CARNEGIE INSTITUTE STUDY

ON

MICRONESIAN STATUS

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CHAPTER I Trusteeship: Altruism vs Self-Interest

"This is the story of American's second effort to reconcile conflicting American and Micronesian interests...But, today, the process differs in one basic way. There is a new party participating in the decision-making process--the Micronesians."

CHAPTER II The U.S. Position

"Their search was simple--just find what's right
To ensure a favorable plebiscite,
And see that the long-shelved Micro-nation
Would be American-owned by affiliation."

--The Solomon Report, 1963

CHAPTER III Self-Determination for Micronesia

"The United States feels that it must record its opposition not to the principle of independence, to which no people could be more consecrated than the people of the United States, but to the thought that it could possibly be achieved within any foreseeable future in this case."

-- U.S. Ambassador Warren Austin,
before the U.N. Security Council, 1947

CHAPTER IV Micronesia: How Strategic Is It?

"We fought for them, we've got them, we should keep them. They are necessary to our safety. I see no other course."

--Congressman F. Edward Hebert, 1945

"What right does a small number of people have to shape the destiny of the world?"

--A high-ranking military officer, 1973

CHAPTER V "There are only 90,000 people out there. Who gives a damn?"

--Secretary of State and Assistant to the President for National Security Affairs, Henry A. Kissinger, as quoted in Who Owns America? by Walter Hickel, p. 191.

"...And Micronesia would become the newest, the smallest, the remotest non-white minority in the United States political family--as permanent and as American, shall we say, as the American Indian."

--Lazarus Salii, Senator from Palau,
Chairman of the Micronesian Status Commission, 1970.

CHAPTER VI The Marianas Break Away

"I know that the United States is using some of us to divide and make us fight among ourselves so they can rule us, but we have to unite and be strong to fight for what is ours and what we want."

--Roman Tmetuchl, Senator from Palau, 1973

"We've been had."

--Andon Amaraich, Senator from Truk,

"...After a quarter century of American administration, our people have come to know and appreciate the American system of government. The concept of democracy has been very important and significant to us...We desire a close political union with the United States of America--a membership in the United States political family."

--Edward Pangelinan, Chairman of of the Micronesian Status Delegation, 1972.

CHAPTER VII Implications for Guam and the Other U.S. Territories

"We do not intend to sit idly by while Micronesia negotiates itself a political status better than ours. Our status review is underway and when they present theirs, we will move to ensure that Guam is treated equally. Our long loyalty to the United States entitles us to nothing less."

--Governor of Guam, 1973

"To accord these individuals a political status higher than that now accorded Americans in the U.S. Virgin Islands or Guam...is a grave trespass on the boundaries of the union which exists between territorial Americans and their counterparts in the 50 states."

--Guam Delegate Won Pat, 1974

"Whatever the needs--whether real or imagined--of the Pentagon in the western Pacific, the willingness of Washington to deal so generously with non-citizens while denying their fellow Americans equal treatment can only be viewed with suspicion and resentment by the people of Guam."

--Guam Delegate Won Pat, 1974

CHAPTER VIII Congress and Micronesia

"...give us the kind of title to the new Territory of the Pacific that we should have and which we have earned."

--Senator Mike Mansfield, 1946

"I don't object to spending money over there, but what I object to is the hypocrisy which this country has given in its relationship to Micronesia, making these people expect something which they can't have--independence."

--Senator Wayne Aspinall, 1973

"How important is Micronesia to you?"

"It's at the very bottom of my list." [The islands] "are merely specks in the Pacific."

--Interview with Senator
Joseph P. Vigorito, 1973

INTRODUCTION

The Micronesian Dilemma: Altruism Vs. Self-Interest

Since the U.S. captured Micronesia from Japan in World War II, the territory has presented America with a dilemma: how to reconcile traditional American views in favor of self-government and self-determination and against territorial aggrandizement with the belief that American control is required to defend the United States and to maintain international peace and security.

The problem was not resolved in 1947 when the United States reached agreement with the U.N. Security Council to place the islands under the new U.N. trusteeship system. Micronesia was designated a strategic trust which allowed the U.S. to maintain almost absolute control while it worked toward self-determination. Stanley de Smith, in his book <u>Microstates and Micronesia</u>, suggests that the concept of strategic trusteeship appeared to be <u>de facto</u> annexation "papered over with the thinnest of disguises." Indeed, American control and administration of Micronesia went unquestioned in the late 40's and throughout the 50's.

However, it was inevitable that the conflict between U.S. strategic interests and Micronesian self-determination would have to be resolved eventually. The United States could not fulfill its obligation to promote the economic, social, educational, and political development of Micronesia without ultimately having to reconcile the dilemma. First, given advances in communication, transportation, and improved education, the Micronesian dilemma would have to come to a head even if the U.S. had done nothing in the area of political development. The U.S. could not teach the principles of American democracy at increasingly higher levels of education and yet escape the eventual question of why the same democratic principles were not applied to Micronesia.

Second, Micronesia no longer exists, if it ever did, in isolation of other world-wide political developments. The world of 1947, when Micronesia became a U.N. Trust Territory, had changed drastically by 1960. Instead of 50 nations in the U.N., there were 99--and now there are 138 member nations. The new nations saw a duty and obligation to help the remaining dependent peoples achieve self-determination. Colonialism, even in the form of trusteeship, was an outmoded concept.

Finally, defense requirements of 1945 have changed. Of the major countries in the Pacific, Japan was an ally in World War I, but by World War II, Japan had become the enemy. In the postwar era, she is again an ally. China was a friend in World War II and was considered an enemy in the 50's and 60's. Now the trend is toward detente, and the establishment of working relations between the two countries. A similar situation exists with the Soviet Union. The U.S. and the Soviet Union fought on the same side during World War II, but became antagonists after the war. With the Soviets, too, there is now a move toward detente.

The concept of strategic trusteeship developed in its embryonic form in the period of conventional warfare. But the atomic bomb, ironically first dispatched from Micronesian soil, introduced a new era. Conventional warfare was by no means eliminated and certainly remained preferable to weapons of mass destruction. However, conventional warfare in the global sense of World War II became less likely. The likelihood that a Micronesia in unfriendly hands might be used for World War II-type warfare has been reduced greatly.

Today, although island bases such as Diego Garcia in the Indian Ocean are useful, the primary means of defense is not via isolated island locations, but submarine and land-launched missiles equipped with atomic warheads and supersonic,

long-range aircraft capable of delivering weapons of mass destruction. Even the logistics needed for the conduct of conventional warfare have changed drastically. Islands retain their importance and usefulness for weapons and supply storage, but they are not essential. Aircraft can now transport huge quantities of men and material wherever they are needed in extremely short periods of time.

Thus, at the same time that dependent status is no longer acceptable to either the international community or to the Micronesian people, the military justification for making Micronesia a strategic trust is also questionable. However, this is by no means a universal conclusion. Initially, U.S. control was aimed at denying the area to other powers. The U.S. had a network of bases throughout East Asia, in Korea, Taiwan, Okinawa, Japan, the Philippines, and Thailand. As the military saw the need for less restrictive, more politically secure, and less costly bases away from the Asian mainland, U.S. military objectives in Micronesia changed from denial to active use. The military advanced many of the old reasons and some new ones for continued American control of Micronesia.

This is the story of America's second effort to reconcile conflicting American and Micronesian interests. And, unlike the difficulties faced during the first attempt in 1947, these more recent problems are far more complex. Illustrative of the range of questions involved are the following:

--What is the role of Micronesia in the U.S. defense posture in the Far East?

--Will a permanent U.S. military and political presence in Micronesia affect U.S.-USSR and U.S.-China relations?

--What is the role of the United Nations in determining Micronesia's future? Is there a continuing U.N. responsibility and, if so, what?

--If parts of Micronesia split off and establish a permanent relationship with the United States, what are the implications for:

a) the economic, military, and political status for the remainder of Micronesia?

b) the attitude of U.N. members, particularly "third world" members, toward fragmentation/secession?

c) the concept of "self-determination"?

--What are the economic, political and strategic implications of a rejection by Micronesia of any permanent association with the United States?

--What will be the nature of a permanent relationship between the United States and Micronesia? What are the implications of a new status for other U.S. territories (Guam, Virgin Islands, American Samoa, Puerto Rico)?

--What are the implications of a new relationship for traditional U.S. policy in support of self-determination? Specifically, is Micronesia America's Namibia (South West Africa)?

--What role will Japan play in Micronesia, and how will it affect U.S.-Japanese relations?

--What constitutional and/or international legal problems are likely to arise?

--What problems face the Micronesian as a new American minority and how can his rights be protected?

--What are the respective roles of the Congress, the Executive (and within it the Departments of State, Interior, Defense, and Justice) in determining U.S. policy?

--What is the role and attitude of the public and of the media in determining a new relationship?

Some of these same questions, of course, also arose when Micronesia was placed under U.N. Trusteeship. But today, the process of answering these questions differs in one basic way. There is a new party participating in the decision-making process--the Micronesians. Since 1967, Micronesian

representatives have been studying the future political status alternatives open to the Territory. Since 1969, the United States and the Micronesians have engaged in formal negotiations on the Territory's future political status. Participation in decisions regarding their own form of government is a new experience for Micronesians. They have known four foreign rulers: Spain, Germany, Japan, and the United States, the latter two under the general oversight of the League of Nations and the United Nations, respectively.

Spain maintained nominal control over Micronesia from the late 1600's. The period was marked by numerous disputes with Germany and the United Kingdom over trade. Spain was also faced with native resistance to efforts to impose Christianity. According to one account, Spain was responsible for reducing one population group, the Chamorros, from 50,000 in the 17th century to 4,000 by the early 18th century.

Germany seized the Marshalls from Spain in 1885. After, the United States acquired Guam and the Philippines in 1898 following the Spanish-American War, Germany purchased Spain's remaining holdings in Micronesia the following year. The German holdings make up Micronesia as it is presently known.

Japan took the islands from Germany at the outbreak of World War I, and after the war administered the islands under a League of Nations Mandate. It was Micronesia's first experience with an external ruler who did not claim sovereignty and who was to some degree accountable to the international community for the way the islands were administered. It was however, minimal accountability. It was not thought that Micronesia would ever be able to stand alone and Japan was allowed to administer the islands as if they were an integral part of Japan.

Japan developed the territory extensively, particularly in the production of agricultural and fishery products. Large and flourishing Japanese communities were built, complete with the necessary roads and other public works

facilities. By 1938, almost 58% of Micronesia's population was composed of Japanese citizens, who were also the primary beneficiaries of Japanese development programs. It was from Micronesia that Japan launched its attack on Pearl Harbor.

The United States captured the islands from Japan after bitter fighting in World War II. Since 1947, the United States has administered Micronesia, excluding Guam, under the U.N. Trusteeship system. Of the 11 original trust territories, only Micronesia and New Guinea remain. Micronesia is the only territory designated a "strategic" trust. The designation allowed the United States to exercise virtually complete control over the territory. Unlike other trust territories, Micronesia is the responsibility of the U.N. Security Council where the United States can veto any action it does not like. Similarly, the United States has the right to close any or all of Micronesia for security reasons. A challenge to U.S. actions in Micronesia has not arisen in the Security Council. In fact, the Council delegated to the U.N. Trusteeship Council the responsibility for supervising U.S. administration. However, the United States has used its authority to close parts of the territory and to conduct defense-related activities there.

In brief, American administration of far-flung Micronesia can be divided into the following four periods*:

--the period following capture of the islands from the Japanese and continuing until signature of the Trusteeship Agreement of 1947. The U.S. Navy set up administration procedures as the islands were captured.

*For a detailed history of Naval Administration, see Dorothy Richards three-volume work, U.S. Naval Administration of the Trust Territory of the Pacific Islands. E.J. Kahn's A Reporter in Micronesia is useful, especially for the period to 1965. Other works are referred to in the text.

---the period from signature of the Trusteeship Agreement until the islands were placed under the civilian administration of the Department of the Interior in 1951, except for most of the Marianas which were shortly returned to the Navy and remained under Navy administration until 1961.

---the period from 1961 to 1969 when the Kennedy, and later the Johnson, Administration began an accelerated education program; established the Council and later the Congress of Micronesia; introduced Peace Corps; began capital improvement programs; and drastically improved transportation.

---the period from 1969 to the present when the Nixon Administration continued improvements in Micronesia and initiated negotiations with Micronesian representatives on the island's future political status.

The first two periods were ones in which the United States successfully postponed the dilemma inherent in the concept of a strategic trust. The third and fourth periods were ones in which the Kennedy, Johnson, Nixon and Ford Administrations sought to put American military presence in Micronesia on a more permanent -- and domestic -- footing. It is on the last two periods that this study concentrates.

The reason for the constant succession of foreign rulers in Micronesia is seen in a description of the territory. Micronesia consists of those island chains in the Western Pacific, just above the equator: the Carolines, the Marshalls, and the Marianas. The Territory has more than 2,000 islands, fewer than 100 of which are inhabited, scattered across an ocean area roughly the size of the United States. Yet the total land area (700 square miles) is only about half the size of the state of Rhode Island. The total population is less than 120,000.

The terms "Micronesia" and the "Trust Territory of the Pacific Islands" are used interchangeably. Technically, however, "Micronesia" is an anthropological term which means "tiny islands."* Thus, in an anthropological sense, Guam and the Gilbert Islands are a part of Micronesia. However, partially because of the political maneuvering already described, neither Guam nor the Gilberts are a part of the political entity now commonly called Micronesia.

For administrative purposes, Micronesia is divided into six districts: Palau, Ponape, Truk, and Yap in the Carolines; the Marshalls; and the Marianas. The current administrative arrangement has not always been used. Originally, Japan divided the Territory into as few as three districts. In 1977 Kusaie, now a part of Ponape, will become a separate district.

The most highly populated district is Truk, with a population of 32,732 (28% of the total). Yap is the smallest area in terms of population with 7,536 (6%). Palau and the Marianas Districts are relatively the same size, with populations of 13,025 and 13,381, respectively. (Approximately 11% each.)

The Marshalls and Ponape also have similar figures of 24,248 and 23,723, respectively.

Emigration is not substantial and usually it is for the purpose of joining relatives. Out of 185 emigrants in 1972, 175 moved from Saipan to Guam to join their husband or wife. Internal migration is minimal too. In 1972, there were only 16 cases of migration in the Trust Territory. Thirteen of those came to Truk from various districts to join relatives. The other three went from Truk to Palau.

Although this migration from district to district is on a limited scale, the high population of the district centers shows great movement from the outlying islands. The population figures show a gross disproportionate distribution between the district centers and the outer islands. In the Marianas, 10,745

*The term is not to be confused with Polynesia, which means "many islands," or Melanesia, which means "black islands."

people live on Saipan, which is more than 80% of the total population of that district. A major portion of the remaining percentage can be found mainly on Rota and Tinian and a few sparsely populated outer islands. The inhabitants of the Marshalls are even more widely dispersed.

Although there are obvious indications of Spanish and Japanese influence, most of the present population knows only the period of Trusteeship and American administration. Fifty-three per cent of the total population is school-aged (under 19 years of age), and an even larger number (64%) are under 25. Micronesia is also a growing population. The average annual growth rate from 1968 to 1972 was 4.5%, more than double the world average for the same period. The growth rate decreased to approximately 3.5% in 1973.

