

DRAFT
September 4, 1973

Background Memorandum on the Mariana Islands
District of the Trust Territory
of the Pacific Islands

Representatives of the Mariana Islands District of the Trust Territory of the Pacific Islands have recently opened talks with the Executive Branch of the United States Government to explore the creation of a new political relationship between the Marianas and the United States. The people of the Marianas regard the opening of these negotiations as a major step toward fulfillment of their deeply-felt and often-expressed desire for a closer political affiliation with the United States. The most recent session of the talks culminated in a Joint Communique, dated June 4, 1973 (Attachment A), which reflects substantial progress toward bringing the Marianas within the American political family. Such a political union would be an event of great significance, marking the first time in recent United States history that a territory would have come under the flag as a result of the freely-expressed will of the people directly concerned.

Recognizing that the American people, through the Congress of the United States, will play a critical role in approving and implementing any new political status for the

Marianas, this memorandum has been prepared to provide information as to the progress of the ongoing status negotiations and, hopefully, to secure further understanding and support for the goals and aspirations of the Marianas people.

1. Description of the Mariana Islands.

The Mariana Islands District of the Trust Territory of the Pacific Islands consists of an island chain located in the Western Pacific; it lies a few hundred miles due north of the United States territory of Guam. Following World War II, the United Nations constituted all of those Pacific islands formerly under Japanese (League of Nations) mandate into a single Trust Territory of the Pacific Islands. The United States assumed the role of Administering Authority for this territory pursuant to a trusteeship agreement.

The Trust Territory, also called Micronesia, ranges across thousands of miles of ocean and includes people of markedly different cultural and ethnic heritage. The Marianas are located in the far western corner of Micronesia. Its population of roughly 14,000 persons is largely settled on the three main islands of Saipan, Tinean and Rota. About three-fourths of the Marianas people are Chamorros, descendants of the original population. Because of their common ancestry, the people of the Marianas share cultural, religious,

and language ties with the people of Guam. Indeed, Guam was at one time administered by the Spanish as part of the Marianas, and the separation of the Marianas from Guam was occasioned by the "historical accident" of the Treaty of Paris ending the Spanish-American War.

Whereas Guam became a territory of the United States and its people began to enjoy the freedom and prosperity of American democracy, the people of the islands to the north continued in their role as a subjugated race. In quick succession, the islands passed from the Spanish to the Germans and finally to the Japanese under the League of Nations' mandate. Although Japanese rule brought relative prosperity to the islands, the prosperity was not shared with the indigenous inhabitants. In the end, the Japanese presence brought death and destruction to the people of the Marianas as the islands were the scene of some of the bloodiest battles in the Pacific.

Under United States administration, the people of the Marianas have begun to enjoy freedom from political subjugation and from economic exploitation for the first time in 400 years. The benefits of an even closer relationship with the United States were clearly evident from the progress made by neighboring Guam toward local self-government and economic self-sufficiency. Accordingly, over the years, the

people of the Marianas have persistently expressed their desire for closer and more secure ties with the United States. Such expressions have come in the form of resolutions passed in town meetings, municipal councils and the District Legislature and from the results of referenda of the people.

2. Origin of the United States-Marianas Status Negotiations.

To understand the current United States-Marianas status negotiations, it is necessary first to review briefly the history of efforts to explore future political status alternatives for the Trust Territory as a whole.

The Trusteeship Agreement requires the United States to

"promote the development of the inhabitants of the Trust Territory toward self-government or independence as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the people concerned."

On August 21, 1967, President Johnson sent a message to Congress proposing to create a Presidential Commission on the Status of the Trust Territory as a "step toward self-determination" for the people of Micronesia. In September 1969, the United States opened talks with a delegation from the Congress of Micronesia, including representatives from the Marianas, to explore future political

status alternatives for the Trust Territory as a whole. Early in the negotiations, the Micronesian delegation, now called the Joint Committee on Future Status, insisted on exploring a compact of free association between the United States and Micronesia. In April 1972 it became clear that the Joint Committee would settle for nothing less than the right of unilateral termination of its relationship with the United States. This position, needless to say, was directly contrary to the wishes of the overwhelming majority of the people of the Marianas.

