 TARIFFS

1 SECTION 17. (a) The following sections of the Tariff Act of 1930,
2 as amended, are hereby amended by inserting "Micronesia", immediately
3 after "Johnston Island", each place it appears therein:

4 (1) Section 401(k) (19 U.S.C., sec. 1401(k)).

5 (2) Section 557(a) (19 U.S.C., sec. 1557(a)).

6 (3) Section 562 (19 U.S.C., sec. 1562).

7 (b) Section 401(a) of the Anti-Smuggling Act, as amended
8 (19 U.S.C., sec. 1709(a)), is hereby amended by inserting "Micronesia",
9 immediately after "Johnston Island".

10 (c) Sections 542, 544, and 545 of Title 18 of the United
11 States Code are hereby amended by inserting "Micronesia", immediately
12 after "Johnston Island", each place it appears therein.

13 (d) For the purpose of the Tariff Schedules of the United
14 States, Micronesia shall be entitled to the same privileges as the
15 insular possessions of the United States which are outside the custom
16 territories of the United States.

17 (e) This section shall apply with respect to articles entered
18 or withdrawn from warehouse, for consumption after the effective date of
19 this Act.

20 BANKING, CURRENCY, POSTAL

21 SECTION 18. Micronesia shall be entitled to maintain and use United
22 States currency as its medium of exchange, and to that end the following
23 laws are amended to add "Micronesia" immediately after "Liberia."

24 _____
25 _____

*W. enw
bill*

*part of
amendment*

in enw bill

1 SECTION 19. Micronesia shall be entitled to maintain and use
2 United States postal services at the same rates and on the same terms
3 as apply in Hawaii, and to that end the following laws are amended to
4 add "Micronesia" immediately after "Virgin Islands."

5 _____
6 _____
7 _____

8 U.S. LAWS WITH RESPECT TO MICRONESIA; FINANCE

9 SECTION 20. No law, treaty, agreement, convention, rule or
10 regulation hereafter brought into effect by the United States shall
11 apply as to Micronesia except after consultation and consent by the
12 Government of Micronesia.

13 SECTION 21. Effective on the first day of July following the
14 effective date of this Act, all customs duties derived from Micronesia,
15 the proceeds of all taxes collected under the internal revenue laws
16 of the United States, its territories and possessions, or consumed
17 in Micronesia, and the proceeds of any other taxes which may be levied
18 by the United States Congress and all quarantine, passport, immigration
19 and naturalization fees collected in Micronesia shall be paid into
20 the treasury of the Government of Micronesia and shall be expended as
21 the legislature of Micronesia may by law prescribe.

22 SECTION 22. (a) As soon as possible after the end of each fiscal
23 year, the chief executive of the Government of Micronesia shall certify
24 to the Secretary of the Treasury of the United States the net amount of
25 revenue raised by the Government of Micronesia pursuant to its tax laws

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1 and other revenue laws during the preceding fiscal year. There shall
2 thereafter each year be transferred and paid over to the Government
3 of Micronesia, from funds in the United States Treasury not otherwise
4 appropriated, a sum equal to the net amount of revenue raised by the
5 Government of Micronesia, as certified by the chief executive of the
6 Micronesian Government.

7 (b) Until such time as funds available to the Government of
8 Micronesia are sufficient to meet the obligations of the Government, there
9 is hereby authorized to be appropriated by the Congress of the United States
10 such additional sums as may be necessary to pay such obligations.

11 SECTION 23. No provision of this Act shall be construed to prohibi:
12 the Government of Micronesia from negotiating and concluding agreements for
13 financial and technical assistance or of a cultural or scientific nature
14 with any other country.

15 SECTION 24. The laws of the Trust Territory of the Pacific Islands
16 in force on the effective date of this Act, except as modified herein,
17 are hereby continued in force, subject to modification or repeal by
18 appropriate authority.

19 SECTION 25. Sections 1681 through 1687 of Title 14, Chapter 14 of
20 the United States Code are hereby repealed.

21 SECTION 26. The terms of this Act shall not be altered, amended,
22 or repealed without approval of the people of Micronesia through due
23 constitutional process, and the people of Micronesia reserve the right
24 to propose and to accept modifications in the terms of its relations
25 with the United States of America, or to terminate this association,

1 in order that this association may at all times be the expression of an
2 agreement freely entered into between the people of Micronesia and the
3 United States of America.

4 SECTION 27. (a) As soon as possible after the enactment of this
5 Act, the President of the United States shall certify such fact to the
6 High Commissioner of the Trust Territory of the Pacific Islands. Within
7 thirty days after the receipt of the official notification of such approval,
8 the High Commissioner shall call a Special Session of the Congress of
9 Micronesia, to convene within sixty days of such call. At such Special
10 Session the Congress of Micronesia shall call a constitutional convention
11 to convene not later than six months after the adjournment of such session
12 to formulate and draft a constitution for Micronesia subject to the
13 conditions and qualifications prescribed by this Act. The procedure for
14 the funding, drafting, and adoption of the constitution by the people of
15 Micronesia shall be in accordance with the rules and regulations established
16 by the Congress of Micronesia. The delegation from each district to the
17 Congress of Micronesia shall select from among its members three representa-
18 tives to the constitutional convention. Additional delegates shall be
19 elected from among the qualified voters of each district to be apportioned
20 as the Congress of Micronesia shall direct, provided that each district
21 shall receive at least one additional delegate.

22 (b) The recommendation of the constitutional convention of a draft
23 constitution for Micronesia shall be submitted not later than twelve months
24 after the day on which it convenes to the Congress of Micronesia for
25 adoption.

(c) 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 Act, he shall so certify to the High Commissioner of the Trust Territory of the Pacific Islands, 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 Act, 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 recommendations 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 the Congress of Micronesia are in agreement.

(d) Within sixty days after receipt of the official certification of approval described in subsection (c) of this section, the High Commissioner shall issue a proclamation for a referendum to be held not to exceed ninety days later, on the proposition of whether the people of Micronesia shall approve the proposed Constitution and the political association with the United States described in this Act.

(e) The High Commissioner of the Trust Territory shall, within thirty days following the referendum, certify the results to the President.

1 If the President finds that a majority of the legal votes cast at the
2 said referendum are in favor of adopting the proposition, he shall issue
3 a proclamation so stating and the Constitution of Micronesia and this
4 Act will become effective on the date of such proclamation.
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