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January 15, 1973

MEMORANDUM FOR FILE

Subject: Conversation with Adrian de Graffenried

On January 10, I visited Adrian de Graffenried to pick up some materials which he had collected. During my visit, we touched on some substantive issues. The meeting lasted about one hour.

Mr. de Graffenried is now Legal Adviser to the Office of Micronesian Status Negotiations (i.e., Ambassador Williams' office). He is an interior Department employee and formerly was a Peace Corps attorney in Yap and Paulau.

On the issue of partial termination of the Trusteeship, Mr. de Graffenried said that I should check with the State Department since it has been the point of contact with the UN. However, the firm U.S. policy is that there could be no partial termination.

However, this does not preclude administrative orders and the like which give the Marianas a separate status in the interim. Requests for a new interim status must come from the Marianas; otherwise, the U.S. would be vulnerable to UN criticism.

He ventured that the rest of Micronesia actually accepts the separate U.S. - Marianas negotiations. While publically they object, this is mostly a ploy. There has

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always been a cultural separatism between the Marianas and the rest of the Trust Territory. However, there will be problems in separating since: (1) the Marianas provide a disproportionate share of the revenues; and (2) it will be expensive and difficult to move the Trust Territory headquarters, though in the long run this will mean more jobs for the other islands.

Present Status of the Negotiations

1. Trust Territory. There has been no time set for the next round nor any informal indications.

The Micronesians are now reorganizing their Congress as a result of the recent elections. Moreover, there will be some changes in the membership of the Joint Status Commission since 2 of its 12 members were not re-elected. Mr. de Graffenried expects that it will take some time, but not more than a few months, for this reorganization.

In any case, the U.S. does not intend to follow the "two-alternative" route which the Micronesians had proposed at the last round.

2. Marianas. Mr. de Graffenried thought the last session between the U.S. and the Marianas went well. However, he is unsure what kind of relationship the Marianas want. I noted that this is what is now being studied, and he acknowledged this.

As for the U.S. Delegation's plans, Ambassador Williams has said that the U.S. proposals will be presented at the next round.

On the specific issues of military land requirements, Mr. de Graffenried again said that the specific proposals will be presented at the next round. However, he said the last round included indications from the U.S. that it wanted to keep some land on Saipan and concentrate on Tinian.

Mr. de Graffenried did suggest that inter-delegation working groups could meet beforehand. He did not address the issues of how forthcoming the U.S. would be in the working groups.

He said that no time had been set for the next round. The U.S. had earlier accepted that all talks be in Saipan.

During our discussion, Mr. Harmon Kirby entered briefly and introduced himself. He's a State Department employee (FSO) just assigned to the Office of Micronesian Status Negotiations.

Also, Mr. Herman Marcuse of the Office stopped by for 10 minutes. He's assigned from the Justice Department. Mr. Marcuse said that a year ago he had gone through the U.S. statutes to see which applied to the Trust Territory. Most new statutes (within the last 5 years) include the Trust Territory as a matter of course. Older statutes generally do not. One must check on a statute by statute basis. Mr. Marcuse noted that changing all the statutes was a simple matter. As precedent, he noted that when new states had been

admitted to the United States, a year or so thereafter an Omnibus Act was passed which said that all statutes now apply.

Barry E. Carter

cc: Howard Willens  
Jay Lapin

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