In addition to their island locations, the people of Micronesia have in common such things as chiefly hierarchies, collective land tenure, extended families and village organization. However, there are substantial differences among the districts. Nine major languages are spoken in the Territory, with many dialectical variations from island to island: Palauan, Yapese, Chamorro, Ulithi-Woleai, Trukese, Ponapean, Kusaien, Marshallese, and Kapingamarangi-Nikuoro. Many of the older people speak Japanese. Since a decision was made in 1963 that English would be the language of instruction in schools, English has rapidly become the common language throughout the islands.

Micronesia's limited land area, widespread location, limited population, and absence of capital have been a major obstacle to economic development. Economies of scale are virtually impossible; therefore, the costs of administration are substantial. A single high school might be sufficient to service a community with a population the size of Micronesia's. However, fifteen public high schools are presently operated in Micronesia. In addition, there are twelve private high schools.

There seems to be general agreement that the United States has failed dismally to develop Micronesia economically. Micronesia's economic potential has been studied and re-studied. However, Micronesia's known natural resources are a limiting factor. Until recently, scrap metal from World War II was the second major export, following behind ever-fluctuating trade in copra. Japanese economic enterprises in agriculture and fisheries have not been tried under American administration, primarily because of the shortage of labor and because Micronesians dislike deep-sea fishing. Commercial fishing remains a possible major economic asset, but most studies look to tourism and Micronesia's potential for bases as its major immediate assets.

Involvement of U.S. Government Agencies

The Department of the Interior is primarily responsible for the administration of Micronesia. Through its Office of Territorial Affairs, Interior also administers Guam, the Virgin Islands, and American Samoa--all territories over which the United States claims sovereignty. Prior to its becoming a Commonwealth, Puerto Rico was also administered by Interior.

A High Commissioner, appointed by the President and confirmed by the Senate, is the principal U.S. government official in Micronesia. The High Commissioner presides over a government which resembles the government of the United States. That is, there are three branches: a bi-cameral territory-wide legislature called the Congress of Micronesia; a judiciary, whose members are appointed by and may be removed by the Secretary of the Interior; and the Executive branch, which consists of the High Commissioner, a cabinet, and an administrator for each district.

However, the analogy between the organization of the U.S. government and the Micronesian government is misleading. The High Commissioner is an extension of, and takes instructions from, the Department of the Interior, which created the Congress of Micronesia and the Judiciary. Thus, unlike the United States where the branches are co-equal, the Executive branch in Micronesia has final authority. The Congress of Micronesia may re-pass vetoed legislation, but the legislation nevertheless does not become law if the High Commissioner's veto is upheld by the Secretary of the Interior. Similarly, the Congress of Mi Micronesia controls only those funds raised in Micronesia ($5.7 million in 1973), but has only recommendatory powers regarding the funds appropriated by the United States for Micronesia ($59.4 million in 1973).

Since Micronesia is a strategic trust, the U.S. is allowed certain prerogatives to use the area for defense purposes. Within the Department of Defense, the services most interested in Micronesia is the Navy, which at one time administered Micronesia, Guam, and American Samoa. Navy administered Micronesia from the time the islands were captured from Japan until 1951 when Interior was made responsible. In late 1951, Navy resumed responsibility for parts of the Northern Marianas and administered that portion until 1961. Navy still retains a major influence over developments in nearby Guam. In addition to Navy, there is interest in Micronesia in the Army, which is responsible for the Pacific Missile Range facility on Kwajalein in the Marshall Islands. The Coast Guard has a number of stations in Micronesia. Plans call for a joint Navy-Air Force base on the island of Tinian in the Marianas, and the Marines have expressed an interest in training facilities in Palau.

The United States does not claim sovereignty over Micronesia but administers the territory under agreement with the United Nations Security Council. The Department of State represents the United States in all contacts with the United Nations. Within the Department of State, the offices primarily responsible are

the Bureaus of East Indian Affairs, International Organizations, the Legal Adviser, and the United States Mission to the United Nations. The United State is represented on the U.N. Trusteeship Council, which oversees trusteeship affairs. The Department of State annually submits to the U.N. reports on Micronesia, based on material furnished by the Department of the Interior.

Among other U.S. government agencies with an interest in Micronesia are the Peace Corps, the Federal Aviation Agency, the Weather Bureau, and the U.S. Postal Service.

Much of pre-war Micronesia was destroyed in the fighting of World War II. Much of what was not destroyed in the actual fighting was, for a variety of not too understandable reasons, destroyed by American forces after the islands were secured. Rapid U.S. demobilization resulted in the abandonment and subsequent dismantlement of most of the facilities built by the military. Critics in the Sixties were to accuse the American administrators of the late forties and the fifties of maintaining an anthropological zoo. In the U.N. Trusteeship Agreement the U.S. obligated itself to promote Micronesia's economic, social, educational and political development. However, during the first thirteen years of U.S. trusteeship little progress was made in any of these fields with the possible exception of political development. Micronesia was all but forgotten except for quaint stories of island life. For the Micronesians some of the quaint stories were about events of profoundly human impact. Among other things there were stories about the removal of Micronesians from their islands so that atomic weapons could be tested.

One thing the Navy and early Interior administrators did accomplish was progress in political development. The plan apparently was to develop Micronesian government at the community level and later at a central or territory-wide level. Later, Interior established a territory-wide advisory council and then a legislature with limited authority. But even here, American administrators have been sharply criticised. The proliferation of governmental units, one observer remarked, makes Micronesians easily the most over-governed people in the world. More important, the emphasis on local government units encouraged the continuation of isolated, expensive but entirely dependent population groupings.

Initially, Micronesia did not benefit very much from United Nations Trusteeship Council supervision of American administration. Most U.N. attention was devoted to the larger, more populous territories of Africa and Asia. Visits by U.N. Missions were brief formalities. In 1960, however, colonialism, even that internationally sanctioned under the trusteeship system, came under sharp criticism. Newly independent countries used the available U.N. forum to press for an end to government by foreign countries. At the 1960 U.N. session, where Soviet Premier Khruschev banged his shoe and Fidel Castro plucked chickens at a New York hotel, the General Assembly declared:

> "Immediate steps shall be taken in trust and non-self-governing territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete freedom and independence."

Shortly after the U.N. Colonialism Declaration, the U.N. Trusteeship Council, which by then had only Nauru, New Guinea and Micronesia under its jurisdiction, devoted detailed attention to Micronesia for the first time. A U.N. Mission visited Micronesia in 1961, and since that time similar missions have visited the territory at three-year intervals.

The 1961 Visiting Mission was sharply critical of American administration of Micronesia in almost every area: poor transportation; failure to settle war damage claims; failure to adequately compensate for land taken for military purposes; poor working conditions at the American missile range in the Marshalls; inadequate economic development; inadequate education programs; and almost nonexistent medical care.

The 1961 Visiting Mission was particularly critical of the "political consequences" of the continuing division of the administration of the territory between Navy and Interior. Saipan, under Navy administration, said the Visiting

Mission was benefiting from "financial discrimination" at the expense of the remainder of Micronesia. In addition, the Visiting Mission felt that the economic advantages available to Saipan as a result of larger expenditures by the military encouraged separatism. The Visiting Mission called on the United States to "take the heat out" of the Marianas separatist movement, and included in its report material which indicated that U.S. Naval administrators had encouraged the Saipanese to break away from the rest of Micronesia and "re-interate" with Guam.

Sharp criticism of separatism in the Marianas was consistent with prevailing political sentiment in the United Nations. In its 1960 Declaration on Colonialism, the U.N. General Assembly had staunchly declared that "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."

Over the Sixties, other criticism of U.S. administration of Micronesia appeared in such journals as the New Yorker, the Saturday Evening Post, and the Honolulu Star Bulletin. Micronesia, which Robert Trumbull had called Paradise in Trust, was referred to as America's Paradise Lost, "Our Bungled Trust," the "Rust Territory" (the term could have referred to either the corrugated steel buildings which were used for schools, homes, and public buildings or to rusting relics of World War II), "Buritis in Paradise," "The Forgotten Islands," "showcase of neglect," and "trust betrayed."

According to one former Assistant Secretary of State, the report of the 1961 Visiting Mission and attendant publicity stunned the new Kennedy Administration--all the more so because neither the Visiting Mission nor the Trusteeship Council, which endorsed the Mission Report, were dominated by anti-American countries or by the newly independent countries. Kennedy also realized that colonialism, even as sanctioned in the form of international trusteeship, was

rapidly coming to a close. The time would soon come when pressures would build up in Micronesia and in the United Nations for self-determination. In his address to the General Assembly on September 25, 1961, President Kennedy expressed the position of the United States on colonialism.

> Within the limits of our responsibility in such matters, my country intends to be a participant and not merely an observer, in the peaceful, expeditious movement of nations from the status of colonies to the partnership of equals. That continuing tide of self-determination, which runs so strong, has our sympathy and our support.
>
> But colonialism, in its harshest form, is not only the exploitation of new nations by old, of dark skins by light, or the subjugation of the poor by the rich. My nation was once a colony, and we know what colonialism means: the exploitation and subjugation of the weak by the powerful, of the many by the few, of the governed who have given no consent to be governed, whatever their continent, their class, or their color.
>
> And that is why there is no ignoring the fact that the tide of self-determination has not reached the Communist empire where a population far larger than that officially termed "dependent" lives under governments installed by foreign troops instead of free institutions--under a system which knows only one party and one belief--which suppresses free debate and free elections and free newspapers and free books and free trade unions--and which build a wall to keep truth a stranger and its own citizens prisoners. Let us debate colonialism in full--and apply the principle of free choice and the practice of free plebiscites in every corner of the globe.

The digression into criticism of communism aside, Kennedy's statement to the General Assembly sealed the U.S. position in all subsequent debate on colonialism.

As a result of the criticism and of new sensitivity about colonialism, a series of new programs was begun in Micronesia. The programs took on increased importance when Kennedy himself became particularly incensed over the number of people crippled by the rapid spread of polio in the Marshall Islands at a time when vaccines were readily available. The administration of the territory was moved from Guam, and, for the first time, to Micronesia itself. The territory was united under a single civilian administration when Saipan, Tinian and Pagan

were returned to the jurisdiction of the Interior Department. An accelerated education program was begun; English became the language of instruction; and large numbers of American teachers were employed. The Administration set state-side standards for health. U.S. appropriations for Micronesia, which had averaged $1 million annually between 1947 and 1952 and $5 million between 1947 and 1963, were raised to $15 million in 1963.

When the 1964 Visiting Mission made its report, the entire tone was different. The Mission noted "a great change" in U.S. policy. There was still extensive criticism, particularly of the absence of economic development and of the failure to settle war damage claims against the U.S. and Japan. However, the Mission said it had observed the "first fruits" of the new policy, which would transform Micronesia in ways which could not be fully foreseen. The Mission noted marked improvements in education, medical care, transportation, and political development.

As had been the case in 1961, the Mission spoke out firmly against fragmentation. So did the Assistant Secretary of the Interior who met with the Mission. "We do not," he said, "favor fragmentation of the Trust Territory." The Mission noted the firm U.S. statement on the question of territorial unity and saw a reflection of the policy in Micronesia. There were, the Mission found, encouraging signs that "a nation of Micronesia--a Micronesian 'self,' as distinct from a collection of island communities--is emerging from what has been in reality no more than a haphazard grouping of islands and peoples which an accident of history brought under the administration of a single Power as trustee." The Mission expressed its belief that the creation of a Micronesian self was essential if self-determination was to be meaningful. The alternative, it said, would be fragmentation--the "self-determination of a multitude of separate islands or districts."

The 1964 Visiting Mission found U.S. officials vague about the future political status of Micronesia, but affirming that the U.S. did not "itself contemplate integration." All that could be said at the present stage, the Mission recalled being informed by U.S. officials, "was that the range of options would start with independence and cover all other possibilities--possibilities which were changing as the territory developed." Actually, American officials were not being candid with the Visiting Mission. The full range of options might theoretically have been available, but American policy was secretly aimed at a single option--some kind of permanent association with the United States. The only thing left unclear was how that objective would be achieved.

The policy was set forth by National Security Action Memorandum 145, issued by President Kennedy on April 18, 1962, two years before discussions with the 1964 Visiting Mission. NSAM 145 established an inter-agency Task Force consisting of representatives of the Departments of Interior, Defense, State, and Health, Education and Welfare, to oversee policy development and implementation for Micronesia. John A. Carver, Assistant Secretary of the Interior for Public Land Management (1961 to 1964), later Under Secretary of the Interior (1964 to 1966), chaired the group. Harlan Cleveland, Assistant Secretary of State for International Organization Affairs, represented State.

NSAM 243 of May 9, 1963, established a survey mission headed by Harvard Economics Professor and later Assistant Secretary of State for Economic Affairs, Anthony N. Solomon, to visit Micronesia and report on economic, social, educational and political developments. The group was to "make recommendations leading to the formulation of programs and policies for an accelerated rate of development so that the people may make an informed and free choice as to their

future, in accordance with U.S. responsibilities under the Trusteeship Agreement." The Solomon group visited Micronesia in the summer of 1963. Its three-volume report was submitted late that summer. At first the report was unclassified in those parts (Vols. II and II) which discussed social, educational and economic developments, but the entire contents were promptly classified at the insistence of the Department of State. State officials ostensibly did not wish criticism contained in the report to be used against the United States at the U.N. More importantly, they did not wish to make public secret political policy objectives which were referred to throughout Volumes II and III.

The economic and social volumes of the Solomon Report have since been declassified after the excision of controversial political information by the Department of State and of some embarrassing administrative information by the Department of the Interior. However, the NSAMs and Volume I on political development remain classified.

An indication of American policy and of the content of still classified Volume I can be found in documents released by the <u>Young Micronesian</u> published by Micronesian students at the University of Hawaii in 1971. The students reprinted the entire introduction and summary of the Solomon Report. (See appendix, pp.). Publication of the summary and the introduction of the Solomon Report disclosed for the first time the official rationale and description of U.S. policy objectives in Micronesia:

> "For a variety of reasons, in the almost twenty years of U.S. control, physical facilities have further deteriorated in many areas, the economy has remained relatively dormant and in many ways retrogressed, while progress toward social development has been slow. The people remain largely illiterate and inadequately prepared to participate in political, commercial and other activities of more than a rudimentary character. The great majority depend largely upon subsistence agriculture--fruit and nut-gathering--and fishing. As a result, criticism of the trusteeship has been growing in U.N. and the U.S. press--and, in certain ways, among Micronesians.

2. Despite a lack of serious concern for the area until quite recently Micronesia is said to be essential to the U.S. for security reasons. We cannot give the area up, yet time is running out for the U.S. in the sense that we will soon be the only nation left administering a trust territory. The time could come, and shortly, when the pressures in the U.N. for a settlement of the status of Micronesia could become more than embarrassing.

"In recognition of the problem, the President, on April 18, 1962, approved NSAM No. 145, which set forth as U.S. policy the movement of Micronesia into a permanent relationship with the U.S. within our political framework. In keeping with that goal, the Memorandum called for accelerated development of the area to bring its political, economic, and social standards into line with an eventual permanent association."

In order to implement this policy, Solomon thought three key steps were necessary:

a) preparation and timing of a "favorable" plebiscite;

b) the type and cost of capital improvement and operating programs needed "to insure" a favorable vote; and

c) improved coordination, especially between Washington and the Trust Territory Government to insure that the necessary political strategy and development program could be implemented "with reasonable efficiency and effectiveness."