In light of the developments in the talks with the Joint Committee, the Marianas representatives to the Joint Committee renewed their request for separate discussions with the United States and the United States agreed to the Marianas request. In May 1972, the Marianas District Legislature created the Marianas Political Status Commission, a group broadly representative of various ethnic, political, economic, and social interests in the islands, to study political status alternatives for the Marianas and to conduct negotiations looking toward a close and enduring political relationship with the United States following termination of the Trusteeship. (Copies of the pertinent legislation of the District Legislature are included herewith as Attachment B.)

In December 1972, an opening session of the United States-Marianas status talks was convened in Saipan. Following this largely ceremonial session, the Marianas Commission initiated thorough studies of the legal, economic and other consequences of various political status alternatives. At the same time, the Commission conducted extensive consultations with the people on the various possible subjects of negotiation with the United States. In May and June of this year, the Commission and the United States delegation engaged in six weeks of intensive substantive negotiations.

Despite criticism from the Joint Committee and the Congress of Micronesia, the separate negotiations are essential to preserve the right of the people of the Marianas freely to choose their own political destiny. Recent events confirm that the Joint Committee alone cannot speak effectively for the people of the Marianas. In August 1972, the Congress of Micronesia changed its instructions to the Joint Committee and directed it to negotiate with the United States on independence for Micronesia. Pursuit by the Joint Committee of the dual negotiating goals of free association or independence is inconsistent with the overwhelming sentiment of the people of the Marianas for close association with the United States.

In this regard, the position of the Congress of Micronesia and the Joint Committee in opposition to the separate negotiations is wholly untenable. On the one hand the Joint Committee informed the United Nations Visiting Mission to the Trust Territory that it would not oppose a close, and presumably separate, political relationship between the Marianas and the United States if such a status reflected the freely-expressed wishes of the majority of the people. Yet, in requesting the United Nations to block the separate United States-Marianas status negotiations, the Congress of Micronesia would take away the only apparent means by which the people of the Marianas could have an opportunity freely to choose the alternative of close association.

The Marianas Commission has no desire to undercut or hamper the negotiations of the Joint Committee. Given the current United States view that termination of the Trusteeship could only occur simultaneously for all districts of Micronesia, the Marianas has every incentive to encourage the United States and the Joint Committee to accelerate their negotiations, so that the political aspirations of the people of the Marianas and of all Micronesians can be realized at the earliest possible date.

Representatives from the Marianas have responded to the criticism outlined above in a presentation to the United Nations Trusteeship Council on June __, 1973.

(Attachment C.) Based on subsequent statements made by member nations, it appears that the Trusteeship Council has recognized the legitimacy of and necessity for the separate United States-Marianas negotiations.

3. Marianas Goals in the Current Status Negotiations.

Pursuant to the mandate of the District Legislature, the Marianas Political Status Commission is committed to explore the means by which the people of the Marianas, through the exercise of their right of self-determination, can enter into a close and enduring political relationship with the United States. The specific goals of the Marianas Commission can be usefully discussed under the three main headings of the attached Joint Communique: political status, economics and finance, and land.

A. Political Status

The Marianas would become a member of the American political family through a formal status agreement which vested sovereignty over the Marianas in the United States. The people of the Marianas would retain the right of self-government in local matters. Otherwise, the authority of

the United States Government would extend to all matters of national concern such as defense and foreign affairs, interstate commerce, etc. In general, the power of the Federal Government in the Marianas would be coextensive with its power in the States.

In the Joint Communique of June 4, 1973, the Marianas' future status is described as that of a "commonwealth," although there is no intention or desire to imitate the Puerto Rico experience. Rather, the term "commonwealth" is merely a general framework which will derive its substance and meaning from the terms of a formal status agreement itself. Insofar as that agreement departs from the standard format under which the United States presently governs its territories, it will not neglect any legitimate United States interest. It must be recognized, however, that the future status of the Marianas in the American system will be the first such relationship which is the product of free and open negotiations between the parties concerned. The special needs of the Marianas, therefore, will inevitably shape certain terms of the status agreement to protect the interests of the people of the Marianas. Moreover, because the provisions under which the Marianas move from their current status of a trust territory will be subject to United Nations approval, it will be important for both the Marianas and the

United States to satisfy the United Nations that the new political relationship provides adequate assurances of self-government for the people of the Marianas and otherwise reflects a free decision of the people concerned to choose their political destiny.

