

Status (Constitutional Convention)

Aug. 25, 1972

DISTAD PONAPE

U NCLASSIFIED

TRENT
STATUS LNO

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SECSTATE
COMTWELVE SAN FRANCISCO
JCS/SECDEF
CINCPAC
WHITE HOUSE
CINCPACREP GUAM/TIPI

R-250230Z

ROUTINE

FROM STATUS LNO

~~FOR~~ PASS TO DEPARTMENT INTERIOR FOR OSN AND DASTA
STATE FOR IO/UNP
COMTWELVE FOR AMBASSADOR WILLIAMS
DEFENSE FOR OSD/ISA
WHITE HOUSE FOR HOLDRIDGE (NSC)

SUBJECT: CONSTITUTIONAL CONVENTION FOR MICROMESIA

ISSUE OF MARIANAS SEPARATISM DOMINATED PUBLIC HEARINGS AUG 24 OF SENATE COMMITTEE ON WAYS AND MEANS (SEN OLTER = PONAPE = CHAIRMAN) ON SB 231 (COPIES SENT PREVIOUSLY) PROVIDING FOR CONSTITUTIONAL CONVENTION. OTHER COMMITTEE MEMBERS PRESENT WERE SENATORS SALII (PALAU), PANGELINAN (MARIANAS), KABUA (MARSHALLS), TRETUHL (PALAU) AND MCNEILL (YAP). KXKX PROCEEDINGS WERE TAPED BUT NO TRANSCRIPT MADE. FOLLOWING COMPILED FROM MY NOTES.

HEARING OPENED WITH TESTIMONY FROM REPRESENTATIVE OF ATTORNEY-GENERAL (AG) THAT BILL WAS IN PROPER FORM. HICOM SPECIAL ASSISTANT CRALEY TESTIFIED TO HICOM SUPPORT FOR CONCEPT OF CONSTITUTIONAL CONVENTION BUT RAISED QUESTION AS TO WHETHER ENVISAGED SIZE OF 28 DELEGATES WOULD PROVIDE SUFFICIENTLY BROAD BASE AND THOUGHT NUMBER MIGHT GO AS HIGH AS 50 TO PROVIDE REPRESENTATION FOR SUB-DISTRICTS AND ETHNIC GROUPS. CRALEY SUGGESTED THAT DELEGATES BE SELECTED BY GENERAL ELECTION.

SEN SALII ASKED CRALEY IF ADMINISTRATION HAD RECEIVED ANY REACTION FROM WASHINGTON RE CONSTITUTIONAL CONVENTION, AND IF SO, WHAT? CRALEY REPLIED HE HAD MET ONLY BRIEFLY WITH DASTA CARPENTER WHEN LATER HERE LAST WEEK AND IN ABSENCE OF ANY COMMENT TO CONTRARY, HE ASSUMED DASTA IN ACCORD. CRALEY UNDERTOOK TO CHECK THIS POINT.

SEN OLTER ASKED AG REP IF THERE WERE ANY LEGAL PROBLEMS IN EXCLUDING ONE DISTRICT (E.G. MARIANAS) FROM CONVENTION. REP REPLIED LNO
COULD GIVE NO SOLID ANSWER YET, BUT FEELING IS THAT EXCLUSION WOULD BE IMPROPER BECAUSE IT WOULD DENY REPRESENTATION TO PART OF TT. OLTER REQUESTED HIM TO LOOK FURTHER INTO MATTER AS TO WHETHER US HAS LEGAL RIGHT TO EXCLUDE A DISTRICT. HE OBSERVED THAT CONGRESS HAS NOT GIVEN SUCH MANDATE TO JOINT STATUS COMMITTEE.

SEN PANGELINAN REMARKED THAT A DISTRICT CAN REQUEST TO BE

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~~EXCLUDED FROM CONVENTION~~

EXCLUDED FROM CONVENTION IF IT CHOOSES DIFFERENT POLITICAL ASPIRATION. HE ASKED AG REP TO LOOK ALSO INTO WHAT LEGAL ACTION MIGHT ENSUE IF A DISTRICT REFUSES TO GO ALONG WITH A PARTICULAR LAW.

SALII ASKED AG REP: 1) IS IT PRESENT LEGAL VIEW THAT CONGRESS CANNOT EXCLUDE ANY DISTRICT FROM PARTICIPATION IN CONSTITUTIONAL CONVENTION; 2) WOULD THIS APPLY IF FULL MARIANAS DELEGATION REQUESTS EXCLUSION; 3) WOULD IT STILL APPLY IF MARIANAS DISTRICT LEGISLATURE REQUESTS EXCLUSION. ANSWERS TO ALL THREE WERE IN AFFIRMATIVE.

BEFORE EXCUSING AG REP, OLTER ASKED HIM FURTHER TO EXPLORE HOW "ALL THIS" FITS IN WITH TRUSTEESHIP AGREEMENT.