The Report recommended an "integrated master plan for action" which by fiscal year 1968 would achieve three objectives:

"a) Winning the plebiscite and making Micronesia a United States territory under circumstances which will: (1) satisfy somewhat conflicting interests of the Micronesians, the U.N., and the U.S. along lines satisfactory to the Congress; (2) be appropriate to the present political and other capabilities of the Micronesians, and (3) provide sufficient flexibility in government structure to accommodate to whatever measure of local self-government the Congress might grant to Micronesia in later years.

b) Achieving rapidly the minimum but satisfactory social standards in education, public health, etc.

c) Raising cash incomes through the development of the current, largely crop-gathering subsistence economy."

There were, said the report, "unique elements" in the delicate problem of Micronesia and the attainment of U.S. objectives that urgently required the agreement of the President and the Congress as to the guidelines for U.S. action. These elements were:

--The U.S. was "moving counter to the anti-colonial movement and was "breaching its own policy since World War I of not acquiring new territorial possessions."

--Of all eleven U.N. trust territories, Micronesia would be the only trusteeship which did not terminate in independence or merger with a contiguous country but affiliated with the administering power.

--If termination as the U.S. proposed was vetoed, the U.S. "might have to decide to proceed with a series of actions that would make the trusteeship a dead issue, at least from the Micronesian viewpoint."

--Micronesia would, for the foreseeable future, have to be subsidized.

--While a subsidy could be justified as a "strategic rental," it would amount to $300 annually per Micronesian and could be reduced only with long-range planning.

--None of the objectives could be realized without "a modern and more efficient concept of overseas territorial administration than was evident in the prevailing approach of the quasi-colonial bureaucracy in the (present) Trust Territory Government."

Among other things, the Mission recommended that a plebiscite have a choice between independence and "permanent affiliation" with the U.S. The Mission thought an independence option was safe since it detected "little desire" for independence, and, in any event, its recommended programs, if successful, would dispose Micronesians toward the United States.

Few details are given in the summary of the nature of a post-plebiscite government, although these are said to be discussed in detail in Volume I of the report. It is clear, however, that the nature of "self-government" troubled the Solomon group. The report speaks of the "many-pronged dilemma" of satisfying U.N. demands and the expectations of increasingly sophisticated

Micronesians for "self-government or independence." "On the other hand," the report states, "consideration must be given to the need for continued adequate control by the U.S. and the traditional attitudes of the Congress toward the organization of territorial government," as well as the clear limitations on the ability of Micronesians to govern themselves.

In the final analysis, the report recommended the "appearance" of self-government through an elected legislature and Micronesian chief executive. The U.S. would retain "adequate control" through continuation of an appointed U.S. High Commissioner (similar to then U.S. administration in Okinawa). The powers of the HIgh Commissioner could range from:

> "a) The minimum of being able to withhold all or any part of the U.S. funds going to the Micronesian government and the authority to declare martial law and assume all legislative and executive powers when the security of the U.S. so requires; to
>
> b) the maximum additional power of vetoing all laws, confirming the Chief Executive's appointments of key department directors and dismissing the Chief Executive and dissolving the legislature at any time."

On the whole, the Solomon recommendations were an effort to reconcile altruism and U.S. self-interest. However, in the aftermath of the turbulent Sixties, only the self-interest aspects stand out. The Young Micronesian described the Solomon recommendations as "a ruthless five-year plan to systematically Americanize Micronesia into a permanent association in clear and conscious defiance of its trusteeship obligations." The Palau newspaper Tia Belau and the American organization, Friends of Micronesia (started by returned Peace Corps volunteers), described the Solomon Report as "America's ruthless blueprint for the assimilation of Micronesia."

In 1971, the Micronitor (now called the Micronesia Independent), a weekly newspaper published in the Marshall Islands, carried the following poem by editor Joe Murphy, a former Peace Corps volunteer, which was also critical of the Solomon Report and of U.S. policy.

A POEM

Dedicated to the Wonderful and Inspiring Men
Who Comprised The Solomon Mission
July-August 1963

On the 18th of April in '62
With a fresh wind blowing, and skies of blue
The Pres approved memo one-forty-five
And the Solomon Committee sprang alive.

Eight summers ago--in '63
Nine men came out from the Land of the Free
To the sunny trust isles, facts to find--
As well as assess the islanders' mind.

Their search was simple--just find what's right
To ensure a favorable plebiscite,
And see that the long-shelved Micro-nation
Would be American-owned by affiliation.

Yes, out they came, these nine great guys
To serve as the President's personal eyes
And determine which way the natives would go
When the status winds began to blow.

The objectives were stated as a, b, and c
And were geared to do everything rapidly.
Their outline proclaimed that the Trust Islands' fate
Could be sealed and delivered by late '68.

In motif their work was 'American Colonial'
But knowing this bothered them not one i-on-ial.
For these were old men who remembered the WAR
And knew that the islands had long been a whore
To Spaniards and Germans and Nippons and such
--'Protectors' who screwed without paying much.

Their final plan was really quite simple,
And resembled the act of picking a pimple
After starting a TT-wide Congress as head
They fill it with loads of Commonwealth bread,
And when it gets soft and ready to flow,
They pump in some plebiscite fever and blow.

The name of the game was 'Follow the Leader'
And the Solomon crew swore nothing was neater.
They also suggested that leaders be caught
By leadership grants and to Washington brought.

And even commented that kids in school
Could be curriculated toward American rule,
Adding that scholarships in gay profusion
Could win the voters through confusion.

To top this off, they said PCV's
Will teach "The West" for chicken feed
And a dash of Social Security, please,
(To replace the function of coconut trees)
Will guarantee, without a doubt,
That Micronesians won't get out.

The Solomon Report was submitted to the President on October 9, 1963, and was followed by NSAM 268, which apparently directed that the inter-agency group proceed with the implementation of the report's recommendations. One official recalls that in a covering memorandum attached to NSAM 268, an unnamed White House official passed along President Kennedy's request that he be notified by November 31, 1963, of the date for a plebiscite in Micronesia.

Kennedy died on November 22, 1963, and it is idle to speculate what policy he would have followed with regard to Micronesia's future status. One former State Department official recalls asking about the plebiscite date shortly after Kennedy's death and being told that there was a new President! In any event, the inter-agency group disappeared, although there were numerous efforts to revive or re-establish an inter-agency body on Micronesian questions. Pressure from the White House decreased notably as New Frontier activists left government and as Vietnam vied for and quickly won the attention of White House staffers. Interior once again had almost sole responsibility for the islands.

Though classified, the Solomon Report was immediately controversial within the government. Interior officials looked upon many of the recommendations as "mischievous" and maintain that all the "appropriate and feasible" recommendations

were implemented. Although the report spoke of the importance of satisfying Congress, there was little effort to bring Congress in on the report. It was never formally given to Congress, but was apparently passed to House Interior Committee staffers surreptitiously.

Interior and Defense on the one side, and State and the United States Mission to the U.N. on the other side, spent the next five years arguing essentially three questions:

1) Must independence be included on a plebiscite? State said yes, for political and legal reasons. State staunchly maintained that it was responsible for interpreting the legal requirements of the Trusteeship Agreement. Interior said no, arguing that <u>either</u> self-government <u>or</u> independence had to be offered, not both. Interior argued that self-government was the only status consistent with Article 6 of the Trusteeship Agreement, which states that the new status should be "appropriate to the particular circumstances of the territory and its peoples and the freely expressed wishes of the peoples concerned." Defense straddled the fence, but essentially agreed with Interior on the grounds that inclusion of independence risked loss of a strategically important territory. The issue remained basically unresolved even in the Nixon administration.

2) Must the territory be fully self-governing? Again, State said yes and Interior disagreed. State argued that self-government meant just that and cited U.N. guidelines on when a territory was no longer self-governing. Interior, on the other hand, argued that Micronesia was not ready for complete self-government and that Congress was not willing to grant Micronesia a larger measure of autonomy than currently being enjoyed by the more advanced U.S. territories of Guam and the Virgin Islands. As one former Interior official put it, for State, Puerto Rico's status was a minimum condition; for Interior, American Samoa's status and maybe Guam's were the maximum to be offered Micronesia.

3) Must a self-governing Micronesia be allowed to unilaterally end a status of association with the United States? State said yes. Interior and Defense disagreed. State cited U.N. resolutions which provided that a territory which opted for a status short of independence, or of full integration with another state, must have the right to unilaterally alter its status if it later wished to do so. In State's view, a properly developed U.S.-Micronesian relationship based on friendship and interdependence ran little risk of an abrupt or unilateral change. On the other hand, both Interior and Defense argued that an opt-out provision was unacceptable for strategic reasons and for the precedent it would provide for other U.S. territories. Congress, it was argued, had not even given such a privilege to Puerto Rico.

Ruth Van Cleve, Director of Interior's Office of Territories from 1964 to 1969 and before that for ten years Interior's Assistant Solicitor for Territories, acknowledges sharp differences within the Executive Branch in her book, _The Office of Territorial Affairs_. She writes:

> In connection with this question of the Trust Territory's future, the interested departments of the executive branch--principally State, Defense, and Interior--had (and have) particular and primary concerns that necessarily differ: the posture of the United States vis-a-vis the rest of the world, and particularly the United Nations; the security interests of the United States; and good government for and the well-being of the Micronesian people. In the 1960s these concerns proved impossible to reconcile within the executive branch itself, even though during this period there was substantial evidence that the Micronesians would then have welcomed close and permanent political association with the United States...Territorial status, similar to that of Guam, seemed to be what the Micronesians then wanted. But while close and permanent association between the United States and the Trust Territory was regarded as acceptable to the U.S. Congress, that status would almost surely have encountered extreme hostility at the United Nations. Any political status for the Trust Territory that would be easily acceptable at the United Nations would, on the other hand, then have encountered extreme hostility in the U.S. Congress.

Van Cleve obscures and over-simplifies the differences between the three agencies, particularly when she implies that only Interior was interested in "good government for and the well-being of the Micronesian people."* It would be more accurate to state that on territorial affairs, Interior was concerned with its posture vis-a-vis Congress just as State was concerned with world opinion and U.S. legal obligations. Interior, correctly, thought Congress, as then organized, would reject any status which might meet the prevailing U.N. criteria for self-government.

In the circumstances, the Administration had two alternatives. One alternative was to reach a single Executive Branch policy decision and press for Congressional approval. However, Micronesia competed poorly with Vietnam and even most Interior programs. There was not enough sustained, high-level attention available to raise involved status issues to the Presidential level for resolution.

It was Interior which proposed the time-tested alternative device for resolving--or shelving--resolution of a sticky problem: a Presidential Commission. Interior's idea was to create a commission by act of Congress. The Commission would involve representatives of the Micronesians, the Congress, and interested government agencies. The participation of Congressmen would involve and partially obligate Congress in the implementation of the commission's recommendations.

However, even the proposal for a commission ran into bureaucratic differences. It was difficult to reach agreement on the legislative proposal because each agency sought to advance its position on Micronesia's future status by including that position in the Commission's terms of reference. A bill was finally

*Mrs. Van Cleve is not alone in making this characterization. Similar views were expressed in interviews with other Interior officials and with some members of Congress.

sent to Congress in 1967 after what Ruth Van Cleve describes as "a legislative clearance process that involved more Cabinet-level visitations and importunings than any piece of legislation in the Office of Territories' history."

In the final analysis, the draft legislation used the exact but unclear language of the Trusteeship Agreement ("self-government or independence") and left to the proposed Commission the determination of the meaning of "self-government" and of whether both "self-government" and "independence" must appear on a plebiscite. State had the responsibility for explaining the language in open session at the Senate Subcommittee on Interior and Insular Affairs. In a bureaucratic compromise, Under Secretary of State Nicholas Katzenbach's explanation also used the inexact language of the Trusteeship Agreement. Left to executive sessions and informal lobbying was the continuation of the State/Interior disagreement on the amount of autonomy which had to be offered in order to fulfill U.S. trusteeship obligations in Micronesia.

In his testimony, Katzenbach, saw considerable damage in not holding a plebiscite in Micronesia by June 30, 1972. The timing, he said, avoided two dangers: delay could create serious disappointments and cause grave difficulties at a later time; on the other hand, a premature plebiscite would not allow time to permit the education necessary if Micronesians were to make a meaningful choice, nor allow time to prepare for implementation of the alternative chosen.

Katzenbach's testimony was particularly prophetic. The accelerated education program (including the university training of Micronesians in political science, sociology*), the addition of large numbers of Peace Corps volunteers, and the creation of the first territory-wide legislature, had set in motion a

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*One former TT education official suggests that the Micronesians should have been studying agriculture, marine biology, nursing and medicine--subjects which are development related.

process which could not be reversed but would underscore the need to resolve Micronesia's status. In the final analysis, delay jeopardized attainment of American policy objectives. But delay also had its impact on the Micronesians, for the more they became dependent on U.S. money, the more difficult it would be for them to consider going it alone as an independent country.

As will be seen in Chapter Seven, only the Senate passed a bill creating a Commission; the House took no action.

Nixon Administration

The new Nixon Administration was almost immediately seized with the Micronesia question when it took office in 1969. Secretary of the Interior Hickel recalls in Who Owns America that within less than a month, his staff called to his attention information that the U.S. was likely to be sharply criticized during the next session of the U.N. General Assembly for "mishandling" Micronesia. Another version of the Nixon Administration's initial interest in Micronesia's future status has the question arising in the context of the so-called Nixon Doctrine, first enunciated on Guam. However, it is clear from the Solomon Report, among others, that the effort to resolve Micronesia's status predates the Nixon Administration. Secondly, as will be seen in a discussion of the strategic importance of Micronesia, general plans for military facilities in Micronesia grew out of perceived contingency needs which also predate the Nixon Administration. Finally, specific military base plans grew out of the necessity to specify military needs if progress was to be made in negotiations with the Micronesians. There were no specific plans to use Micronesia as part of America's efforts to help Asian nations defend themselves.

There is evidence that the Nixon Administration's attention was also drawn to Micronesia as an outgrowth of the already existing bureaucratic struggle between the Department of State and the Department of the Interior. The Nixon

Administration had re-established and centralized the role of the National Security Council in determining and coordinating foreign policy questions. Richard Sneider, an FSO who had been involved in the Micronesian questions as a result of having handled Micronesian war damage claims discussions with the Japanese, joined the NSC staff to handle East Asian questions. State Department officials drafted and informally sent to Sneider the suggestion and language for a directive which would once again formally place Micronesia under inter-agency scrutiny. The appropriate directive was issued by the Assistant to the President for National Security Affairs at the direction of the President. The directive called for a new study of the Micronesian question by an inter-agency group headed by Interior, but reporting to the new NSC Under Secretaries Committee, chaired first by Under Secretary of State Eliot Richardson and later by Under Secretary of State . The Under Secretaries Committee included the head of the Joint Chiefs, the Deputy Secretary of Defense, a representative of the CIA, the Assistant to the President for National Security Affairs, and, for purposes of the Micronesia study, the Under Secretary of the Interior. Thus, State succeeded in one of its long-held aims, which was once again to focus high-level, inter-agency attention on Micronesia. Ironically, State would subsequently lose on most of the policy issues.

The Under Secretaries Committee was one way of getting priority for Micronesian programs. Appropriations increased from $39 million in 1969 to $59.8 million in 1971. Defense provided civic action teams for badly needed road and sanitary construction projects. Greater responsibility was given to the Congress of Micronesia. Micronesians were rapidly moved into governmental positions, and by 1973, Micronesians served as administrators of all areas except Yap. (That position was held by an American from Guam.) The Trust Territory Government also decentralized many of its activities.

