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October 30, 1974

Congressman Jonathan B. Bingham
Suite 133
Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Bingham:

As you know from our earlier correspondence, we are representing the Marianas Political Status Commission in its negotiations with the United States concerning the future political status of the Northern Mariana Islands after termination of the United Nations Trusteeship Agreement presently in effect. A serious problem has recently developed in these negotiations which we believe warrants your consideration and we are writing this letter to request your assistance.

During the last two years, four sessions of negotiations have been held and considerable progress has been made. A status agreement which will be submitted for approval to the local legislature and to the people of the Northern Marianas, and to the United States Congress, is now being drafted. The status agreement will provide that the Northern Mariana Islands will become a self-governing Commonwealth under the sovereignty of the United States after termination of the Trusteeship. It will also provide that about 18,000 acres of land in the Northern Marianas -- almost one-quarter of the entire land area of the islands -- will be made available to the United States for military purposes.

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One of the critical issues remaining to be resolved concerns the just compensation which the United States will pay for this 18,000 acres of land. The efforts of the parties to agree on just compensation have been stymied by the insistence of the United States that it has permanent use rights -- rights which extend beyond termination of the Trusteeship -- in about half of this land, including some of the most valuable parcels. With respect to this portion of the land, the United States claims that it need only pay about two percent of the land's fair market value. The Commission has rejected the contention that the United States has permanent use rights, and insists that fair market value be paid.

As is demonstrated in the enclosed memorandum of law, we believe that the United States position is untenable. The "Use and Occupancy Agreements" on which the United States bases its position, were made "as of" 1944 but actually executed in 1956. They grant from the Trust Territory Government to the United States the right to use certain public land in the Northern Marianas for an "indefinite" period in return for a payment of \$40 an acre. They require that the use of the land by the United States be consistent with the Trusteeship Agreement. Taken in context, the Use and Occupancy Agreements are most sensibly read to grant use rights only until termination of the Trusteeship.

If the agreements are not so interpreted, we believe that they then violate the Trusteeship Agreement itself, and are therefore invalid. The agreements reflect the plainest sort of self-dealing by the United States. They were signed by one Rear Admiral on behalf of the Trust Territory and by another Rear Admiral on behalf of the United States, both acting under the direction of the Secretary of the Navy. This self-dealing, at least insofar as land use rights after termination are concerned, violates several specific provisions of the Trusteeship Agreement. Even more fundamentally, it violates the basic obligation of the United States as Trustee -- the duty to refrain from benefiting by its own acts to the detriment of the peoples of the Trust Territory.

Even if the legal issue were a closer one, we respectfully submit that the position now being taken by the United States does discredit to our Government. The land covered by the Use and Occupancy Agreements is worth tens to hundreds of times as much as the United States paid nearly 20 years ago. In effect, the United States is seeking to use its position as Trustee to avoid paying the fair market value of the right to use land in the Northern Mariana Islands after termination of the Trusteeship. Land is the Islands' most precious resource. If the present position of the United States should become widely known in the Northern Mariana Islands or at the United Nations, the chances for the successful conclusion of the new political status agreement would be seriously impaired and considerable embarrassment for the United States could result.

We urgently request your assistance in securing a review of the present United States position at the highest levels of the Executive Branch. We are convinced of the soundness of the Commission's position as detailed in the enclosed memorandum. At the very least, the people of the Northern Marianas are entitled to a written statement explaining the United States' position. We have tried without success to obtain such a statement.

We hope that you will examine the enclosed memorandum and use your good office to persuade the United States to alter its current position and to deal fairly with the Marianas Political Status Commission on this issue. We are, of course, available at any time to provide you with assistance or further information.

Sincerely,

Howard P. Willens

Enclosure



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TT LNO GUAM MARIANA ISLANDS
TT LNO KWAJALEIN MARSHALL ISLANDS
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CINCPACREP GUAM/TTPI GUAM MARIANA ISLANDS
CINCPAC HONOLULU HI
IPAC HONOLULU HI
NAVINSERVO GUAM MARIANAS ISLANDS
COMTWELVE SAN FRANCISCO CA
RUEHC /SECSTATE WASHINGTON DC
SECDEF WASHINGTON DC
JCS WASHINGTON DC
CNO WASHINGTON DC
CINCPACFLT MAKALAPA HI
CINCPACAF HICKAM AFB HI
CGFMFPAC CAMP H M SMITH HI
COMCBPAC PEARL HARBOR HI
COMNAVFACENGCOM ALEXANDRIA VA
PACNAVFACENGCOM PEARL HARBOR HI

1. Moses, McPhetres Appointed
2. Coxpress Investigating Shipping
3. Memorial Services for Lt. Hicking

TT LNO HONOLULU HI
SAMTEC VANDENBERG AFB CA
FCDNA-LGA KIRTLAND AFB NM
CDRUSAGO MAKIMINATO JAPAN//TTPI-LNO//
AMEMB CANBERRA AS