SEN BORJA (MARIANAS) THEN TOOK STAND AND GAVE PREPARED STATEMENT, TRANSMITTED PREVIOUSLY, WITH ADDITION OF QUOTE FROM AMBASSADOR WILLIAMS' STATEMENT AT OPENING WASHINGTON PLENARY TO EFFECT THAT DRAFT COMPACT WOULD NOT APPLY TO MARIANAS.

SALII OBSERVED THAT "EXPERIENCE HAS SHOWN WE HAVE TO NEGOTIATE HARD WITH THE US", AND ASKED BORJA HIS VIEW AS TO CONTINUED PARTICIPATION BY MARIANAS IN JOINT STATUS TALKS. BORJA SAID HIS DELEGATION LIKED TO PROCEED TOGETHER BUT MARIANAS MEMBERS SHOULD NOT PARTICIPATE IN FORMING, NOR APPEAR TO GIVE SUPPORT TO, A COMPACT NOT APPLICABLE TO THEM. THEY SHOULD CONTINUE AS OBSERVERS ONLY.

OLTER REFERRED TO 1970 COMMONWEALTH OFFER AND POINTED OUT THAT US OFFER HAD NOT BEEN ALONG PUERTO RICAN LINES AS ENVISAGED, BUT WAS COPY OF GUAM ACT. HE RECALLED THAT AT KOROR JOINT STATUS COMMITTEE HAD STATED THAT IT DID NOT HAVE MANDATE TO PERMIT A DELEGATION TO DISCUSS SEPARATE STATUS, BUT IT COULD NOT PREVENT SUCH DISCUSSION.

BORJA SAID MARIANAS HAD ENDORSED COMMONWEALTH PROPOSAL AND WILL TAKE THAT AS "OUR WORKSHEET", HOPING THAT LAND QUESTION CAN BE IRONED OUT AND US OFFER IMPROVED. HE NOTED THERE HAD BEEN NO STRONG OPPOSITION BY JOINT COMMITTEE AT KOROR TO MARIANAS PROCEEDING ALONE.

REPRESENTATIVE GUERRERO (MARIANAS) NEXT APPEARED TO CALL FOR EXCLUSION OF MARIANAS FROM SB 231. IN REPLY TO QUESTION FROM SEN CALII AS TO HIS REACTION TO HAVING REPRESENTATIVES OF CONGRESS SITTING
(more)

PLAY BY THEM. A LAWSUIT AGAINST MARIANA ISLANDS SEPARATE STATUS COMMITTEE COULD BE SUCCESSFUL. PANGELINAN, WITH OLTER'S APPROVAL, REQUESTED LEGAL OPINION OF BOTH AG AND CONGRESSIONAL LEGAL STAFF. WHITE SAID CONSTITUTION SHOULD PROVIDE FOR EVENTUALITY THAT ONE OR MORE DISTRICTS MIGHT REJECT IT. IT IS LEGALLY REQUIRED, HE SAID, THAT EVERY CITIZEN OF MICRONESIA BE GIVEN OPPORTUNITY TO BE REPRESENTED IN CONSTITUTIONAL CONVENTION AND TO VOTE FOR CONSTITUTION, UNLESS SECRETARY'S ORDER AND CONGRESS WERE CHANGED. HE WARNED THAT LEGAL SUIT COULD EVENTUATE, THUS DELAYING WHOLE PROCESS.

ON OTHER ASPECTS OF BILL, CHIEF MAGISTRATE OF KUSAIE REPORTED MUNICIPAL COUNCIL RESOLUTION TO MAKE KUSAIE A SEPARATE DISTRICT, AND EXPRESSED DESIRE THAT KUSAIE HAVE A DELEGATE IN PROPOSED CONVENTION.

FATHER COSTIGAN OF PATS SCHOOL, PONAPE, TESTIFIED TO WHAT HE SAW AS DEFICIENCIES IN BILL: ELECTED OFFICIALS OF EXISTING GOVERNMENT SHOULD NOT TAKE PART IN CONSTITUTIONAL CONVENTION; TIMETABLE TOO SHORT; QUORUM TOO SMALL; POLITICAL STATUS COMMITTEE GIVEN EXCESSIVE AUTHORITY. ON LAST POINT HE SUGGESTED THAT ANOTHER POLITICAL COMMITTEE MIGHT BE SET UP TO WORK IN INTERNAL AFFAIRS. OLTER WONDERED IF MICRONESIA HAS SUFFICIENT ADDITIONAL QUALIFIED PEOPLE.