However, as carried out, "Micronesation" and decentralization of the government had distinct disadvantages for Micronesian unity. The new Micronesian government officials were largely placed in their home districts on the substantially justifiable grounds that Palauans should govern Palau, Yapese should govern Yap, etc. Among other things, substantial travel and housing savings resulted from home assignments. Similarly, decentralization of government is normally a desirable objective. However, in Micronesia, home assignments and decentralization tended to reinforce parochialism and factors of disunity. Micronesia needed more inter-district activities, such as a territory-wide junior college and a vocational school, which it got, and regular rotation of Micronesian officials throughout the districts, which it did not get. For political and economic reasons, Micronesia needs a deliberate scattering of specialized functions among the districts. (For example, in the age of jet transportation, there is no reason why the relatively sophisticated laboratory facilities at the Truk Hospital need to be duplicated in other districts.) Failure to follow these courses sufficiently worked directly against the Administration's announced policy of a unified Micronesia.

The Under Secretaries Committee also took definite policy decisions on the issues which, between 1963 and 1969, had been contended between the Departments of Interior, State, and Defense. Ruth Van Cleve writes of the new movement that the "inter-departmental warfare" seemed to have ceased. "The Foreign Service," she said, "has swept the State Department officers to new posts, and their key Interior adversaries are also elsewhere. Harmony has returned."

Van Cleve's view is only partially correct. It implies that bureaucratic differences between the agencies were largely personal rather than substantive, a conclusion which the facts do not support. The new administration did use new personnel, many of whom were entirely unfamiliar with Micronesia and with the fundamental questions at issue. More important, as will be seen from a discussion of initial proposals to the Micronesians, the new Nixon Administration

largely restored "harmony" by adopting the Interior and Defense Department positions. This was to prove a costly error. Not until the Administration was willing to entertain Micronesian proposals along the lines of those advocated by the Department of State was there to be progress in negotiations with the Micronesians. Even then, "harmony" resulted from overruling the long-held State Department view on such issues as fragmentation, the inclusion of independence on a plebiscite, and the definition of "self-government."

Bureaucratic In-fighting

Bureaucratic fighting between and among State, Interior,and Defense, particularly the Navy was not limited to the question of Micronesia's future status. Rather, sometimes unseemly battles within the bureaucracy have characterized the United States administration of Micronesia from the beginning. On the whole, this dissention has worked to the detriment of both Micronesian and U.S. interests. State and Interior bitterly opposed Defense in 1945 over the issue of annexation of Micronesia. It was only through the "strategic trust" compromise that the issue was "resolved," in reality, postponed. Interior and State also were critical of the idea of military administration of civilian populations and fought hard against the formal assignment of Micronesia to Navy in 1947. There were even proposals for administration by State. Navy got the assignment.

Navy's initial victory was not to last long. President Truman was committed to civilian administration, and in 1950 and 1951, respectively, he transferred Guam and American Samoa from Navy to Interior. Effective July 1, 1951, he did the same for Micronesia. However, part of the transfer of Micronesia did not last long. Navy pulled an end-run and succeeded in the breaking-off of part of the Marianas. Ruth Van Cleve

provided the following account of Navy's victory:

> Sometime between June 29, 1951, when President Truman signed the order transferring all of the Trust Territory to Interior, and November 10, 1952, there was perpetrated, in the hyperbolic language of former Director of the Office of Territories James P. Davis, 'the worst end run in the history of the United States Government.' It is alleged that the Navy, smarting under its loss of jurisdiction in Guam, Samoa, and the Trust Territory, importuned President Truman privately, specifically through the persuasive Admiral Arthur W. Radford, to transfer back to the Navy the northern Marianas islands of Saipan and Tinian. Following whatever prompting, President Truman did on November 10, 1952, transfer Saipan and Tinian back to the Navy, and the interested Interior officials first learned of it when they read the executive order the next day in the Federal Register.

Some of the bureaucratic maneuvering had a direct adverse effect on Micronesia. Though Navy was helpful in emergencies even after Interior took over in 1951, Micronesia as a whole no longer had access to Navy's considerable manpower and logistics capability, particularly vital transportation. But these advantages continued to be available to Saipan and Tinian. At the same time the initial Navy effort to regrab a portion of Micronesia left Interior responsible for some islands north of Saipan in the Marianas which were not easily accessible. That situation existed for approximately eight months,from late 1952 to mid-1953.

An insight into Interior-State Department bickering is/found in the Van Cleve book. At one point Van Cleve writes that State and Interior Territorial personnel "got along swimmingly" through the years. However, the whole of Van Cleve's discussion of Interior-State relations seems to imply--and she later states--what most officials candidly admit: relations between State and Interior on Micronesia were poor throughout most of the Sixties. Van Cleve writes:

> Faced with U.N. criticism of the United States' territorial and Trust Territory administration during the mid-1960's, the State Department not surprisingly decided that it could do Interior's job

better than Interior was doing it. And Interior, although accustomed to receiving advice from a wide variety of sources, found itself growing testier and testier with each new State Department incursion into its area of responsibility. So as criticism from U.N. sources of U.S. administration increased, so did disharmony between key State and Interior personnel.

Viewed from the Office of Territories standpoint, it appeared that State Department employees were bouncing all over the executive branch inspiring agencies to do things to make U.S. territorial administration look better, but always leaving the message tht Interior must be the last to know. The amount of energy and imagination employed by some of State's people was phenomenal, as was their lack of candor. Inevitably the State-inspired plans, generally in the form of another agency's project to do something 'for' a territory or the Trust Territory, would surface. Sometimes they would surface through the good offices of a friend in the other agency, who would ring up to tell Interior what was going on; sometimes they surfaced because the other agency, having not quite got the word, would telephone the Office of Territories for information that agency needed to plan a helpful project. Whenever the project did emerge, Interior needed to run fast to catch up. The most sensational effort was one conducted for several months during 1966, when a highly place State Department official sought 'unofficially' to cause the transfer of administration of all of the Trust Territory from Interior to State--with never a word to Interior. He failed, as befits one employing improper means.*

Van Cleve accurately cites the different functions and interests of the two agencies but also implies that State was nosy, indecisive, cunning, and acted with an air of superiority. On the other hand, State Department officials found Interior, provincial, staid, bureaucratic, and most of all

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* We can find no verification of such an effort. There were State Department efforts to make an individual in the White House responsible for policy and an effort to have the High Commissioner replaced by a Peace Corps official. Van Cleve is correct, however, about the bad blood which, apparently, does not disappear with time. John A. Carver, Jr., who, as Assistant Secretary (1961-64) and later Under Secretary of the Interior (1964-66) was the highest official at Interior who usually dealt with Micronesia, devoted one of his three paragraphs in the introduction of the Van Cleve book to bureaucratic hassles: "Other participants may not agree with her. One cannot imagine the Department of State people or the Peace Corps 'Establishment' concurring in her assessment of their activities, in certain respects. Some key figures over several national administrations will look in vain for their names, and some will not have the perception to be grateful."

afraid of Congress to the point of being unwilling to recommend to Congress policies Interior thought correct but knew were strongly opposed in the Congress. Secretary of the Interior Udall, said one former high official of the Department of State, was progressive and in the spirit of the "new frontier" on most matters, but not on Micronesia. The official speculated that Udall simply never got deeply involved in Micronesia or had concluded that it was not worth spending his capital in the Congress.

Peace Corps

The Peace Corps, which began operations in Micronesia in 1966, was also caught in inter-agency crossfire. Originally, it had been concluded that Micronesia was not sufficiently foreign for inclusion in Peace Corps programs. However, an energetic Peace Corps official, encouraged by State Department officials, particularly by Ambassador Arthur Goldberg and the U.S. Representative on the U.N. Trusteeship Council, Ambassador Eugenie Andersop, and by Micronesians, pushed hard for a Peace Corps program not only in Micronesia but in other Pacific islands as well. The Micronesia Peace Corps program was massive--for the Peace Corps and for Micronesia. At one point there was almost one Peace Corpsman for every 100 Micronesians. They worked as teachers, in community development and as business and legal advisers. They were young, idealistic, and enthusiastic. They spoke the language and lived closer to the people than any foreigners had done previously. It was inevitable tht they would become critical of American officials in Micronesia and of Interior.

The most serious problem occurred, not with Interior although it welcomed the result, but with Defense over Peace Corps lawyers. Peace Corps lawyers began to teach Micronesians about their rights and to encourage

challenges to previously unchallenged practices regarding land. The Pentagon saw such challenges as dangerous political agitation which might adversely affect the political status desired by the United States. More immediately, the Micronesians were discovering ways to protect their land. The result was a decision by the Nixon administration to phase out the Peace legal program. The problem was to arise again however, when OEO lawyers also took on administration practices. This time the High Commissioner disapproved of a legal program, only to be overruled.

Differences between agencies in Washington were matched by differences between Washington and American officials in Micronesia. Some of the latter are conscientious and probably made the most of the niggardly resources with which they worked. However, most American officials in Micronesia came under sharp criticism, especially in the Solomon Report, as incompetent. Many were holdovers from Navy or former Interior Department officials who, per se, had had to leave Alaska, Hawaii and even Indian administration. In "exile" in Micronesia they were away from and insensitive to new international political pressures. They were also protected by their civil service status. They were vulnerable to the charge of perpetuating their positions rather than fulfilling developmental obligations which would have resulted in their replacement by Micronesians. In any event, long before Micronesians assumed posts of District Administrators, a number of Micronesians were said to be more capable than the American administrators.

Friction between Washington and the High Commissioner has taken some bizarre turns. At one point, low level White House officials in the Kennedy Administration decided to fire High Commissioner M.W. Goding, who was sometimes referred to affectionately as "In Goding we trust." Word reached Goding,

who had his Senate patron ask President Kennedy about his status. With no knowledge of Goding, Kennedy responded favorably and Goding's position was thus secure. Told later what he had done, Kennedy told his staffers, "That'll teach you s.o.b.'s to let me know what is going on."

History repeated itself in the second term of the Nixon Administration. Interior officials had decided to replace High Commissioner Edward Johnston. Two reasons were advanced. First, Jonston, who was looked upon favorably by the Micronesians, had served six years in an isolated area and had "developed problems" which made it difficult for him to handle some situations wisely and without bias. Second, Johnston was a political appointee and could not be expected to have some of the professional sensitivity necessary during status negotiations. The idea was to appoint a senior Foreign Service Officer who would be more sensitive--and would carry out instructions with fewer questions. A list was prepared of several FSOs of Ambassadorial rank and at least one was interviewed.

As in the Goding case, Johnston became aware of his planned ouster and through the office of Senator Fong (R. Hawaii) had the plan killed.

It is with the above background of poor administration and bureaucratic in-fighting at all levels that the U.S. and Micronesians began negotiations of future status. Later we shall discuss the negotiations in detail. First, however, it is necessary to examine the international legal and political factors involved in changing Micronesia's status and the strategic rationale on which the U.S. policy is based.

SELF-DETERMINATION FOR MICRONESIA:

Some International, Legal, and Political Factors

Following American occupation of the islands and before the final defeat of Japan, a debate took place within the United States government as to what the U.S. relationship with Micronesia should be after the war. It was clear from the Cairo Declaration of 1943 between Churchill, Roosevelt, and Chiang Kai-shek that Japan would lose the islands; but it was unclear who would inherit them. Convinced by the lessons of the war that American control of the area was essential to national security, military officials argued that in light of the substantial losses in terms of American lives and material in securing the islands, the United States was entitled to exercise territorial rights over Micronesia.

On the other hand, cognizant of statements in the Atlantic Charter that the Allies sought "no aggrandizement, territorial or otherwise," and in the Cairo Declaration that the Allies "covet no gain for themselves and have no thought of territorial expansion," the Department of State opposed annexation. State Department officials were also concerned that annexation might provide a precedent to support the Soviet Union's allegations of its national security "needs." State favored putting the islands under a trusteeship with international supervision. International trusteeship arrangements, however, were unacceptable to the military, even after provisions limiting the United Nations supervision to non-security interests were added to an early draft outlining the trusteeship system.

The resulting compromise was a proposal to set up two categories of trusteeships, one category to incorporate what had been the original plan for trusteeship, and a second category, "strategic trusts," to comply with the United States military demands. Micronesia was placed in this second category.

The Trusteeship Agreement

The United States administers Micronesia under an agreement approved by the United Nations Security Council on April 2, 1947, and by President Truman on July 18, 1947. Prior to Truman's action, each house of the United States Congress approved the Agreement without significant debate after military officials expressed their satisfaction that the Agreement had sufficient safeguards to maintain United States control, and thus to protect U.S. strategic interests.

Under the Agreement, Micronesia as a whole is a strategic area (Article 1), and the United States is given full powers of administration, legislation, and jurisdiction as well as the authority to apply United States laws to the Territory (Article 3). A provision that the Territory could be administered "as an integral part of the United States" was deleted at Soviet suggestion, but the deletion did not lessen United States authority.

In accordance with the United Nations Charter provisions that trust territories should play their part in maintaining international peace, the Trusteeship Agreement explicitly allows the United States to:

a) establish naval, military and air bases and erect fortifications in the territory;

b) station and employ armed forces in the territory; and

c) make use of volunteer forces, facilties and assistance from the trust territory in carrying out obligations to the Security Council, and for local defense and internal order (Article 5).

While the Trusteeship Agreement gives the United States broad authority, exercise of that authority must be consistent with specific obligations (Article 6) assumed by the United States. These were:

"to foster the development of such political institutions as are suited to the trust territory and shall 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 peoples concerned..."

"to promote the social advancement of the inhabitants..."; and

"to promote the educational advancement of the inhabitants..."

A "most favored nations" clause stated that the United States would accord to nationals of each United Nations member and to their companies and associations, treatment in Micronesia "no less favorable" than that given nationals and companies of any other United Nations member except the United States (Article 8). Until 1974, the United States used this provision to limit investment in Micronesia to United States investors. This was used mostly to prevent Japanese economic control before the future political status of Microneisa could be determined. However, there is ample evidence that considerable Japanese commercial activities took place behind Micronesian "fronts."

Micronesia could be joined into a customs, fiscal, or administrative union or federation with one or more United States-owned territories (e.g., Guam), or could use common services with such territories so long as these were not inconsistent with the basic objectives of the Trusteeship System, or with the Agreement (Article 9). Despite this provision and the proximity of Guam, Micronesia has always been administered separately.

The United States was obligated to provide information to the United Nations on political, economic, social, and educational developments in Micronesia and to receive periodic visiting missions, but the United States could determine when these obligations could not be met because part or all of the territory had been closed for security reasons. (Article 13). Thus, for example, the United States closed much of the Territory for security reasons prior to 1960. Even today, the American military maintains control over movements into and out of Kwajalein where the United States has test facilities for its Pacific Missile Range.

There are several significant distinctions between strategic and ordinary trusteeship arrangements. First, strategic trust territories are supervised by the United Nations Security Council instead of the Trusteeship Council, although the Council could call upon the Trusteeship Council for assistance in supervision. This, of course, enables the United States to retain a large degree of control over the islands, since it can exercise its veto in the Security Council on any matters it deems not in the interest of national security or international peace. Over Soviet objections, the Security Council in 1949 decided to delegate responsibility for United Nations supervision, except for security matters, to the Trusteeship Council. The Security Council itself has considered Micronesia only once since approval of the Trusteeship Agreement--regarding use of the islands by the United States for nuclear testing--and reports of the Trusteeship Council to the Security Council have been perfunctory.