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COMTWELVE PASS INFO FOR AMB WILLIAMS
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AMEMBASSY CANBERRA FOR PAC. ISL. MONTHLY
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(MOSES, MCPHETRES APPOINTED)

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SAIPAN, OCT. 30 (MNS)---TRUST TERRITORY DIRECTOR OF EDUCATION DAVID RAMARUI, ANNOUNCED WEDNESDAY (OCT. 30) THE APPOINTMENT OF TWO MICRONESIANS TO TOP EDUCATION POSTS IN THE TERRITORY. EFFECTIVE WEDNESDAY (OCT. 30) AGNES MANGLONA MCPHETRES WILL BECOME CHIEF OF ELEMENTARY AND SECONDARY EDUCATION AND AUGUSTINE H. MOSES WILL BECOME CHIEF OF ADULT, VOCATIONAL AND HIGHER EDUCATION. RAMARUI INDICATED HIS PLEASURE AT FINALLY HAVING THESE TWO ABLE MICRONESIANS APPOINTED.

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EACH OF THE CANDIDATES BRINGS AN UNUSUAL RECORD OF TEACHING AND ADMINISTRATIVE EXPERIENCE TO THE NEW POSITIONS.

AGNES MANGLONA MCPHETRES JOINED THE ORDER OF MERCEDARIAN MISSIONARIES AND BEGAN TEACHING AT AGE 13. SHE COMPLETED HER HIGH SCHOOL EDUCATION AT MT. CARMEL AND TAUGHT WHILE STILL WITH THE ORDER. AFTER COMPLETING HIGH SCHOOL SHE CONTINUED TEACHING FOR SIX YEARS PRIOR TO GOING TO THE UNITED STATES FOR HER DEGREE.

IN 1971 SHE COMPLETED HER BA DEGREE AT THE COLLEGE OF ST. MARY IN OMAHA, NEBRASKA AND COMPLETED 15 GRADUATE HOURS IN EDUCATION AT THE UNIVERSITY OF NEBRASKA. AT THAT TIME MCPHETRES RETURNED TO THE TRUST TERRITORY TO ASSUME THE PRINCIPALSHIP OF ST. CECILIA SCHOOL IN TRUK.

MRS. MCPHETRES LEFT ST. CECILIA TO BECOME THE ADMINISTRATIVE OFFICER FOR THE MANPOWER ADVISORY COUNCIL AT HEADQUARTERS EDUCATION. SHE HAS BEEN PROMOTED TO POSITIONS OF ADDITIONAL RESPONSIBILITY UNTIL WEDNESDAY WHEN SHE WAS PROMOTED TO THE POSITION OF CHIEF. THIS IS THE HIGHEST GOVERNMENT POSITION HELD BY ANY WOMAN IN THE TRUST TERRITORY ACCORDING TO RAMARUI.

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AGNES IS MARRIED TO SAMUEL MCPHETRES, FORMERLY PEACE CORPS DIRECTOR IN TRUK AND PRESENTLY EMPLOYED BY PUBLIC AFFAIRS DEPARTMENT TO ASSIST IN THE EDUCATION FOR SELF-GOVERNMENT (ESG) TASK FORCE.

AUGUSTINE H. MOSES BRINGS A VARIETY OF EXPERIENCES TO

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THE OFFICE TO WHICH HE IS APPOINTED. HIS FIRST FORMAL POST SECONDARY EDUCATION WAS OBTAINED AT THE FIJI SCHOOL OF MEDICINE WHICH HE ATTENDED FROM 1950 TO 1953. FOLLOWING THAT HE ATTENDED THE UNIVERSITY OF ATENEO DE MANILA WHERE HE RECEIVED HIS BS DEGREE IN 1959.

MOSES LATER WENT ON TO THE UNIVERSITY OF HAWAII AND UNIVERSITY OF NEW HAMPSHIRE FOR GRADUATE WORK AND EARNED HIS M.A. FROM THE UNIVERSITY OF HAWAII IN 1969. HE TAUGHT FOR SIX YEARS AT PICS IN PONAPE STARTING IN 1959 AND WAS GRADUALLY PROMOTED AS HIS TALENTS WERE RECOGNIZED UNTIL HE WAS AWARDED THE PRINCIPALSHIP IN 1969.

WITH HIS TALENT NEEDED THROUGHOUT THE TERRITORY MOSES WAS TRANSFERRED TO HEADQUARTERS EDUCATION AND MADE COORDINATOR OF SECONDARY EDUCATION. IN 1971, MOSES WAS AWARDED A FELLOWSHIP TO WORK IN THE UNITED STATES OFFICE OF EDUCATION

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IN WASHINGTON FOR A PERIOD OF ONE YEAR. FOLLOWING THAT HE RETURNED TO THE DEPARTMENT TO PROVIDE VALUABLE SERVICE IN MANY AREAS UNTIL WEDNESDAY'S APPOINTMENT RECOGNIZED HIS CONTRIBUTION TO EDUCATION.

