



Department of State

TELEGRAM

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INFO OCT-01 IO-13 EA-11 PRS-01 PA-03 L-03 USIE-00 CIAE-00

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E.O. 11652/ N/A
TAGS: PGOV, TQ
SUBJ: PRESS RELEASE RE SUBPOENA CONTROVERSY
DOTA NO. 096

DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY <u>huc</u>	DATE MAR. 5 1987
RDS <input type="checkbox"/> or XDS <input type="checkbox"/> EXT. DATE _____	
TS AUTH. _____	REASON(S) _____
ENDORSE EXISTING MARKINGS <input type="checkbox"/>	
DECLASSIFIED <input type="checkbox"/> RELEASABLE <input checked="" type="checkbox"/>	
RELEASE DENIED <input type="checkbox"/>	
PA or FOI EXEMPTIONS _____	

PURSUANT TO OUR TELEPHONE CONVERSATION, THE FOLLOWING PRESS RELEASE IS APPROVED FOR YOUR USE IN RESPONSE TO THE CONGRESS OF MICRONESIA RELEASE ON THE SUBPOENA CONTROVERSY:

BEGIN TEXT:

THE RECENT ACTION BY THE JOINT COMMITTEE ON FUTURE STATUS IN BRINING CRIMINAL CHARGES FOR CONTEMPT OF THE COM AGAINST THREE LOYAL AND DEDICATED EMPLOYEES OF THE EXECUTIVE BRANCH OF THE TTPI IS DEEPLY REGRETTE. I BELIEVE THAT IS NECESSARY IN THE INTEREST OF CLARITY TO RESPOND TO THE COMMITTEE'S CHARGES AGAINST THESE THREE MEN SINCE THEY WERE ACTING UNDER INSTRUCTIONS FROM THE HICOM AND WERE IN NO WAY RESPONSIBLE FOR THE DECISIONS WHICH LED TO THEIR CITATIONS.

THE FUNDAMENTAL ISSUE RAISED BY THE CITATIONS IS THE SEPARATION
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OF POWERS AMONG CO-EQUAL OF THE GOVERNMENT OF THE TRUST TERRITORY AND THE EXERCISE OF EXECUTIVE PRIVILEGE. IT WAS RAISED BY THE JCFS WHEN IT CALLED FOR CERTAIN DOCUMENTS NOW IN THE POSSESSION OF THE EXECUTIVE BRANCH OF THE TTPI GOVERNMENT. IN THIS INSTANCE, THE THREE MEMBERS OF THE TTPI EXECUTIVE BRANCH WHO HAVE BEEN CITED FOR CONTEMPT VISITED WASHINGTON IN LATE JUNE AT THE INVITATION OF THE OFFICE FOR MICRONESIANS STATUS NEGOTIATIONS AND WITH THE FULL KNOWLEDGE OF SENATOR SALII IN ORDER TO DISCUSS TTPI LAND MATTERS. WHEN THEY RETURNED THEY HAD THE DOCUMENTS IN QUESTION IN THEIR POSSESSION WHICH WERE SUBSEQUENTLY DELIVERED TO THE HICOM. TWO OF THE DOCUMENTS WERE PREPARED BY MESSRS. YAMADA, NEAS AND RICE. ALL OF THE PAPERS WERE PREPARED AT THE REQUEST OF THE U.S. GOVERNMENT IN ITS EFFORT TO GATHER EXPERT ADVICE AND INFORMATION ON WHICH TO BASE ITS DECISION REGARDING THE POSSIBLE FUTURE DISPOSITION OF TTPI PUBLIC LANDS.

ALL OF THESE PAPERS ARE RELATING TO POSSIBLE FUTURE COURSES OF ACTION BASED UPON EVENTS THAT MAY OR MAY NOT OCCUR. THEY IN NO SENSE REPRESENT AN OFFICIAL POSITION OF THE U.S. OR TTPI GOVERNMENT. IN VIEW OF THE FOREGOING, I HAVE CHOSEN NOT TO RELEASE THESE PAPERS TO THE JCFS AND HAVE INVOKED EXECUTIVE PRIVILEGE. IF NECESSARY WE ARE PREPARED TO SUBMIT THE ISSUE TO THE APPROPRIATE JUDICIAL AUTHORITIES OF THE TTPI.

FINALLY, IN REITERATION OF MY FIRST POINT, I DEPLORE THE POINTLESS HARASSMENT BY THE JCFS OF THE EMPLOYEES IN QUESTION WHOSE EFFORTS TO LEND THEIR CONSIDERABLE KNOWLEDGE AND EXPERIENCE TO THE SOLUTION OF THE COMPLICATED PUBLIC LAND QUESTION HAVE LED TO UNJUSTIFIABLE CRITICISM OF THEIR MOTIVES AND LOYALITIES. THIS IS PARTICULARLY TRUE BECAUSE THE SAME KNOWLEDGE AND EXPERIENCE, AS DISTINGUISHED FROM ADVISORY PAPERS, IS EQUALLY AVAILABLE TO THE JCFS. ROGERS

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