Second, under the strategic trust concept, the United States as administering authority has the right, for security reasons, to close any or all of the Trust Territory to United Nations inspection or supervision; and, again for security reasons, enjoys preferential treatment for economic development of the territory.

Micronesia is the only territory ever placed in the strategic trust category. The trusteeship system, including strategic trusts, was never meant to be permanent. A basic objective of the system as set out in the United Nations Charter, and in the Trusteeship Agreement for Micronesia, is to promote the progressive development of the territory towards "self-government or independence." This is in sharp contrast with the League of Nations Mandate System where Micronesia, as a "C" mandate, was not expected to attain either self-government or independence.

Of the eleven original trust territories, nine are no longer trust territories. The tenth territory, New Guinea, presently under Australian administration, will obtain independence in union with Papua in 1975, leaving the United States as the last administrator under the trusteeship system. In response to this situation, to continuing anti-colonial pressure in the United Nations, and to demands for a new status from the Micronesians themselves, the United States and Micronesia started negotiations in 1969 towards termination of the Trusteeship Agreement by an act of self-determination on the part of the Micronesians. These negotiations, however, involve more than merely determining the wishes of the Microneisans as to their future status. Inevitably, they involve reconciling those wishes with United States security interests in the territory.

Many complex domestic and international legal and political questions are raised in the course of the U.S.-Micronesian negotiations on Micronesia's future political status. Primary among these are:

1) What is "self-determination", whether a right or principle, as it applies to Micronesia? That is, what is the proper meaning of the clause in Article 6, paragraph 1, of the Trusteeship Agreement that the U.S. is obligated to promote development "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 peoples concerned?"

2) Who or what in Micronesia has a legitimate claim to exercise the right to self-determination?

3) What procedures and processes must the United States follow in terminating the Trusteeship Agreement and insuring that a proper act of self-determination has taken place? In this process, what are the rights and obligations of the United States, the United Nations, the elected representatives of Micronesia and the peoples of Micronesia?

Micronesia: Self-determination and Alternative Choices

There are two principal documents which govern determination of future political status: The United Nations Charter and the Trusteeship

Agreement. In the Charter, self-determination is referred to explicitly in Articles 1 and 55 and implicitly in Article 76, which speaks in terms of "self-government or independence." The Trusteeship Agreement, Article 6, paragraph 1, provides, in part, that, in accordance with its obligations under Article 76 (b) of the Charter, the administrating authority "shall 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 peoples concerned."

Nowhere in the Charter or in the Trusteeship Agreement is there a definition of "self-determination", or of "self-government or independence." Secondary materials such as preliminary drafts of the Charter and the Trusteeship Agreement debates at the San Francisco Conference and in the Security Council, and General Assembly resolutions provide some basis for interpretation of these terms and therefore for standards by which the negotiations on Micronesia's future status can be measured.

In the earliest drafts, the trusteeship system was considerably broader in scope than the system which finally materialized. American planners intended that all dependent areas would be placed under the trusteeship system with the "status of full independence" as the goal. This plan was scrapped because of Great Britain's strong objections, both to putting all its empire under international supervision and to the goal of independence. Two separate systems were set up within the Charter to deal with dependent areas, one for dependent areas not placed under trusteeship, so-call non-self-governing territories, and the other, with more detailed requirements, for trust territories. Independence was not explicitly included in the list of objectives for non-self-governing territories, despite efforts on the part of China and the Soviet Union to have it included. The objective with respect to non-self-governing terri-

tories is simply to "develop self-government," though the United States argued at the San Francisco Conference that the concept of self-government included independence as one of its forms. The administrator of a non-self-governing territory had fulfilled its obligations under the U.N. Charter once self-government was attained. The latter, of course, was consistent with the French view of political prospects for French colonies and with Churchill's view that he did not become His Majesty's Prime Minister to preside over the liquidation of the British Empire.

On the other hand, the objectives for trust territories includes "independence." This was the compromise reached within the committee working on the drafts at the San Francisco Conference: independence could be left out of the draft on non-self-governing territories, but must be included as a goal for trust territories. Thus, the inclusion of independence as a stated goal for trust territories but not for non-self-governing territories arguably permits an inference that the obligations of administrators of trust territories did not necessarily cease with the attainment of "self-government," but continued until independence if that were appropriate to the circumstances of the particular territory and if the people so desired.

Whatever may have been the view in 1945 about the ultimate political status of dependent peoples, subsequent practice has shown a very definite trend toward independence not only for trust territories but for non-self-governing territories as well. With the exception of Namibia in southern Africa where race is a deterrent factor, no territory of significant size will remain dependent after 1975. This reflects, in large part, strong pressure for independence from a majority of U.N. members, most of whom were not members of the U.N. when the major Western countries were delineating fine differences between trust and non-self-governing

territories. Nine of the eleven original trust territories have already achieved independence, or joined with other newly independent states. Trusteeship for the tenth territory, New Guinea, is also expected to end with independence.

Resolutions of the U.N. General Assembly

In fact, it soon became clear that the U.N. must develop criteria for deciding when a territory was no longer non-self-governing or when and how to terminate trusteeship status. Three resolutions of the U.N. General Assembly contain recommendations regarding the ultimate status of dependent peoples. These are Resolutions 742, 1541, and 1514.

General Assembly Resolution 742 (passed November 27, 1953). Addressed to non-self-governing territories, the resolution reasserts the need to make decisions on the basis of particular circumstances and the wishes of the people concerned. The resolution held that the manner in which a territory could become fully self-governing was "primarily" through the attainment of independence, although it stated that self-government could also be achieved by association or integration with another state or group of states if done freely and on the basis of absolute equality. However, Resolution 742 was passed, it should be noted, prior to the surge of African independence and the admission of African states to the United Nations.

General Assembly Resolution 1541 (passed December 21, 1960). Resolution 1541 is a more precise restatement of Resolution 742 and specifically states principles which should be used in determining when states should cease submitting information because a territory is no longer non-self-governing. A territory is described as having reached "a full measure of self-government" by:

a) Emergence as a sovereign independent State (Principle VI).

b) Free Association with an independent State. Here free association is defined as "the result of a free and voluntary choice...through informed and democratic processes." The association should respect the individuality and the cultural characteristics of the territory and its peoples and retain for the people of the associated state "the freedom to modify the status of that territory through the expression of their will by democratic means and through consitutional processes." Finally, the people have the right to determine their internal constitution without outside interference. (Principle VII).

c) Integration with an independent State is to take place on the basis of "complete equality between the peoples of erstwhile Non-Self-Governing Territory and those of the independent country with which it is integrated. The peoples of both territories should have equal status and rights of citizenship and equal guarantees of fundamental rights and freedoms without any distinction or discrimination; both should have equal rights and opportunities for representation and effective participation at all levels in the executive, legislative and judicial organs of government." (Principle VIII).

In addition, the integrating territory should have attained "an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes." The resolution states that the United Nations could, "when it deems necessary," supervise a plebiscite on integration. The addition of this provision and the provision that people have the right to change their minds if free association were selected would seem to indicate considerable effort by the United Nations to insure that a decision to opt for a status short of independence must be carefully scrutinized by the international community.

The three categories of Resolution 742 and 1541 are frequently put in terms of U.S. experience with territories now or once under U.S. control. The Philippines attained independence; Hawaii and Alaska attained integration as states; and Puerto Rico is frequently cited as an example of free association. In fact, the U.N. General Assembly specifically exempted the U.S. from further reporting on Puerto Rico on the grounds of the new "free association." This was, however, prior to either of the resolutions discussed above which define free association and at a time of American dominance in the U.N.* It is unclear what position the U.N. would take today if it decided to reconsider Puerto Rico's status. U.S. law does not explicitly acknowledge a Puerto Rican right to unilaterally alter its status, i.e. to "opt out",and the U.S. Congress is able unilaterally to extend U.S. laws to Puerto Rico. U.S. law, for example, specifically states that Puerto Rico is a "territory of the United States." These provisions make Puerto Rico fall short of the "free association" status defined in U.N. resolutions.

At one point, in 1953, President Eisenhower,partially to help gain U.N. recognition of Puerto Rico's new status, authorized Henry Cabot Lodge to inform the U.N. that Eisenhower would recommend that Congress grant Puerto Rico independence if the people wished. Eisenhower's pledge, of course, is not binding on his successors any more than on the Congress which under the U.S. Constitution is solely responsible for U.S. territories. However, in the final analysis, neither U.S. laws nor U.N. resolutions but practicality will determine Puerto Rico's status. Puerto Rico is likely to remain associated with the United States so long as Puerto Ricans and Americans are able to develop a status sufficiently flexible that it meets with the approval of the overwhelming majority of Puerto Rico's population.

*Even in 1953, the U.N. vote was far from overwhelming: 26 "for" with 16 "against" and 18 abstentions.

While the attitude of today's U.N. toward the U.S.-Puerto Rico relationship is in doubt, no doubt exists about the U.N.'s attitude towards the association between the Cook Islands and New Zealand or between the West Indies Associated States (WIAS) and Britain. The Cooks and the WIAS have delegated broad responsibility for defense and foreign affairs but exercise complete control over internal affairs. Moreover, each has the right to unilaterally declare its independence. These relationships were specifically endorsed by the General Assembly.

General Assembly Resolution 1514 (passed December 14, 1960). Clearly reflecting the influence of newly independent, particularly African, states, Resolution 1514 is specifically made applicable to all dependent territories, to trust as well as non-self-governing territories. The emphasis is on "the right to complete independence" as the ultimate political status. There is no mention of either integration or free association. In its most quoted paragraph the resolution declares:

> Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinctions as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

While the equation of self-determination with independence was implicit in Resolution 1514, later U.N. resolutions seem to make the equation explicit, frequently speaking of the right to "self-determination and independence."

None of the resolutions discussed above is mandatory since the General Assembly can only recommend. And as noted, two of the resolutions did not address trust territories. However, the United States (which for various reasons abstained on Resolutions 1541 and 1514) has recognized the essential applicability of the resolutions to Micronesia. In fact, American representatives in the Trusteeship Council have repeatedly insisted on keeping

open a full range of options on Micronesia's future. Thus, in Trusteeship Council recommendatons, the United States has always insisted on reference to Resolution 1541 as offering a full range of choice. Similarly, the United States has consistently opposed reference to Resolution 1514 on the grounds that it would appear to restrict Micronesian choice to independence.

Actually, the U.S. reluctance to think of Micronesia in terms of independence or under the control of a country other than the United States has always been an important element of U.S. policy. When the United States submitted the first draft of the Trusteeship Agreement for Micronesia to the Security Council on February 26, 1947, the objectives listed included only the obligation to promote development "toward self-government"; they did not include "independence." The exclusion of "independence" was a glaring omission, especially in light of the decision almost two years earlier to include independence among the objectives for trust territories. Therefore, the Soviet Union moved to add to the Agreement the phrase, "self-government or independence as may be appropriate to the particular circumstances of the trust territory and its people and the fully expressed wishes of the peoples concerned," language patterned on Article 76 of the Charter. The U.S. accepted the addition of "independence," but in a statement remarkably similar to the League philosophy that inhabitants of some mandated territories could not expect independence, the U.S. Representative stated:

> the United States feels that it must record its opposition, not to the principle of independence, to which no people could be more consecrated than the people of the United States, but to the thought that it could possibly be achieved within any foreseeable future in this case.

The question of independence as a possible future status for Micronesia was to arise several times in the U.S.-Micronesian negotiations. One question which arose was whether U.S. strategic interests *per se* limited

the theoretical alternatives available to Micronesia. In 1973, when the Micronesians suggested discussion of independence, the U.S. refused to discuss independence and implied that independence could not take place because of the strategic nature of Microneisa. The U.S. Representative stated:

> I should say again, however, that the circumstances which led to the Trust Territory's designation as a strategic trust will continue to exist whatever your future status might be. I cannot imagine, for instance, that my Government would agree to termination of the trusteeship on terms which would in any way threaten the stability in the area and which in the opinion of the United States endanger international peace and security.

The 1973 Visiting MIssion reacted sharply to the refusal of the United States to discuss independence except under prior conditions and to the implication that whatever Micronesia's status the U.S. had a legitimate security interest by virtue of the original designation of Micronesia as a strategic trust. The following exerpts from the 1973 Visiting Mission Report are relevant:

> In our opinion, it is implicit in the Charter and in the Trusteeship System that the goal is eventual independence unless agreement is reached on some other status acceptable to the people of the Territories concerned through an act of self-determination. Micronesia is no exception to this rule. That being so, if one of the parties concerned wishes to discuss the question of independence as one possible option, the other should be prepared to join in such a discussion. What either party sees as the conditions which should or might apply in an independence situation would naturally emerge from these discussions. There should be no insistence by one on getting an explanation of how the other party sees those conditions, before agreeing in principle to discuss the option.
>
> Whatever solution is finally adopted, it is important that the basic issues, including the question of which lands, if any, will be retained by the United States as military retention lands, should be settled before the Trusteeship Agreement comes to an end. It may be legitimate to say, as the United States representatives did at Barbers Point, that "the circumstances which led to the Trust Territory's designation as a strategic trust will continue to exist whatever its future status might be." But this is so only in the sense that, because of its geographical location, Micronesia may continue to be of substantial interest to the United States and other Powers. Naturally, when the Trusteeship Agreement comes to an end, the idea of a strategic zone in the sense used in the Charter

vanishes at the same time. The fact that Micronesia was designated a strategic zone under the Trusteeship Agreement does not, in our view, in any sense derogate from the basic objectives of the Trusteeship System.

In legal terms those opposed to independence as an option argue that the United States is under no obligation to offer both "self-government" and "independence", only to offer one or the other. A still classified Interior Department paper suggested that the emphasis on or was especially relevant since even the phrase "self-government or independence" is further qualified by "as may be appropriate to the particular circumstances of the trust territory and the freely expressed wishes of the people concerned." This dispute first arose in 1963 when the Solomon Mission recommended that, whatever the legal requirement, a credible plebiscite must include the independence option.*

The U.S. position was not resolved until the eve of the November, 1973, negotiations between the U.S. and the Joint Status Committee of the Congress of Micronesia. President Nixon approved inclusion of the independence option in a plebiscite for Micronesia.** In so doing, the President came down on the side of the Department of State, the United States Mission to the United Nations, and some lower level Pentagon and Interior officials who have consistently argued that whether the inclusion of an independence option is legally required is irrelevant; the independence option is a practical political necessity.

From the above discussion, it is possible to conclude that, although the world community has indicated a preference for independence, it has not held that independence is the sole legitimate

*The Commission's view coincided with the conclusion in Microstates and Micronesia by Stanley De Smith.

**It should be noted that U.S. military land requirements were already assured by separate negotiations with the Mariana Islands.

expression of an exercise of self-determination by a non-self-governing or trust territory. Such a conclusion would seem especially warranted with respect to the Trust Territory of the Pacific Islands.