MOSES LIVES ON CAPITAL HILL WITH HIS WIFE, MARY AND EIGHT CHILDREN.

(ALL USERS PLEASE CREDIT THE CONGRESS OF MICRONESIA)
(CONGRESS INVESTIGATING SHIPPING)

SAIPAN, OCT. 30 (MICONGRESS RELEASE)---THE CONGRESS OF MICRONESIA'S JOINT COMMITTEE ON RESOURCES AND DEVELOPMENT IS CURRENTLY CONDUCTING A SURVEY OF TRUST TERRITORY SHIPPING NEEDS THROUGHOUT THE SIX DISTRICTS OF THE TT.

THE COMMITTEE, HEADED BY CONGRESSMAN SASAUO HARUO OF TRUK, LEFT PALAU FOR YAP WEDNESDAY (OCT. 30). THE COMMITTEE WILL MEET WITH LOCAL LEADERS THROUGHOUT THE REST OF THE DISTRICTS AS IT DID IN PALAU, INCLUDING MEMBERS OF ALL THE DISTRICT LEGISLATURES, GUBUSINESSMEN, AND ALL OTHER INTERESTED PERSONS INVOLVED IN SEA TRANSPORTATION IN MICRONESIA.

THE JOINT COMMITTEE IS BEING ASSISTED BY DANKO KULADROVIC, A REGIONAL ADVISOR ON SHIPPING AND OCEAN FREIGHT

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MEMBER OF THE ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC (ESCAP). HE HAS AN EXTENSIVE EXPERIENCE IN SHIPPING SYSTEMS IN THE PACIFIC AREA IN DEVELOPING COUNTRIES AND HAS RECENTLY RETURNED FROM DOING A STUDY ON SHIPPING FOR PAPUA-NEW GUINEA.

THE JOINT COMMITTEE WILL PRESENT TO THE SIXTH CONGRESS A REPORT AND RECOMMENDATIONS ON HOW TO IMPROVE SHIPPING IN THE TRUST TERRITORY.

OTHER MEMBERS OF THE COMMITTEE ARE: CONGRESSMAN POLYCARP BASILIUS OF PALAU AND SENATOR JOHN MANGEFEL OF YAP. THE COMMITTEE IS ALSO BEING ACCOMPANIED BY YWAO ELANZO, DEPUTY CHIEF OF THE TRANSPORTATION DIVISION AND BILL STEWART, DEPUTY DIRECTOR OF THE DEPARTMENT OF RESOURCES AND DEVELOPMENT.

THE COMMITTEE IS NOW IN YAP AND WILL BE IN THAT DISTRICT UNTIL NOVEMBER 1ST. THE TENTATIVE SCHEDULE OF HEARINGS FOR THE REST OF THE DISTRICTS AS FOLLOWS: NOV. 2 TO 5, TRUK; NOVEMBER 5 TO 8, MAJURO; NOVEMBER 8 TO 15, PONAPE; AND, THE COMMITTEE MAY VISIT KUSAIE WHILE IN PONAPE IF TIME PERMITS. THE SAIPAN HEARINGS WILL BEGIN NOVEMBER 15 AND WILL RUN FOR ABOUT A WEEK.

(MEMORIAL SERVICE FOR DR. HICKING)

SAIPAN, OCT. 30 (MNS)--A MEMORIAL SERVICE FOR THE LATE DR. ARBATT HICKING WILL BE HELD AT MT. CARMEL CHURCH WEDNESDAY AFTERNOON (OCT. 30).

DR. HICKING, FORMER TRUST TERRITORY DEPUTY DIRECTOR OF HEALTH SERVICES, DIED LAST WEEK ON WEDNESDAY (OCT. 23) OF HEART FAILURE. HE WAS 53.

ACCORDING TO HEALTH SERVICES OFFICIALS, FINAL RESPECTS WILL BE PAID AT DR. HICKING'S RESIDENCE ON CAPITOL HILL, SAIPAN. THURSDAY MORNING (OCT. 31), DR. HICKING'S BODY WILL BE SENT TO MAJURO AND ARRANGEMENTS WILL BE MADE WITH AIR NAURU TO TRANSPORT THE BODY TO TARAWA IN THE GILBERT AND ELLICE ISLANDS COLONY FOR BURIAL.

DR. HICKING HAS BEEN IN THE TRUST TERRITORY SINCE 1942. HE HELD VARIOUS POSITIONS IN KUSAIE, PONAPE, YAP AND THE MARSHALLS DISTRICT BEFORE MOVING TO SAIPAN WHERE HE SERVED AS SPECIAL ASSISTANT TO THE DIRECTOR OF HEALTH SERVICE UNTIL HIS APPOINTMENT IN 1969 AS DEPUTY DIRECTOR.

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