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MEMORANDUM FOR THE PRESIDENT

Subject: Trust Territory of the Pacific Islands - Future Political Status

In its memorandum of March 31, 1971, the Under Secretaries Committee (USC) submitted to you its findings concerning the political status negotiations with Micronesia. I have reviewed the interagency report and concur in its recommendations. In this memorandum I am setting forth more briefly my own assessment and views.

There are increasing indications that we cannot maintain the political and administrative status quo in Micronesia much longer. The evidence includes formal action by the Congress of Micronesia reappointing a political status delegation; a new resolution by the Marianas District Legislature, culminating ten years of agitation, declaring that District's intent to secede from the Territory and seek an association with the United States; and new reports of continued dissatisfaction in all districts with the Territory's centralized administration and the lack of an effective voice by the districts in their local affairs.

These recent developments suggest that it may be most difficult to obtain a single solution for the Territory as a whole, in view of the growing alienation between the Marianas, where pro-U.S. sentiments are strong, and the other five districts, whose leaders seek a looser form of association.

DEPARTMENT OF STATE A/CDC/MR

DATE 4/5/88

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- Cat. A - Caption removed; transferred to O/FADRC
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- Cat. C - Caption and custody retained by S/S

Reviewed by: Elijah Kelly Jr.

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~~some of the major points of contention.~~ In our judgment -- based on the record of the negotiations to date and the views and attitudes expressed by the Micronesian negotiators and other Micronesian leaders for several years -- a successful effort to win Micronesian agreement to a Territory-wide solution will require, as a minimum, that the United States agree to accept restrictions with regard to the exercise of Federal Supremacy and eminent domain. Moreover, in order to translate these restrictions into a meaningful negotiating position, it will be necessary that we proceed on an urgent basis to identify our highest priority land needs for future military basing options. Our negotiator would then seek to secure the required acreage by option, purchase or lease arrangements which would be independent of the political status (i.e., designed legally to survive a possible future termination of the political association). This will require an early Administration determination, before we resume discussions with the Micronesians, of our minimum land requirements for the appropriate basing options and the prices we would be prepared to pay for them.

Given the prevailing attitudes in the most populous of the districts as reported to me, I have doubts that the Micronesian Congress can be persuaded to accept a status which would not in some manner recognize the possibility of termination. The United States negotiator should try to limit such recognition to an undertaking to review in good faith, after a specified period, possible changes in the terms of the association by mutual agreement. Judging by the negotiations to date and the emphasis on "sovereignty" by the Micronesian leadership over several years, we may, however, be required to offer a qualified right of unilateral termination -- hopefully through a cumbersome procedure which in practice would make it unlikely that Micronesia would terminate the association.

The primary objective of a modified commonwealth, which would preserve our Territory-wide solution, is the concept of a "free association". Under this proposal sovereignty would rest with the Micronesians. However, the practical relationships between the Federal Government and the Territory might for the most part be virtually identical to those under a commonwealth status. The United States would be assigned control of defense and foreign affairs and secure its basing rights through leasing and purchase arrangements (which would be designed legally to survive a possible termination of the association). In return, Micronesia would be granted -- to the extent desired by the Micronesians -- most of the benefits of a U.S. possession, e.g., rights of U.S. nationality, eligibility for Federal domestic programs, and access to the U.S. judicial system. Constitutionally and legally, this status would avoid many of the problems and undesirable precedents inherent in a modified commonwealth relationship. At the same time, the many ties would perpetuate the Territory's dependence on the Federal Government and create new vested interests in Micronesia in continued association.

This status would abandon the goal of U.S. sovereignty and the rights inherent in it, but I believe that most of the problems which arise under this status would be manageable and would, as a practical matter, exist under the commonwealth status as well. A "free association" would apparently be acceptable to the large majority of the Micronesians, with the notable exception of the Mariannas, but it would most likely further diminish the long-range prospects for the Territory's eventual full integration into the U.S. system.

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On balance, I do not favor the "free association" approach at this time, unless it became clear that a modified Commonwealth could not be rejected by the people. In fact, the pros and cons of "free association" should be further reviewed in light of the prevailing circumstances and in relation to our other choices.

An important consideration also is the growing alienation between the Marianas and the remainder of the Territory. If this trend continues, a separate solution may be required for the Marianas -- or, conceivably, become preferable -- even though this would pose substantial problems relative to the termination of the Trusteeship. Even under these circumstances, however, I do not believe that we should simply abandon efforts to apply the principal options -- the modified Commonwealth or a free association -- to the other five districts as a group. An approach to deal with the other districts as a unit would be far preferable to, and less risky than, an offer of separate choices to each district. Our existing, vitally important, missile testing facilities are located in the Marshalls District which we believe would vote against a close association with the United States in a district-by-district plebiscite. Furthermore, the denial of the Territory as a whole to foreign military powers is one of our two prime interests in Micronesia and would clearly be jeopardized by the fragmentation of the Territory.

Our negotiator may, of course, want to use the suggestion of a separate solution for the Marianas as a pressure tactic in further talks with the Micronesians if it seemed that such an approach would encourage the Micronesian leadership to accept the Modified Commonwealth (USC Report, Step B or C, pp. 6-7) for the Territory as a whole. However, such a tactic would require most careful handling in view of the Marianas separatism and some sentiment in the other districts to let the Marianas go it alone.

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As regards the remaining inter-agency differences on the course we should follow, I am persuaded that the Department of the Interior proposal does not offer a viable course. (Defense shares this view.) In essence, Interior proposes that the United States try to suspend further efforts to resolve the status issue at this time and instead try to make indefinite continuation of the Trusteeship acceptable to the Micronesians through an offer of full self-government, subject only to U.S. security requirements. We also favor rapid progress toward Micronesian self-government. However, the recent developments in the Marianas, vigorous activity in the just concluded session of the Congress of Micronesia, and the expectations created in Micronesia by several years' efforts, both Micronesian and American, on the status question, all reinforce the arguments in the USC report concerning both the impracticality and the dangers of this proposal.

It is true that the Congress of Micronesia, judging by the number of measures introduced to provide greater internal self-government, would probably accept the Interior proposal as an interim measure. (The Marianas would be expected to dissent sharply.)

It is unlikely, however, that the Micronesians would long be deflected from the status issue. The Congress of Micronesia would undoubtedly continue to follow the guidance of its Status Delegation, using increased internal self-government for the purpose of further enlarging its freedom of choice and improving its bargaining position. Our capability to exert

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influence on the future political status and the terms for ending the Trusteeship would be progressively eroded. Therefore, contrary to Interior's proposal, I urge that we continue our present strategy of using the concession of self-government as a bargaining chip in efforts to attain a political status which will safeguard our long-term interests in these islands.

  
William P. Rogers

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