At the same time in the Micronesian negotiations, the U.S. accepted a definition of self-determination as "the process by which a people determine their own sovereign status." Under this approach, either self-government or independence would be possible results of self-determination. The choice selected would seem to depend on the wishes of the people concerned, i.e. the peoples of Micronesia. If this analysis is correct, it would appear the U.S. is not justified in refusing to discuss independence with the Micronesian negotiators. Actually, the U.S. has taken both sides of the issue: on the one hand, it says that the Micronesians have a free choice; on the other, it implies and acts as if free choice does not include independence because of strategic factors or because of a belief that Micronesians are not capable of assuming the responsibilities of independence.

There is, of course, a case to be made against independence for Micronesia. In considering the feasibility of independence for Micronesia, one must keep in mind the environment and surrounding circumstances. The islands are widely dispersed; inter-island transportation is extremely difficult; and, indeed in a very real sense, Micronesia is not yet a country, only what one Micronesian writer has called "a potential country." The lack of a common language, culture, or history for all of Micronesia makes development, and even more basically, communications, very difficult. Finally, except for its strategic location, Micronesia is without known and reliable economic resources.

It is therefore highly possible that upon termination of the Trusteeship Agreement, Micronesian self-government as opposed to independence is preferable.

Despite a clear preference for independence, U.N. members, even some of the most avid proponents of independence, suggest that a status short of independence is best for Micronesia, particularly if that is their free choice. There seemed to be an emphasis, however, on complete self-government.

Self-government was not defined in either the drafting of the Charter or the Trusteeship Agreement. However, standards have been set forth in General Assembly resolutions, specifically Resolution 1541 and, by incorporation, Resolution 742, which state the alternatives to independence to be free association or integration with an independent state.

Micronesia: Self-Determination and the Problem of Fragmentation

In addition to determining the substantive content of self-determination as it applies to Micronesia, there is the question of what "people" in Micronesia may have a legitimate claim to exercise self-determination. This issue arises in the Micronesian context because the United States engaged in two separate sets of negotiations: one set of negotiations with representatives of the Northern Mariana Islands, and the other with representatives of the Congress of Micronesia who, however, still included representatives of the Mariana Islands. For reasons discussed on pp. , the Mariana Islands sought not only a separate status, but a different status: the Marianas prefer to come "permanently" under American sovereignty as a United States territory, as opposed to an inclusion with other Micronesians in a "free associated state" with the critical right to "opt out."

Critics argue that separate negotiations are contrary to the accepted world community definition of the "peoples" entitled to exercise the right to self-determination and violate United Nations principles against fragmentation. The goal of the U.N. has been to preserve whenever possible the boundaries of states or territories, even when they have been arbitrarily drawn by colonial powers and cut across tribal and ethnic lines. In its Declaration on

Colonialism (Res. 1514) in 1960, the U.N.General Assembly specifically stated:

> "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."

The reactions to separatist movements in Namibia, Kenya, Ethiopia, and Nigeria are evidence that the majority of U.N. member States defines "peoples" in a strict sense--limiting it to the inhabitants of an already existing state or territory. In fact, much to the discomfort of the United States, the 1973 U.N. Visiting Mission specifically referred to Namibia:

> The United Nations has consistently opposed in principle the fragmentation of dependent Territories on tribal or regional lines. This is exemplified by the case of Namibia. On all other Trust Territories it has recommended that the Administering Authority should emphasize the unity of the country to overcome racial or regional cleavages. In the two instances when Trust Territories were divided, this was done only after a territorial referendum had taken place.

R. Higgins, in his work The Development of International Law Through the Political Organs of the United Nations, argues that "self-determination refers to the right of the majority within a generally accepted political unit to the exercise of power." Rupert Emerson, in Self-Determination Revisited in the Era of Decolonization, argues that "since there are no rational and objective criteria by which a 'people' in the large and abstract can be identified, it (fragmentation) introduces an incalculably explosive and disruptive element which is incompatible with the maintenance of a stable and organized society." Thus the principle against fragmentation, as evidenced by the narrow definition of "peoples," provides, said Emerson, "a fixed principle for the orderly succession from colonialism to a system of independent states."

On the other hand, this definition of "peoples" is not universally accepted, and some would define the term in a sociological sense as applicable to a tribe or group of people ethnically bound together. They note that the term "peoples" is nowhere defined in the U.N. Charter and contend that the sociological definition is more compatible with basic human rights

concepts. Not surprisingly, this latter definition is favored by the negotiators from the Mariana Islands, and now by the United States. Both argue that, if the United Nations were to reject separate negotiations between the United States and the Mariana Islands, it would violate the right of the people of the Marianas to self-determination.

The Marianas do have a precedent of sorts to support their contention in the case of the termination of the Trusteeship Agreement for the British Cameroons. The British Cameroons was divided into two parts for purposes of administration. The Northern Cameroon was administered as an integral part of Nigeria, then a non-self-governing territory. The Southern Cameroon, although also administered as a part of Nigeria, enjoyed greater autonomy as a region with its own political organs. Upon termination of the trust, the two parts were permanently separated based on a finding of a 1961 U.N. Visiting Mission that there was "a profound difference between them both in the administrative systems and political loyalties which were partly due to a distinct ethnical and historical development." The northern sector became part of Nigeria, and the South achieved independence and became the Republic of Cameroon.

However, the precedent of the Cameroons is not entirely apposite for the Marianas. First, the division of the Cameroons was made pursuant to the recommendations of a U.N. Visiting Mission Report. No such recommendations exist in the case of the Marianas and Micronesia. In fact, U.N. Visiting Missions to Micronesia have spoken strongly against separation in every report since 1961. The 1973 Visiting Mission noted that separate negotiations were in an advanced stage and perhaps the clock could not be turned back. But as already noted, there is no doubt that the 1973 Visiting Mission did not accept separate negotiations with enthusiasm. Second, in the case of the Cameroons, the part which split off, the Northern Cameroon, united with an

adjoining territory to form a newly independent country, and indeed had been administered as an integral part of that territory prior to unification. This is not the case with the Mariana Islands. The Marianas have not been administered by the United States as an integral part of Guam, for example; nor are they presently seeking unification with Guam upon termination of the Trusteeship Agreement. Third, the two sections of the British Cameroons were never administered as one entity, while the Marianas were administered since Germany consolidated the territory as an integral part of Micronesia, except for the brief period when, for security reasons, the Northern Marianas, except Rota, were administered separately.

Moreover, separate negotiations between the Marianas and the United States may have ramifications which transcend the borders of Micronesia. Specifically, they could serve as precedent for other attempts at fragmentation. For instance, Australia's sharp criticism of the separate negotiations in the 1973 sessions of the Trusteeship Council's consideration of Micronesia was attributed by American officials to Australia's concern that the Marianas might serve as precedent for an attempt by Bougainville to separate from Papua - New Guinea. At least one motivating factor is similar: Bougainville, like the Mariana Islands, is the more economically developed and has the greatest foreseeable economic potential. American officials say that Australian opposition was based on the personal views of the Australian Representative and did not represent the official views of the Australian government. Australia ceased its open opposition to separate negotiations only after the United States made informal representations (called informal discussions by the U.S.) to the Australian Embassy in Washington and the Embassy in turn suggested a changed position to Canberra.

South Africa has for some time used arguments similar to those used by the Marianas and the U.S. to support its policies of fragmentation in Namibia. Ironically, South Africa's primary interest in Namibia may also

be for defense purposes. Namibia serves as an important buffer against hostile black countries to the North. The American rejoinder is that South Africa is forcing this arrangement upon the Namibians, while the people of the Marianas have voluntarily expressed their desire for separate negotiations. But there too the American response is not unlike the South African position. Few accept South Africa's case but that country also argues that the separate "nations" being established in Namibia are at the freely expressed request of tribal groups.

The truth is that the American justification for fragmentation in Micronesia is no different from that offered on other fragmentation questions. A case can always be made by some group for separation and the issue becomes whether fragmentation is politically and sometimes militarily feasible. The State Department, concerned with the effect of the separate negotiations and ultimately the separate status as precedent for South Africa is particularly sensitive to the issue and reacted sharply and negatively to the U.N. Visiting Mission's comparison with Namibia.

Within Micronesia, ramifications of the separate negotiations are also being felt. There is the obvious question of the effect on the remainder of the Territory if the area most developed and with the greatest economical potential were allowed to separate. As in Katanga or Biafra or Bougainville, can the interests of one group be allowed to jeopardize the interests of the whole? The U.S. Representative, Mrs. Eleanor Roosevelt,addressed the question before the U.N. General Assembly on November 18, 1952, when she said:

> Does self-determination mean the right of secession? Does self-determination constitute a right of fragmentation or a justification of fragmentation of nations? Does self-determination mean the night of people to sever association with another power regardless of the economic effect upon both parties, regardless of the effect upon the internal stability and their external security, regardless of the effect upon their neighbors or the international community? Obviously not.

The U.S., while rejecting further requests for separate negotiations, has had substantial difficulty justifying separate negotiations with one district, but not with others. In 1973, the principal Micronesian negotiator, Lazarus Salii, accurately predicted that other districts would seek separate negotiations with the United States. Proliferation of fragmentation was also the concern of the 1973 Visiting Mission:

> No purely ethnic argument can be seriously advanced in support of separation. Of course, the Chamorros are not identical with the inhabitants of the Marshall Islands; nor are the latter the same as the residents of Yap or Ponape. Acceptance of the Mariana Islands argument would mean acceptance of the fragmentation of the territory.

Given distances, sparse population and scarce resources, it can be argued that a Micronesia composed of six districts, even under a loose confederation, would be a more viable economic and political entity.

Procedures for Termination of the Trusteeship Agreement

A significant aspect of the U.N. Trusteeship System is the paucity, one might even say the absence, of provisions regarding the timing of or procedures for termination of trusteeship. At the San Francisco Conference, none of the proposals submitted by the organizing countries contained provisions on termination, although earlier American Charter drafts had specified that the full U.N. membership would in each case "determine the terms and conditions under which the trusteeship shall be altered or terminated." The Egyptian delegate urged the addition of an article on termination of trusteeships, which would have given the General Assembly the power to terminate a trusteeship and "declare the territory to be fit for independence." This provision was not adopted, however, in the face of arguments that termination by decree of the Assembly, without the consent of the administering authorities, would be contrary to the voluntary

basis of the trusteeship system.

In place of the Egyptian proposal, one finds in the Charter only the vaguest of references to termination of trusteeships. Article 78 provides that trusteeship cannot apply to territories which have become members of the United Nations, and Article 79 states that the terms of trusteeship, "including any alteration or amendment," shall be agreed upon by the states directly concerned and approved by either the General Assembly or the Security Council. Similarly, under Article 83, the Security Council exercises the functions of the United Nations with respect to strategic areas, "including the approval of the terms of the trusteeship agreements and of their alteration or amendment," and Article 85 provides that the General Assembly, with the assistance of the Trusteeship Council, shall have the same functions concerning non-strategic areas. Nowhere in the Charter, however, does one find a specific provision for termination of trusteeship over any territory.

A primary reason advanced at San Francisco for not including a specific provision in the Charter for termination of trusteeships was that such provisions could be written into the individual trusteeship agreements. In practice only the Trusteeship Agreement for Somaliland and the Trusteeship Agreement for Micronesia contained provisions with direct references to termination. And only Article 24 of the Trusteeship Agreement for Somaliland, which provided that the Agreement would cease to be in force ten years after its approval by the General Assembly, specified the process and the timing of termination. In contrast, Article 15 of the Trusteeship Agreement for Micronesia provides simply that the terms shall not be "altered, amended or terminated" without the consent of the United States. There was no provision pertaining to the processes or timing of termination.

At the same time, under Article 76 (b) of the Charter, and Article 6 of the Trusteeship Agreement, the United States is required, in the words of Article 6 of the Agreement, 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 wished of the people concerned." Accordingly, perhaps the first question which should be considered is what procedures should be followed in order to best determine the "wishes of the people concerned?" Most of the trust territories achieved independence after the people expressed their wishes in a plebiscite conducted under U.N. auspices. A plebiscite is usually considered the most acceptable method of politically determining the wishes of the people. In Resolution 1541, the U.N. General Assembly suggested that in those cases where inhabitants of non-self-governing territories were selecting integration with another state, "the United Nations could, when it deems necessary, supervise these processes." But Resolution 1541 was not addressed to trust territories and is in any case recommendatory only; the inclusion of the supervision clause was one of the reasons given for the U.S. abstention on Resolution 1541. There is no legal requirement for a plebiscite or for the conduct of a plebiscite under U.N. auspices or observation.

Both Micronesia and the Marianas Islands are presently planning to hold plebiscites. The question is whether the people will be given a meaningful choice. That is, will the plebiscite be valid as an expression of the wishes of the people if it contains only the alternatives of accepting or rejecting the package presented them by the negotiators? Must independence be included as an alternative choice in either or both plebiscites? Must Micronesia as a whole be given the opportunity of

approving or disapproving the separate status of the Marianas?

A choice of simply rejecting a negotiated package or retaining the status quo would seem to be against the interests of both the United States and the Micronesians. United States interests would not be served by retention of the now politically outmoded trusteeship status. U.S. officials have already seen that delays in settling Micronesia's status have only resulted in an increased political and economic price tag. That price can only be expected to grow with increased Micronesian political sophistication. Moreover, to exclude a choice of options would be inconsistant with numerous U.S. statements about the right of people to make a free and informed choice. It is also inconsistent with U.S. support for the essential provisions of UN Resolutions 1541 and 742. The latter states that one factor by which self-government is measured is the "freedom of choosing on the basis of the right of self-determination of peoples between several possiblities, including independence."

A more crucial issue, is whether the whole of Micronesia need approve a separate status for the Marianas. Negotiations with the Marianas do not have the approval of the Congress of Micronesia. In the spring of 1973, the Congress of Micronesia announced that its Joint Committee on Future Status was the sole official negotiating body. The issue arises whether the U.S. is entitled to continue negotiations affecting part of the territory in the face of the express disapproval of representatives of the majority of the people of the territory and as to whether an option for a wholly united Micronesia (including the Mariana Islands) must be included in either or both plebiscites, or even whether two separate plebiscites should be held.

The arguments of those who support separate Marianas negotiations against the claims of the Congress of Micronesia are along lines previously discussed, i.e. that "peoples concerned" in Article 76 of the Charter and in Article 6 of the Trusteeship Agreement means people in the ethnic or sociological sense and that the case of the British Cameroons, where two separate plebiscites were held with U.N. approval, is precedent for this interpretation. On the other hand, those who support the position of the Congress of Micronesia argue that the definition of "peoples" means only the already-established political entity involved, and contend that separate negotiations cannot be held without the express approval of the original political entity, or at least that an option of a united Micronesia is an indispensible element of a valid act of self-determination. It can be argued that the British Cameroons case is the exception to the rule, rather than the rule itself. Both sides in the Cameroons favored separation. More importantly, the Cameroons had always been administered separately. As already noted except for a brief period, Micronesia was a single administrative and political entity in the mandate and the trusteeship system.

In the final analysis, the issue is political rather than legal. In the light of international sentiment against fragmentation, of the position of the Congress of Micronesia, the U.S. has not wavered from its decision to negotiate with the Marianas. At one point, the U.S. was even prepared to take the drastic step of rewriting the Interior Secretarial order creating the Micronesian legislature to exclude the Marianas and thus eliminate the legal basis for objections by the Micronesian Congress. Such an action, however, would undoubtedly have resulted in a storm of protest, albeit of little effect, from Micronesia.