IN BRIEF CONCLUDING SESSION AFTER LUNCH RECESS, CRALEY REAPPEARED TO OFFER SUGGESTION THAT CONVENTION MEMBERSHIP BE INCREASED TO 54 (2 FROM EACH OF 21 CONGRESSIONAL DISTRICTS, TO BE ELECTED IN COMING NOVEMBER ELECTIONS, AND 12 TO BE APPOINTED FROM CONGRESS BY PRESIDENT AND SPEAKER. HE POINTED OUT THAT ONE GENERAL ELECTION COULD THUS SERVE DOUBLE DUTY OF CHOOSING CONGRESSIONAL REPRESENTATIVES AND CONVENTION DELEGATES.

MEANTIME IN HOUSE SAME DAY (AUG 24) REP HANS WILLIANDER (TRUK) INTRODUCED BILL (HB 276 - COPIES BEING SENT) TO PROVIDE FOR CONSTITUTIONAL CONVENTION. IN DOING SO, HE NOTED HIS BILL IS SIMILAR TO SB 231 BUT PREFERABLE IN PROVIDING FOR DIRECT ELECTION FOR 21 DELEGATES (MARIANAS INCLUDED), FOR PRESENCE OF MEMBERS OF JOINT STATUS COMMITTEE AT CONVENTION IN VIEW OF THEIR EXPERIENCE AND EXPERTISE, AND FOR DELEGATES, IN POST-CONVENTION TRAVEL, TO BE IN CONTACT WITH PEOPLE TO ASCERTAIN THEIR VIEWS.

TRENT

TRUST TERRITORY OF THE PACIFIC ISLANDS
OFFICE OF THE HIGH COMMISSIONER

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FROM	DISTAD PONAPE	INFORMATION	CLASSIFICATION UNCLASSIFIED	ORIGINATOR TRENT
TO	SECSTATE COMTWELVE SAN FRANCISCO JCS/SECDEF CINCPAC WHITE HOUSE CINCPACREP GUAM/TTPI	PRECEDENCE	DATE TIME GROUP	STATUS LNO
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FROM STATUS LNO

PASS TO DEPARTMENT INTERIOR FOR OSN AND DASTA
STATE FOR IO/UNP
COMTWELVE FOR AMBASSADOR WILLIAMS
DEFENSE FOR OSD/ISA
WHITE HOUSE FOR HOLDRIDGE (NSC)

SUBJECT: OPENING OF HEARINGS ON STATUS ISSUE

JOINT
OPEN HEARINGS ON JOINT STATUS COMMITTEE'S REPORT BEGAN YESTERDAY
AFTERNOON AUG 24 AND ARE CONTINUING TODAY UNDER CHAIRMANSHIP SEN
SALII. HEARINGS WILL BE REPORTED SUBSEQUENTLY IN DETAIL.

QUESTIONING THE COMMITTEE ON ITS REPORT ARE REPRESENTATIVES OF
FIVE DISTRICT LEGISLATURES (MARIANAS ABSENT). YESTERDAY PONAPE AND
PALAU WERE HEARD. PONAPE REPS PRINCIPALLY CONCERNED THAT COMPACT
MIGHT GIVE US FREE ACCESS TO LAND AND THAT "PRINCIPLES OF DEMOCRACY"
NOT PRACTICABLE TO MICRONESIAN WAY OF LIFE. THEY STRESSED NEED FOR
EXPLAINING COMPACT AND FREE ASSOCIATION TO PEOPLE, AND THOUGHT RADIO
AND PERSONAL CONTACT BEST MEANS IN VIEW OF WIDE ILLITERACY.

SPECIAL REPRESENTATIVE FROM KUSAIE WAS WORRIED ABOUT US INFRINGE-
MENT, THROUGH MILITARY BASES, ON MICRONESIAN SOVEREIGNTY, AND POSSIBLE
LIMITATIONS ON TRADE.

PALAU REPS BEGAN BY SAYING THEY WERE UNABLE TO APPROVE DRAFT
COMPACT AT THIS STAGE AND MUST AWAIT ITS COMPLETION TO SEE "EXACTLY
TO WHAT EXTENT THE PROPOSED MICRONESIAN GOVERNMENT..AND PEOPLE OF PALAU
DISTRICT ARE SURRENDERING THEIR INALIENABLE RIGHT TO TOTALLY GOVERN
THEIR ENTIRE AFFAIRS, BOTH EXTERNAL AND INTERNAL." LEGISLATORS PRO-
CEEDED TO STRESS VIGOROUS OPPOSITION TO LOCATION OF ANY MILITARY FACI-
LITIES ANYWHERE IN PALAU. THEY EXPRESSED CONCERN ABOUT POSSIBLE
STORAGE AND/OR USE OF NUCLEAR OR BACTERIOLOGICAL WEAPONS AND DECLARED
MICRONESIA WOULD HAVE NO ABILITY TO CHECK ON ACTUAL US USE OF LAND.
VICE SPEAKER'S PREPARED STATEMENT FORWARDED.

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