Over the years it has been recognized that the United States Constitution provides ample flexibility in shaping the relationship between the central government and a dependent territory. While serving in the Department of War in 1914 in connection with territorial affairs, Felix Frankfurter observed:

"The form of the relationship between the United States and an unincorporated territory is solely a problem of statemanship. History suggests a great diversity of relationships between a central government and dependent territory. The present day shows a great variety in actual operation. One of the great demands upon inventive statemanship is to help evolve new kinds of relationships so as to combine the advantages of local self-government with those of a confederated union. Luckily, our Constitution has left this field of invention open." Quoted in Mora v. Torres, 113 F. Supp. 309 (D.P.R. 1953).

The Marianas Commission has expressed the view that the United States delegation to the status talks should not feel constrained by frameworks for territorial governance established unilaterally by the United States over the last half-century. And, the people of the Marianas are

hopeful that there will be no constitutional or political impediment to creating a new political status relationship for the Marianas that recognizes the unique circumstances under which the Marianas propose to become a member of the American political family.

Such frameworks as now exist in Guam and the Virgin Islands have been evolving over the years, yet they fall short of assuring the level of local self-government required by the Marianas. The Marianas do not seek a "superior" status over these territories. Rather, it is hoped that the unnecessary shortcomings of earlier status relationships can be avoided and that the United States will recognize that it has, in the words of a recent Washington Post editorial,^{*/} "a special responsibility to leave the Micronesians in a situation of promise and dignity."

B. Economics and Finance

The people of the Marianas are mindful of the fact that economic self-sufficiency is essential to any measure of genuine self-government. The United States has already expressed its commitment to the goals of raising

^{*/} Washington Post, July 23, 1973.

significantly the per capita income of the people of the Marianas and moving the Marianas progressively toward economic self-sufficiency. The legacy of the past renders these goals all the more urgent to the people of the Marianas.

Per capita income for the Marianas has been estimated to be around \$1000 -- far below that of the United States or any other dependent territory. Economic development has been slow -- due largely to restrictions imposed by the Trust Territory government. The present "capital improvements" in the Marianas were constructed either before or just after World War II. The life expectancy of such major systems as roads, sewer, water, and power has long since expired. ^{*/}

Government expenditures in the Marianas for 1973 are about 7.0 million dollars without about 2 million devoted to capital improvements. This level of financial support is adequate to provide only the most rudimentary government operations and programs; the support for capital improvements is a "drop in the bucket" when compared with

^{*/} The present water system on Saipan loses 50% of the gallons pumped per day. This problem of leakage suggests a high risk of contamination from sewage. The waste involved also threatens to deplete the fragile water "lens" on the island.

the Trust Territory's own estimate that a five year capital improvement program for Rota and Saipan would cost nearly 50 million dollars.

The critical need for capital improvements and economic development in the Marianas presents a unique opportunity for implementation of an overall plan for the islands. Through such planning and the orderly implementation of those plans, the Marianas could move quickly toward economic self-sufficiency while avoiding the perils of uncontrolled growth and development that have plagued Guam and the Virgin Islands.

Accordingly, the Marianas Commission has requested the United States to finance a master planning effort for the islands which would serve to identify and define the needs of the future Marianas government in the areas of capital improvement projects, economic development programs and ordinary government operations. Such a survey would define the need for financial support from the United States by measuring the gap between the financial requirements of the Marianas and the available local resources. The survey would also serve to ascertain the best means to close this gap as rapidly as possible so that the Marianas could achieve self-sufficiency and thereby relieve the United States of further obligation to provide direct budgetary support.

The Marianas Commission has requested further that, after the required United States financial support is determined and agreed to by both sides, the United States should commit itself over an initial period of years at guaranteed fixed levels. Without such a multi-year commitment, implementation of the master planning discussed above cannot be assured. Moreover, the Marianas people rightfully fear that dependence upon an annual budgetary review process in the United States Government will inevitably frustrate the achievement of their twin goals of economic self-sufficiency and local self-government. Recognizing these concerns, the United States delegation to the status talks has agreed in principle to support the master planning effort and thereafter to request Congressional approval of the multi-year commitment required to implement those plans.