An important procedural issue is the role, if any, of the U.N. in terminating the Trusteeship Agreement. Specifically, should the United Nations be involved in the negotiations? Should the plebiscite(s) be supervised by the United Nations? And most important, must the United States get the approval of the Security Council in terminating the Trusteeship Agreement?

There are no requirements in the Charter, the Trusteeship Agreement or general customary international law that the United Nations participate in negotiations on termination of trusteeship. In practice, however, the U.N. has participated in the process, directly or indirectly, through visiting missions, consultations and supervision of plebiscites. Some U.N. members have suggested that the United States has not given sufficient attention to U.N. suggestions with respect to Micronesia, thus downgrading U.N. participation.

Although not legally required, politically, U.N. supervision of plebiscites in trust territories seems highly advisable where, as here, the results of the plebiscite are likely to be unpopular with many members of the United Nations. Present U.S. plans do call for U.N. <u>observation</u> but not supervision or conduct of plebiscites in Micronesia.

Perhaps the most important procedural question facing the U.S. is whether approval of the Security Council is necessary in order to terminate the Trusteeship Agreement. There is ample evidence to indicate that Security Council approval is desirable or even indispensable for political purposes. The Counsel for the Joint Committee on Future Status of the Congress of Micronesia has suggested that the United States is not legally required to seek Security Council approval of termination. A measure of support for this view may be found in the terms of the Charter and of the Trusteeship Agreement and in the negotiating history of the Agreement. Article 83(1) of the Charter, in referring to the functions of the Security Council concerning

strategic areas, specifies only that Security Council approval is required for the alteration or amendment of the Trusteeship Agreement. No reference is made to the necessity of Council approval for termination of the Agreement. Article 15 of the Trusteeship Agreement requires the consent of the United States, as administering authority, to any alteration, amendment or termination of the Agreement, but makes no reference to the Security Council. Moreover, in the Security Council debates on this provision the United States absolutely refused to consider a proposed Soviet amendment making the alteration, amendment, or discontinuation of the Agreement's terms subject to the decision of the Security Council, rather than the administering authority and even threatened to withdraw the proposed Agreement if such an amendment were adopted.

However, a close reading of the drafting history of Article 15 leads one to question the correctness of the view that Security Council approval is not required for termination. Although it rejected the Soviet amendment, the United States in response submitted a text which would have provided that the terms of the agreement "shall not be altered, amended, or terminated except by agreement of the administering authority and the Security Council." This was unacceptable to the Soviet Union, and it was accordingly withdrawn. Nonetheless, it reflects an understanding on the part of the United States that the approval of the Security Council would be required for termination of Trusteeship Agreement. Moreover, at the same meeting of the Council, the United States representative said that "The United States wishes to record its view that the draft trusteeship agreement is in the nature of a bilateral contract between the United States on the one hand and the Security Council on the other." As a bilateral contract, he added, the Trusteeship Agreement

could not be amended or terminated without the approval of the Security Council.

A further argument which may be advanced in support of a United States obligation to obtain Security Council approval for termination is that the terms "alteration and amendment", found in both Article 83 and Article 85 of the Charter, are expansive enough to encompass termination of a trusteeship agreement as well. In U.N. practice, all nine administering authorities of territories formerly under trusteeship sought and received U.N. approval of termination of the Trusteeship Agreement. While Article 85 related only to non-strategic trusts, its language on alteration or amendment of Trusteeship Agreeements is identical to that found in Article 83 with respect to strategic trusts.

On balance then, the language of the Charter, procedures followed in the termination of other trusteeships, and explicit recognition by the United States of a U.N. role in the termination process supports a conclusion that the United States has a legal duty to obtain Security Council approval for termination of the Trusteeship Agreement. The position of American officials on the matter, however, seems to be that the extent of the U.S. obligation is only to submit the question of termination to the Security Council and does not include any requirement to secure the Council's approval of termination of the Trusteeship. According to this view, even if the Security Council should fail to approve a U.S. proposal, the United States, having discharged its obligation by submission of the proposal to the Council, would be free to carry out termination despite the Council's lack of approval.

It has been suggested that, if it appears that the Security Council might reject the U.S. proposal for termination, the United States might

attempt to avoid a confrontation in the Security Council, either by gaining the approval of the Trusteeship Council (where there is no veto and the United States is assured of majority approval) and forwarding that result to the Security Council, or by merely informing the Security Council of the results of an act of self-determination and stating that accordingly the United States considers the Agreement terminated. The United States could then veto any resolution which affirmed continuation of the Trusteeship Agreement. This procedure would presumably avoid a situation where a veto would block any affirmative action by the Security Council approving termination. But it is doubtful that the procedure is politically feasible or legally correct.

The need for Security Council approval for alteration or termination of the Trusteeship Agreement would also seem to indicate that whatever decisions are made on the holding of separate acts of self-determination the present Trusteeship Agreement will apply to the whole of Micronesia until the Agreement is terminated for all of Micronesia. Even if the Mariana Islands, for example, were to opt for a separate relationship with the United States, the Trusteeship Agreement would continue to apply to the Mariana Islands as well as to those portions of Micronesia which had not reached a decision. The United States could administer the Mariana Islands separately, if it wished, but still under trusteeship. Any effort to exclude the Mariana Island from provisions under the Trusteeship Agreement would require an alteration of the Trusteeship Agreement and Security Council approval. In recognition of this and because to do otherwise would be of questionable political wisdom, the United States has decided not to seek Security Council approval of any action until all of Micronesia has made a decision on status.

At any rate, the United States expects to avoid such problems by gaining the approval of the Security Council of any plan it may submit for termination. To this end, U.S.officials are relying on a continuing detente with the Soviet Union and on a continuation of the mild temperament so far displayed by the Peoples Republic of China in the U.N. to minimize objections to a continued American presence in the Islands. Some officials calculate that the severe tensions between the Peoples Republic of China and the Soviet Union will lead those powers to conclude that it is more in their interest to have the United States occupy this strategic area rather than either of them or the Japanese.

The possible reaction and role of the United Nations turned out to be secondary in negotiations on terminating Micronesia's trusteeship status. The U.S., of course, continued to report annually to the U.N. Trusteeship Council, but these reports were just that--reports, and were not a means of seeking or accepting U.N. advice. The State Department itself down-graded U.N. interests in Micronesian affairs. The Bureau of International Organization Affairs (IO), which had been primarily responsible for State's policy on Micronesia, was relieved of its task and the Bureau of East Asian affairs made responsible. The reason given was that Micronesia was a regional matter and that the move would take advantage of the experience of John Dorrance, the State Department officer who had been assigned to Micronesia to work on status questions and who was now assigned to the East Asian Bureau. However, that was only a cover, especially since Dorrance had once been in IO and State Department officers are routinely assigned to the bureau which needs their expertise. The real reason for the shift was a sharp personality clash between the chief U.S. negotiator Haydn Williams and a Deputy Assistant Secretary in IO. IO personnel learned of the move when told by the Under Secretary of State that it had been ordered.

Whether intended or not, the result was to decrease emphasis in State on the U.N. aspects of Micronesia's status and to treat the question as a bilateral political matter. The trend was increased once negotiations began with the Marianas. After the first two rounds, State Department personnel dropped off the U.S. negotiating team on the grounds that the Marianas were negotiating a domestic relationship. State again became involved in the Marianas question only to work out provisions for U.N. observation of the plebiscite. Even then, State Department involvement was late. For the Marianas Covenant was signed in mid-February 1975 and the U.N. Trusteeship Council, which does not normally meet until May, was asked to observe a plebiscite in mid-June, presumably with little opportunity to assess again the place of the Marianas in the self-determination of Micronesia as a whole.

Even at the ceremony where the Marianas Covenant was signed, the role of the U.N. was downplayed to observation of the plebiscite. When the U.S. Representative outlined the ten steps remaining before the "final chapter" of the Marianas Commonwealth was written, there was no mention of the need for U.N. Security Council to agree to termination of the Trusteeship Agreement. On the contrary, the tenth step, "Proclamation by the President of the United States that the Trusteeship has been terminated...," leaves the implication that the United States may indeed look upon termination as a unilateral act. The implication is similar to that contained in the Solomon Report. Then, as now, the implication that the U.S. might act unilaterally brought strong objections from the State Department, particularly the United States Mission to the United Nations.

Actually, the omission of further reference to the United Nations was quite deliberate. The Marianas representatives have sought to de-emphasize the U.N., largely because of fear that the U.N. might derail the Commonwealth as a result of its opposition to fragmentation. But the Marianas view coincided with the personal views of the Chief U.S. negotiator who, according to several sources, has "this thing" about the U.N.

MICRONESIA: HOW STRATEGIC IS IT?

Ask most young Americans the location of the Trust Territory of the Pacific Islands, now commonly called Micronesia, and the majority probably could not respond with greater accuracy than "somewhere in the Pacific." Nor are they likely to be any more informed about the important historical events which took place in Micronesia. Unless, of course, they are avid readers of the National Geographic! Or are among the 1,700 young Americans who, since 1966, have served with the Peace Corps in Micronesia.

Not so with the thousands of American men who fought and died died in Micronesia and surrounding waters in World War II. Mention Kwajalein, Ulithi, Saipan, and Peleliu and you are likely to waken the memories of millions of Americans who by newsreel, radio and newspaper followed the advance of American forces across the Pacific toward Japan after that country launched a surprise attack against Pearl Harbor from Kwajalein, one of the eastern-most atolls in what were then referred to as "the islands of mystery."

Between February 1, 1942 and the fall of 1944, American forces struggled for control of Micronesia. Some of the island fortresses erected by Japan in violation of its obligations under the League of Nations Mandate were attacked directly; others were by-passed, leaving their Japanese

defenders helpless, cut off from food and new supplies, and, more importantly, in no position to assist Japanese forces elsewhere. Before the Micronesia campaign was over, American forces had engaged in some of the costliest battles of the war. The battle at Peleliu lasted ten weeks and left with 1,864 dead and 6,459 wounded. The battle for Kwajalein was briefer and less costly -- still, 372 died and 1,582 were wounded. Tinian cost 389 dead and 1,816 wounded; Eniwetok, 195 dead and 521 wounded. All told, 6,288 Americans died and 22,810 were wounded in Micronesia. Japanese casualties were, of course, even heavier. And there were the Micronesians, innocent victims who little understood why a battle was being fought in their islands. Five thousand, or 10 % of a Micronesian population [estimated at 50,000], died.

Micronesia's capture and neutralization did not end its role in the war. Ulithi, which in the National Geographic is noteworthy largely for the cultural oddity of bare-breasted women riding Honda motorbikes, became an important naval base at which the force was assembled for the eventual invasion of Okinawa. Peleliu, Angaur, Saipan and Tinian became important naval and air bases.

By far the most important air and naval bases were those on Saipan and Tinian. On Saipan the military built two large airfields, Kobler and Isley, both capable of handling B-29's, as well as facilities for servicing naval and air forces.

Tinian became the world's largest airfield; even by modern standards it was formidable. Tinian's North Field had four parallel runways each 8,500 feet long. West Field had two 8,500-foot runways and a 6,000 foot runway. In addition, there were were smaller runways, some as long as 4,700 feet. By way of contrast, runway requirements for today's C5A and B-52 are 8,800 feet and 10,000 feet, respectively.

To support the armada of B-29's and personnel stationed at Tinian, 34 miles of new roads were constructed (including a dual-laned highway named "Broadway"), and 35 miles previously built by the Japanese were radically improved. In addition, a huge breakwater was built at the harbor to accommodate scores of ships laden with supplies, bombs, and other ammunition. Almost 200,000 men were stationed on Tinian alone.

The hustle and bustle that was Tinian base is no more. Fewer than 1,000 Micronesians live where thousands of soldiers once worked feverishly. The only significant structures remaining from the war/ are the building which served as headquarters for General Curtis Le May and a bombed and shelled building used by the Japanese for communications but used today as a place to slaughter the cattle which graze among Tinian's deserted runways and roads.

From a military point of view, Tinian was built to last. Thirty years later, Tinian's runways can clearly be seen from the air and are in remarkable condition, although the jungle threatens from all sides and some tangen-tangen trees have managed to take root in the coral. Even today Tinian probably

has more miles of paved roads than the other islands of Micronesia combined. Tinian stands as mute testimony that those who built it as a military stronghold anticipated the island's heavy use in a prolonged assault on Japan itself. Tinian's builders obviously did not know or if they knew, did not place much faith in the bomb which on August 6, 1945, was loaded on a Tinian-based B-29, the Enola Gay, and a few hours later rained terror over Hiroshima. Tinian's builders probably would not have believed that on August 10, 1945, one day after the flight of another Tinian-based B-29, Japan would sue for peace and World War II would come to an end.

The War was over. Micronesia, which had been a dependent of Japan under the League of Nations, became a dependent of the United States under the United Nations. As discussed elsewhere, the American military lost its long-running and bitter bureaucratic battle to have hard-won Micronesia placed under American soverignty and had to settle for a unique form of international trusteeship, the so-called "strategic trust." The United States was given virtually unlimited use of Micronesia for military purposes. Supervision of Micronesia was placed in the United Nations Security Council where the United States, through use of its veto, could prevent any action or proposal regarding Micronesia to which the United States did not agree.

But the military was to gain still another measure of control over Micronesia. Largely because of their distant island locations or their original use as coaling stations, American Samoa and Guam had been

administered by the Navy. As the islands of Micronesia were secured, Navy took over administration and continued to do so between the end of the War and the signing of the Trusteeship Agreement. On July 18, 1947, President Truman formally decided to make the Navy responsible for the civil administration of Micronesia. The Navy remained in charge until replaced in 1951 by the Department of the Interior, which has been responsible ever since for all of Micronesia except for some of the Marianas which were shortly returned to Navy remained under military control until 1962. The precise reason for the continuation of military rule in the Marianas was not announced at the time or since. But it is now known that the island of Saipan was used as a $28 million CIA base for training Chinese nationalists who still believed Chiang Kai-shek's forces would recapture the mainland and, reportedly, later for training Vietnam advisors. Even today, although official confirmation for what one observer called "this absurd enterprise," can be found in the Pentagon Papers (Lansdale to Taylor memo), the CIA's Saipan operation was originally one of the items which the U.S. Government sought to censor through court order from the book CIA and the Cult of Intelligence, by Victor Marchetti, a former CIA employee and John Mark, a former State Department employee.

For Micronesians, the establishment and subsequent abandonment of the CIA facilities was to have far-reaching effects. First, the existence of the clandestine facility meant restricting entry into the Marianas area, except Rota, for "security reasons." Restricting entry into the Marianas,

in effect, meant closing Micronesia, for the Marianas were Micronesia's port of entry, its most immediate link to the outside. In the circumstances, any efforts at development there or elsewhere were hamstrung. The CIA's departure had even larger effects. The Trust Territory Government, which had previously been based outside of Micronesia in Hawaii and later on Guam, looked upon the newly abandoned facilities as a cheap, in fact free, and ready-made location for "interim" headquarters and a response, albeit not ideal, to United Nations' recommendations that the Headquarters be moved to Micronesia proper.

