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12 ACTION INT-08

INFO OCT-01 EA-11 IO-12 L-03 INR-06 JUS-02 CIAE-00 H-02 SS-07 PM-03 T-01 /056 W

P 300315Z AUG 72 FM CINCPAC TO STATE DEPT WASH DC CINCPACREP GUAM TTPI GUAM MI INFO COMTWELVE SAN FRANCISCO CA JCS WASH DC SECDEF WASH DC WHITE HOUSE WASH DC

003554 DEPARTMENT OF STATE A/CDC/MR REVIEWED by BHB DATE 4/28/88 [ ] RELEASE [ ] DECLASSIFY [ ] EXEMPT [ ] DECLASSIFY in PART [ ] DELS [ ] Non-responsive info. FCIM 110 or PA exemptions TS authority to: [ ] CLASSIFY as [ ] DOWNGRADE TS to [ ] S or [ ] G, OADR

CONFIDENTIAL STATE PASS TO DEPT OF INTERIOR FOR ONS AND DASTA STATE FOR IO/UNP COMTWELVE FOR AMBASSADOR WILLIAMS SECDEF FOR OSD/ISA WHITE HOUSE FOR HOLDRIDGE (NSC) CINCPACREP GUAM/TTPI FOR CAPT KODIS MARIANAS SEPARATISM (U) 1. (U) AT THE REQUEST OF AMBASSADOR WILLIAMS, THE FOLLOWING CONFIDENTIAL MESSAGE HAS BEEN SENT BY COURIER TO OMSN LNO TRENT IN PONAPE QUOTE: FROM AMBASSADOR WILLIAMS TO LNO TRENT

PAGE 2 RUHHHQA3893 CONFIDENTIAL 1. THE FOLLOWING INFORMATION IS PROVIDED FOR YOUR BACKGROUND AND USE AS APPROPRIATE IN YOUR JUDGEMENT IN PRIVATE DISCUSSIONS WITH MARIANAS DELEGATIONS AND OTHER MEMBERS OF CONGRESS OF MICRONESIA. STATEMENTS BELOW BASED ON INTERDEPARTMENTAL DISCUSSIONS, WASHINGTON AUGUST 29. A. US NEGOTIATIONS WITH MARIANAS: THE US HAS THE LEGAL RIGHT AS ADMINISTERING POWER TO DEAL DIRECTLY WITH THE MARIANAS. THIS POSITION WAS TAKEN BY US AT TRUSTEESHIP COUNCIL IN MAY AND IS SPELLED OUT IN DETAIL IN JUSTICE DEPARTMENT MEMORANDUM OF MAY 19, 1972, COPY

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*In short, we can do what we want,*

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OF WHICH WAS GIVEN TO REPRESENTATIVE GUERRERO. IN ESSENCE MEMORANDUM STATES:

- 1. THE CONGRESS OF MICRONESIA HAS NOT ENACTED ANY LEGISLATION WHICH PURPORTS TO PRECLUDE DISTRICTS FROM CONDUCTING SEPARATE STATUS NEGOTIATIONS;
- 2. THE CONGRESS OF MICRONESIA LACKS THE POWER TO ENACT LEGISLATION WHICH WOULD HAVE THAT EFFECT;
- 3. PRIOR CONSENT BY CONGRESS OF MICRONESIA TO SEPARATE STATUS NEGOTIATIONS BY MARIANAS IS NOT

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REQUIRED AND CONGRESS OF MICRONESIA DOES NOT HAVE POWER TO GRANT SUCH CONSENT;

4. ACTION BY CONGRESS OF MICRONESIA WHICH WOULD PRECLUDE SEPARATE NEGOTIATIONS BY A DISTRICT WITH THE US AND A SEPARATE FUTURE STATUS OF THAT DISTRICT WOULD BE IN VIOLATION OF AN INTERNATIONAL AGREEMENT OF THE US AND THE LAWS OF US APPLICABLE TO THE TRUST TERRITORY.