C. Land

Land in the Marianas, as in all of Micronesia, is the most scarce and precious resource of the people. Much of the land in the Marianas is now held as public land or "military retention land" by the United States as trustee under the United Nations Trusteeship Agreement. The Marianas Commission has therefore requested that all such land as is held by the United States be returned to the people of the Marianas.

At the same time, recognizing that as part of the American political family the Marianas have a responsibility to contribute to the United States defense role in the Western Pacific, the people of the Marianas are prepared to make land available to meet United States military needs. In this connection, the United States has proposed a major military base that could occupy two-thirds of the island of Tinean and has also requested that additional land on Saipan be reserved for "contingency" purposes. Some of the details of these proposals are set forth in a public statement of Ambassador Franklin Hayden Williams, the head of the United States delegation, a copy of which (reprinted in the Pacific Daily News of June 2, 1973) is appended to this memorandum as Attachment D.

The people of the Marianas recognize the strategic importance of a significant United States military presence in their islands. At the same time, the scarcity of land in the Marianas requires that the current military proposals reflect minimum land requirements. In this connection, the Marianas Commission has raised a number of specific questions with respect to the proposals.

For example, the Commission has asked whether the Tinean base could be built so as to use less than two-thirds of the island and so that the only existing harbor

on the island need not be closed to civilians whenever munitions are off-loaded from ships. The Commission has asked whether, in light of the extensive use of Tinean, the military actually needs to retain land on Saipan for "contingency purposes." The Commission is especially concerned that the retention of such land adjacent to the airport and harbor on Saipan could suppress or hamper commercial development in those areas.

The Commission is prepared to be convinced that its reservations are unwarranted. It is important, however, for these items to be fully discussed so that the people of the Marianas can be completely assured that all of the land to be made available is in fact required to meet genuine United States military needs.

CONCLUSION

The attached joint communique is eloquent testimony to the progress that has been made to date in the United States-Marianas status negotiations. Future rounds of negotiations will, of course, be required to refine the specific terms of the agreement that must be reached between the parties.

For the Marianas to realize their twin goals of local self-government and economic self-sufficiency, however, will require a degree of flexibility and innovation that

has not typified United States' relationships with its other territories. Nevertheless, we believe the aims of the Marianas people in these areas are realistic and justified. Their position reflects nothing less than a desire to achieve the promise of American democracy. It is these goals which underly the strong desire of the Marianas people to become a part of the American system. With continued good will on both sides and with respect for the broad areas of mutual interests at stake, these goals can be fulfilled.

Here's Tinian Text

The Daily News obtained from government officials a complete text of the radio address given Wednesday night by Ambassador Franklin Haydn Williams, elaborating in public, for the first time, on some aspects of the future status talks for the Marianas Islands. The typed text is reprinted below in full.

Members of the U.S. delegation to the talks from Saipan to Tinian last night to discuss with local residents some aspects of the current bargaining.

Ambassador Williams:
Thank you for this opportunity to make this statement over Radio Saipan. Under the broad heading of land, I want to talk briefly about the returning of public lands to the Marianas and land alienation and then move on to a more detailed description of U.S. land needs in the Marianas.

PUBLIC LAND

First, U.S. policy toward public lands in the Marianas is clear. These lands which have been held in trust, will be returned to the people of the Marianas. The questions still to be resolved before this is done are legal and technical ones, and ones about administration and timing. The U.S. will look at these questions just as soon as possible as part of a larger study now being done on the early return of public land to all the District of Micronesia.

LAND ALIENATION

I said last December and wish to emphasize again the firm determination of the United States to work with you to establish an effective means for preventing your land from falling into the hands of people from outside the Northern Marianas. This is not something we take lightly, having seen ourselves what has happened in other places and sympathizing fully with your desire to protect your heritage.

The Text Of Williams' Tinian Talk

(Continued from page 1)

Our studies to date on this indicate that there is a relatively simple means of accomplishing this. It will be within your powers, although we will be glad to work closely with you to see that it is effectively accomplished, if that is your desire.

The status agreement will enable the Marianas to enact legislation prohibiting the sale of land in the Marianas to anyone other than persons descended from traditional residents of the Northern Marianas or of Northern Marianas ancestry. You could also incorporate such provisions into your new constitution.

In brief, the U.S. has a strong desire to assist the people of the Marianas to protect and preserve their interest in and title to their own land.

Now I want to turn to our land requirements in the Marianas. The U.S. has a continuing need for about 23 acres now being used on Saipan by the U.S. Postal Service and the U.S. Coast Guard. Additional small amounts of land may be needed for such civilian purposes as more post offices or branch office for federal agencies. For these we will negotiate with the future government of the Marianas or the property owners concerned.

U.S. Minimum Military Requirements

The U.S. has stated publicly that it needs land in the Marianas in order to meet its defense responsibilities in the Pacific.

The U.S. looks on this as a cooperative effort which will require careful consideration of the wishes of those people in the Marianas who will be directly affected. I would like to note with appreciation statements that have been made here in the Marianas acknowledging our need and your spirit of willingness to make such land available as a Marianas contribution to peace and security in the Pacific Ocean area.

Knowing the importance you put on your land we have tried conscientiously to keep our land requirements to the absolute minimum. As we have told the Marianas Political Status Commission, we have needs on three islands: Farallon de Medinilla, Saipan and Tinian.

Farallon de Medinilla is now being used for target practice by the U.S. military forces under a "use and occupancy" agreement from the U.S. Government. Its isolated location and difficult terrain make it unusable and inaccessible. We would like to continue to use it indefinitely.

Saipan
At the present time we still hold 4,760 acres of military retention land on Saipan, having previously returned 7,099 acres. Present holdings include 640 acres in Tanapag Harbor and 4,120 acres in the southern portion of the island including Isley and

When development outside the base area is uncontrolled, undesirable conditions and consequences could result which would not be in the interest of either the local residents or the U.S. military.

Kobler Fields and the surrounding area.

We are now proposing to return 320 acres in the Tanapag Harbor to the Marianas for civilian use and development. At the same time, we would like to retain an equal number of acres in the harbor for contingency purposes. We do not have an immediate need for this area and the U.S. is willing to lease tracts within in the retained harbor area for civilian development purposes that would not interfere with the military in the event a future need arises.

Isley Field is now located on military retention land but is being developed as a civilian airfield. We propose to release it from military retention but want to be able to use it jointly if necessary in the future. Additionally, we propose to hold on to 500 acres of retention land on the south side of Isley Field for the possible future development of a maintenance and logistics area should this become necessary. But we are willing to lease this area too until it might be required.

Tinian

In developing plans for military facilities in the Marianas that would use the minimum amount of land we have tried to take account of a number of factors other than strategic considerations.

First, it was felt that the development of a combined military complex in an area separated from civilian centers would minimize interference with civilian activities and community life. In selecting land and sites, careful consideration was given to the social impact of the proposed facilities on the Marianas and on the immediate communities concerned. Consideration was also given to how the location of a base complex could be of the greatest benefit to the local people and at the same time protect and preserve their rights, their customs and their way of life.

Secondly, combining military requirements in one area minimizes construction and support costs associated with military operations. Building facilities in one area improves operational efficiency, reduces transportation and communications costs and avoids duplication of facilities which are wasteful of land - especially in areas where land is scarce.

Keeping these two basic considerations in mind we would like to concentrate

attention that these on-the-spot studies be conducted in the very near future in cooperation with local Marianas and Marianas Political Status Commission, to explain directly to the people and leaders of Tinian the U.S. land proposals I am describing here on today.

In planning for the base on Tinian we are aware from past experience that when development outside the base area is uncontrolled, undesirable conditions and consequences could result which would not be in the interest of either the local residents or the U.S. military. This is particularly true in the close quarters of a small island environment.

We feel that our proposal is in both our interests and those of the people of Tinian. We plan to work with the local civilian community to plan and promote the rational economic development of the southern one-third of the island. At the same time we would be protecting the essential character of the current Tinian community from unduly strong outside pressures and influences including a major influx of new residents and possible undesirable commercial and recreational activity.