B. CONSTITUTIONAL CONVENTION AND THE MARIANAS.

THE QUESTION OF LEGALITY OR PROPRIETY OF CONGRESS OF MICRONESIA PASSING BILLS EXCLUDING MARIANAS, ACCORDING TO INTERDEPARTMENTAL AGENCIES IN WASHINGTON, NOT A CLEAR CUT ONE. THE CURRENT SECRETARIAL ORDER IS SUBJECT TO VARYING LEGAL INTERPRETATIONS IN THIS REGARD. IN ANY EVENT, ISSUE CONSIDERED TO BE MORE A POLITICAL ONE THAN LEGAL ONE, AND THAT MORE IS TO BE LOST THAN GAINED BY THE US GOVERNMENT INJECTING ITSELF INTO THE ARGUMENT AT THIS POINT. POSITION US GOVERNMENT CLEAR THAT WHETHER OR NOT THE MARIANAS IS INCLUDED IN FINAL LEGISLATION REGARDING CONSTITUTIONAL CONVENTION, US WILL RETAIN LEGAL RIGHT AND FREEDOM TO NEGOTIATE

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SEPARATE STATUS FOR MARIANAS AND THAT US/MARIANAS STATUS AGREEMENT WILL TAKE PRECEDENCE OVER CONGRESS OF MICRONESIA CONSTITUTIONAL CONVENTION BILL. WE HOPE, HOWEVER, THAT CONGRESS OF MICRONESIA WILL NOT ALLOW LEGAL TECHNICALITIES AND MARIANAS SEPARATE STATUS ISSUE

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TO DELAY AND STAND IN WAY OF PASSAGE OF CONSTITUTIONAL CONVENTION BILL.

2. IN ORDER REASSURE MARIANAS DELEGATION SUGGEST YOU USE AT YOUR DISCRETION THE FOLLOWING:

A. WE WISH TO REEMPHASIZE OUR WILLINGNESS STATED AT KOROR, IN TRUSTEESHIP COUNCIL AND ELSEWHERE TO NEGOTIATE SEPARATELY WITH THE MARIANAS IN RESPONSE TO THEIR REQUEST AND TO THE WISHES OF THE PEOPLE OF THE MARIANAS DISTRICT.

B. WE RECOGNIZE THAT THE CURRENT PERIOD IS A DIFFICULT AND AN ANOMALOUS ONE FOR THE MARIANAS AND THAT THE MARIANAS DELEGATION IS BEING SUBJECTED TO UNUSUAL STRAIN IN CONNECTION WITH THEIR PARTICIPATION IN JOINT STATUS TALKS AND POTENTIAL PARTICIPATION IN THE CONSTITUTIONAL CONVENTION. REGARDLESS OUTCOME

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CURRENT DEBATE AND LEGISLATION, WE WANT TO MAKE IT CLEAR TO MARIANAS DELEGATION THAT ANY ACTION TAKEN BY CONGRESS OF MICRONESIA WILL NOT PREJUDICE SEPARATE NEGOTIATIONS TO WHICH THE US IS ALREADY PUBLICLY COMMITTED.

C. US WILL TAKE WHATEVER ACTION NECESSARY TO PROTECT MARIANAS RIGHTS AND OFTEN EXPRESSED DESIRE FOR SEPARATE STATUS. HOWEVER, MOST IMPORTANT FACTOR IN WHOLE QUESTION NOW CENTERS ON INITIATIVE AND RESOLVE OF MARIANAS DELEGATION AND ITS COMMON DETERMINATION TO HOLD FIRM IN ORDER ASSURE PEOPLE IN THEIR DISTRICT THE RIGHT TO SELF DETERMINATION.

3. RECOGNIZE THE DELICACY THIS MATTER. APPRECIATE YOUR TIMELY REPORTING AND YOUR HANDLING THIS SENSITIVE QUESTION. CONSIDER BEST APPROACH IN PRESENT SITUATION IS TO LET NATURE TAKE ITS COURSE WITHOUT INTERVENING. AT THE SAME TIME REQUEST YOU DISCRETELY REASSURE MARIANAS DELEGATION ALONG LINES MENTIONED ABOVE.

4. IF CONSIDERED CRITICAL, PLEASE CABLE US IF ADDITIONAL INFORMATION OR GUIDANCE NEEDED ON THE ISSUES

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REFERRED TO IN THIS MESSAGE. BEST REGARDS. WILLIAMS.  
UNQUOTE.

2. (U) FOR CINCPACREP GUAM/TTPI. AS A BACKUP, REQUEST  
YOU PASS THIS MESSAGE TO MISS TRENT WHEN SHE PASSES THRU  
GUAM ENROUTE SAIPAN AFTER COMPLETION SPECIAL COM SESSION.  
GDS-78.

EOT

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