Our proposal to use most of Tinian for military purposes may cause some residents of Tinian a degree of inconvenience, because of the prospect of being physically resettled. This we regret but if we take over the port for military supply purposes we have no alternative but to propose that the village of San Jose be moved to some other suitable location in the southern third of the island. We intend to discuss this question fully with the people concerned. We will seek their view on all aspects of this problem including their choice as to the site for the possible building of a new San Jose. I wish to assure you that the U.S. will defray the costs of the resettlement and the expense of building new homes, and new municipal buildings and the replacement costs of other community activities located in San Jose Village.

The acquisition of the island of Tinian and the subsequent development of an operational joint-service base could have a significant economic impact on all of the northern Marianas in terms of the potentially dramatic increase in revenues available to the new commonwealth government, new employment opportunities on the base for citizens of the Marianas, and prospects for new business and services including local construction, supply and transportation enterprises.

On Tinian itself private land owners would be compensated for their land at a fair market price. Tinian residents would be given first preference for employment on the base provided they have the necessary skills. In the regard special training and educational programs would be available to the local residents. Local residents may also be awarded contracts for small

business activities on the base. Likewise, there should be a number of private business opportunities of various kinds outside the base complex for users of the base community. Additionally, investment in the southern one-third of Tinian will also be possible. New businesses would be permitted if approved by some kind of joint Tinian economic development committee.

The economic benefits of this proposal to the local government should be mentioned. In any resettlement the U.S. Government will, of course, ensure that the new community has the necessary infrastructure, utilities and services to make it viable. The U.S. will also assist in the building of new roads, reclaiming land for agriculture, installing irrigation systems and providing technical assistance on agricultural production and marketing as may be needed.

The presence of a U.S. military base on Tinian will undoubtedly have some social impact on the Marianas and in particular on the residents of Tinian. While every effort would be made to protect and preserve the customs and traditional lifestyles of the people of Tinian, they would at the same time have increased opportunities for broader social contact and cultural exchange if they desired. Community schools could be opened to the students from both the local community and the military base but again only if this were desired by the residents of Tinian. Other educational and training opportunities including adult programs may be made available for the whole community. The military presence could also provide nearby emergency medical service which could not be handled by local clinics.

All of the foregoing should not be interpreted in any way as an attempt to close off the southern third of Tinian Island from its contacts and commerce with the remainder of the Marianas and the world. Normal travel to and from Tinian for business and pleasure will still be free and open.

Summarizing, I want to reemphasize that the U.S. is proposing a joint effort in the planning, building, and implementation of the military presence on Tinian. It is an exceptional opportunity to work together from the outset for structuring the overall effort so as to have the least possible impact on the island's life and at the same time ensure the base's operational effectiveness and its contribution to the maintenance of peace and security in the Pacific.

This concludes my statement on land. The U.S. understands its importance to the people of the Marianas. In meeting its own land requirements the U.S. intends to seek the help and the advice of the Marianas Political Status Commission and the people of these islands.



WILLIAMS

...receiving a key on arrival at Saipan, May 23, for start of new status talks session.

our military activities on one island. That island, as we have stated publicly many times previously, is Tinian.

But the requirements on Tinian are extensive - so much so that we feel we should acquire the northern two thirds of the island for military purposes. We feel we should also ask to acquire the southern third but would then make this part of the island available to the current residents for normal civilian activities and community life.

The part of Tinian set aside for military operations would be used to construct a joint service military base to include an airfield, a harbor facility, a supply and maintenance area and space for occasional training maneuvers. The remainder - about 7,700 acres outside the base in the south and southwestern part of the island, including the farming area of Narpu Valley - would be used by the current residents much as it is now. Let me make it clear that the residents of Tinian would not live under a military administration. Local municipal government would continue in full effect in that part of Tinian lying outside the base area.

Since we have not had a chance to send experts to Tinian our planning to date is in its preliminary stages. It has always been our intention - repeated time and again - to consult fully with the people of Tinian before any final plans are made. Furthermore, detailed studies must be made on Tinian itself before it will be possible to proceed further. It is our