But the windfall had a number of unfortunate effects for Micronesia, most of which could have and should have been foreseen. First, a more centrally located capital -- Truk was the planned site -- would have been a major force for unity. A central location would have meant shorter lines of communication, more frequent travel to the capital by residents of the districts and the advantages of education and development in the heart of Micronesia. However, the location of the capital in an area geographically close to the American territory of Guam with its military-inflated economy and the concentration of still more of the advantages of development in Saipan increased the tendency of the people of the Marianas to wish to reintegrate with their fellow Chamorros on Guam and to think of themselves as better than other Micronesians. "Better off" would be a more accurate description. For except for the nearly

abandoned roads on Tinian, Saipan has Micronesia's best roads, schools, communications, shipping, commerce and transportation. And its people, even more than in the rest of Micronesia, learned that the best jobs, those held by Americans, were white collar, or at least government jobs, whose availability at headquarters was plentiful. In such circumstances agri-gulture was de-emphasized and an artificial and expensive economic structure was substituted.

The unexpectedly sudden defeat of Japan and the rapid demobilization of American forces had an immediate effect on Micronesia. Japan's military fortifications and Japan's war machinery lay in ruins. Japan's fleet, bottled up in the picturesque Truk lagoon, lay on the lagoon floor -- waiting 25 years virtually ignored until in the 1970's when with the introduction of jet transportation to the territory, the sunken fleet became an attraction for touring scuba divers. Few military buildings survived, among them fortress-like communications buildings at Truk, Palau and Tinian which, though obviously heavily bombed, are today used as a high school, an airport check-in terminal, and slaughtering house, respectively.

Japanese civilian structures were also devasted and today a few buildings, Japanese lanterns (particularly on Koror in Palau), retaining walls, and hospital and prison ruins at Saipan bear mute testimony to the thriving cities of Japanese Micronesia. Many of these structures fell before the islands

were secured, but many were needlessly destroyed by American forces after securing the islands. One old Micronesian hand who served in the naval government tells of deliberate orders by a well-intentioned U.S. military officer to destroy buildings in Palau simply because they were Japanese built. "We're going to tear this stuff down and show the Micronesians what the Americans can build," the officer is quoted as saying. The officer may indeed have thought that the U.S. would institute a massive rehabilitation program but the opposite was to be true. The Japanese era economy lay in ruins. Micronesia became what some have called an "anthropological zoo." In the rush to demobilize, even the mighty base at Tinian was dismantled. Scrap metal, the debris of war, became Micronesia's second most important export.

The military was extremely useful for emergency evacuation and other such chores. In fact, later civilian administrators were to sorely miss the transportation and communications facilities which the military had at its disposal. But the military's was essentially a caretaker operation. In the 40's and 50's, Micronesia was no longer important to the military except to deny the area to other powers, to conduct weapons tests, and to hold for distant contingency purposes. These objectives were achieved without the erection of a single base and without the stationing of either naval vessels or armed personnel, except Coat Guard personnel stationed at Loran stations, and the few personnel assigned to

testing facilities. There were not even enough Coast Guard to catch more than a few of the Korean, Okinawan, and Japanese fishing vessels which frequently intruded within Micronesian territorial waters.

Nuclear Testing: Bikini and Eniwetok

Ironically, the device which ended Micronesia's role in the war was later to return Micronesia to the world's headlines Bikini and Eniwetok atolls became important U.S. atomic bomb test sites, necessitating the relocation in 1946 of 166 people from Bikini and in 1947 of 146 from Eniwetok. Some of the people were relocated several times as each location proved to be undesirable. The people of Bikini lagoon first moved to Rongerik, then to a Kwajalein camp and finally to the island of Kili -- from 36 islands with 2.3 square miles and a tranquil lagoon to a single island with less than one half square mile of land and no lagoon. Non-islanders may not appreciate the difference but for Micronesian fishermen the new location meant an unaccustomed struggle with the pounding waves of the Pacific in order to get the fish which were an essential part of their diet.

Twenty-seven years later, atmospheric nuclear testing having been banned by the Nuclear Test Ban Treaty of 1963, Micronesia is no longer the site of atomic testing and the people of Bikini are preparing to return to their homes. They are doing so with the support of the Departments of Interior,

State and the AEC which together argued strongly against Defense Department plans to retain the atoll for some unspecified future use. The Bikini people will return to an island with new homes and new plantings of coconut trees, but with clear evidence that their island and their lives have been permanently affected.

In 1972, it was announced that Eniwetok would also be returned to its former residents -- at the end of 1973, the announcement said. As it turned out, Defense had further plans for Eniwetok. According to newspaper reports, in April, 1972, the U.S. Air Force initiated a series of TNT explosions designed to simulate the effect of hydrogen bomb explosions on land that would leave craters of up to 50 feet deep and 300 feet around. Government sources blandly described the tests as aiding in the effort to better understand the geology of nuclear craters and coral atolls. No mention was made of the permanent damage which would result. Micronesia was saved from further damage when a Federal District judge, for environmental reasons, issued a temporary and then permanent injunction against the planned tests. However, the judge's order was too late for Aumon Atoll where, the test director admitted, an excavation six feet deep covering nineteen acres was left in Micronesia's scarcest resource: land.

Relocation because of destruction wasn't the only undesirable effect of post World War II military operations.

In a 1954 hydrogen bomb test, 86 Micronesians on Rongelap were caught in a storm of radioactive fallout after a sudden wind blew clouds in their direction. The people of Rongelap have since received $10,494 each in compensation from the U.S. Government -- considerably less than the $100,000 given each of the 23 Japanese fishermen caught in the same incident. In addition, the Rongelapese have received constant and excellent health care from U.S. scientists.

Kwajalein Atoll

Kwajalein Atoll, also in the Marshalls, was to again feel the far reaching effect of military operations, this time under the guise of a "civilian" contractor. While the rest of Micronesia was struggling on a budget of less than $10 million, a large part of which was used to cover the salaries and comforts of American administrators, the Pentagon decided in 1947 to construct what eventually became a billion dollar missile test facility on Kwajalein Atoll. From the Vandenburg Air Force Base in California, missiles are fired 5,000 miles across the Pacific to impact or be "intercepted" by Spartan and Sprint missiles in and over Kwajalein, the world's largest atoll. Kwajalein is an important facility, as attested by the presence of Soviet "fishing" vessels on test days. "We know when a test has been called off and it's safe to go fishing," said one Micronesian official. "All we have to do is watch the Soviet ships. They get their word

from their 'fishing boats' off California even before Kwajalein."

For Micronesians, Kwajalein brought mixed blessings. At least 148 islanders were forced to relocate to nearby Ebeye. Seventeen years later, the military "leased" the island for 99 years at the rate of $10 per year. Micronesians soured on the deal after they saw what was done to the island and became more knowledgeable about the monetary valuation of their land. A renegotiation of the lease in 1970 resulted in payments of $420,000 per year, with possible further renegotiation later. It is a standard joke among American military that they have already purchased the land several times.

There are usually fewer than 20 or 30 U.S. military personnel. stationed on Kwajalein. The facility, which is run by a civilian contractor, has about 5,000 other American employees, including dependents. For the American contract employees, all the amenities for American expatriates are present, including air conditioned housing, movies, a golf course and shopping and laundering facilities. But Kwajalein also has all the attributes of a military base, with the usual resulting tensions. Kwajalein is off limits to Micronesians outside working hours. Micronesians are ferried in and out to perform unskilled labor. They are searched each way and it is said that the unfortunate Micronesian who misses the last ferry is locked up for the night. The Micronesians may

stare at but not use the golf course or self-service laundry. Except for one day of the year, the day they receive their annual bonus, Micronesians are prevented from shopping in Kwajalein's well stocked PX. Even though the stores on Ebeye suffer serious shortages as a result of poor cargo ship service to Ebeye, Defense officials argue, with some accuracy, that Micronesian merchants would complain if Micronesians were accorded regular access to the PX.

The U.S. military has replaced the shanties initially built on Ebeye. Miraculously, there has been no new major disease such as polio which left 196 crippled and 11 dead when it spread from Ebeye to the rest of the Marshalls in 1963. However, all agree that Ebeye is an overcrowded and disgusting slum right in the middle of "paradise." Lamented one American official: "The stench is so bad you can hardly walk the street."

Micronesians are lured to Ebeye by the possibility of high wages and so far, steady employment. At the behest of Patsy Mink, Congress extended Federal minimum wage legislation to Kwajalein, mostly to help the large number of Hawaiian laborers. The number of Micronesians employed on Kwajalein has not continued to grow but the number of people per Ebeye household grows steadily as more and more Micronesians abandon outer island life and head for Ebeye. Problems of overcrowding, pollution, juvenile delinquency -- all the problems of decayed urban America -- multiply at an astounding rate.

These problems and the restrictions on Micronesians seem

to be fully recognized at district and Trust Territory headquarters. A significant exception in early 1974 was the Trust Territory Government liasion representative for Ebeye, a long time American employee who lived and worked amid the comforts of Kwajalein and who all sources agreed had overstayed his time. "Things are going very well here," he said. "And there is none of the friction and resentment of restrictions to which United Nations Visiting Missions have referred." Only minutes before, a highly regarded Micronesian, being trained for the liaison position, and who, as a result, has become the only Micronesian who lives on Kwajalein, had painted a starkly opposite picture. Early in 1975, the Micronesian "trainee" was still waiting to assume his post.

Micronesians have also benefitted from the Kwajalein installation. Taxes on all salaries go into the Trust Territory coffer. As in the Marianas, the irony is that the presence of an income producing facility in economically poor Micronesia also has a detrimental effect. The people in the Marshall Islands, the island chain and political district in which Kwajalein is located, believe that a larger share of revenues generated at Kwajalein should be kept by the Marshall Islands District and not sent to the general treasury at Saipan -- a kind of revenue sharing. Unless this is done, the Marshallese, who also produce more than 50 per cent of Micronesia's major export, copra, have threatened to withdraw from Micronesia. Their threat remains even though

a level of revenue sharing was approved by the Congress of Micronesia in 1974. But an economy based on the Kwajalein Missile Range may prove to be short-ranged, or, at best, uncertain. Although Kwajalein is designated by the U.S. as one of the areas which would remain under U.S. control in a self-governing Micronesia, there are rumors that successful SALT talks would seriously affect the scope of activities at Kwajalein and therefore Micronesian employment opportunities. Such rumors are, however, denied by the military who state that a SALT agreement would not prohibit research and development.

CURRENT U.S. THINKING: From Denial to Usage

The administration of John F. Kennedy saw the end of the caretaker philosophy followed by the U.S. in Micronesia between 1945 and 1961. According to one former Assistant Secretary of State, the Kennedy Administration was stung by newspaper and United Nations reports of the tragic conditions in Micronesia. Kennedy also realized that colonialism, even as sanctioned in the form of international trusteeship, was rapidly coming to a close. Nauru, New Guinea, and Micronesia were the only trusteeships remaining. The time would soon come when pressures would build up in Micronesia and in the United Nations for self-determination. In his address to the General Assembly on September 25, 1961, President

Kennedy expressed the position of the United States on colonialism.

> Within the limits of our responsibility in such matters, my country intends to be a participant and not merely an observer, in the peaceful, expeditious movement of nations from the status of colonies to the partnership of equals. That continuing tide of self-determination, which runs so strong, has our sympathy and our support.
>
> But colonialism, in its harshest form is not only the exploitation of new nations by old, of dark skins by light, or the subjugation of the poor by the rich. My nation was once a colony, and we know what colonialism means; the exploitation and subjugation of the weak by the powerful, of the many by the few, of the governed who have given no consent to be governed whatever their continent, their class, or their color.
>
> And that is why there is no ignoring the fact that the tide of self-determination has not reached the Communist empire where a population far larger than that officially termed "dependent" lives under governments installed by foreign troops instead of free institutions -- under a system which knows only one party and one belief -- which suppresses free debate, and free elections, and free newspapers and free books and free trade unions -- and which build a wall to keep truth a stranger and its own citizens prisoners. Let us debate colonialism in full -- and apply the principle of free choice and the practice of free plebiscites in every corner of the globe.

The digression into criticism of communism aside, Kennedy's statement to the General Assembly sealed the U.S. position in all subsequent debate on colonialism.

Realizing that a decision on the status of Micronesia was imminent, President Kennedy issued National Security Action Memorandum (NSAM) 145, April 18, 1962. This directive, which is still classified, led to the formation of an interagency task force and later to a special survey group chaired by Harvard economist Anthony Solomon. As summarized in the preface to the Solomon Report, NSAM 145 "set forth as U.S. policy the movement of Micronesia into a permanent relationship with the U.S. within our political framework. In keeping with that goal, the memorandum called for accelerated development of the area to bring its political, economic and social standards into line with an eventual permanent association."

Although the findings of the Solomon Report still remain classified, a disclosed summary of that report expressed the dilemma of the United States in adhering to its advocacy of "free choice" and protecting U.S. interests. The report stated that "despite a lack of serious concern for the area until quite recently, Micronesia is said to be essential to the U.S. for security reasons. We cannot give up the area, yet time is running out for the U.S. in the sense that we will soon be the only nation left administering a trust territory. The time could come, and shortly, when the pressures in the U.N. for a settlement of the status of Micronesia could become more than embarrassing." Thus, consistent with Micronesia's designation as a strategic trust, the

decision to resolve Micronesia's status was made essentially on strategic grounds. The United States believed its strategic interests could only be protected by a permanent association and permanent association would only be possible after substantial economic, political and social development. Interestingly, throughout the Kennedy and Johnson administrations, no concrete military plans were developed for Micronesia. Policy was formulated to assist in the transition of the Trust Territory from an international status to a territory under the United States sovereignty.

Beginning in the late 1960's, shifting power relationships in East Asia caused the United States to reassess its approach to a changing Asia. The most important aspect of the present focus on Asia was set forth in the so-called Nixon Doctrine in July, 1969. As summarized in a report of the Secretary of State, Nixon stated:

> The United States will keep all its treaty commitments. We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survivial we consider vital to our security and the security of the region as a whole. In cases involving other types of aggression we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defence.

The Nixon approach does not declare U.S. military withdrawal from Asia. It does provide a rationale for reducing United States military installations in Vietnam, Thailand, Korea, Japan and the Philipines. Nixon made no mention

of Micronesia, nor was the Nixon Doctrine drafted to "fit" the Trust Territory. But the military quickly cited the President's statement as justification for activation of then vague contingency plans for Micronesia. In the minds of some Department of Defense officials, U.S. troop reduction in Asia makes Micronesia more strategically important to United States security.

Micronesia also fit well into the philosophy, first apparent in the early 60's, that U.S. military bases would be moved to island areas if, as seemed likely, increasing nationalism made the continued presence of bases untenable in some countries. Planning for a base at Diego Garcia in the Indian Ocean started in 1963 on just such an hypothesis. The theory was that isolated islands with small populations and even smaller resources would be less subject to adverse political movements. Similarly, when it first appeared that U.S. bases and unfettered operations in Okinawa might be imperiled by the reversion of Okinawa to Japan, and, at the same time nationalist sentiment rose in the Philippines, potential Micronesian bases took on a more concrete form in strategic planning.

Initially, the U.S. military sought maximum flexibility in its planning for Micronesia. It refused to indicate specific land areas it might use and insisted on an unlimited right to eminent domain even in the face of known and steadfast opposition in Micronesia. Not until it was clear that no progress on status could be made without a clear indi-

cation on military land did the Departments of State and the Interior prevail upon Defense to submit its land requirements to an inter-agency body of the National Security Council. By this time, however, the military had been reassured that bases in Okinawa were not immediately imperiled.

STATED MILITARY REQUIREMENTS FOR THE 1970's

An analysis of U.S. efforts to acquire additional military facilities in Micronesia will be discussed in a chapter devoted entirely to the status negotiations. However, it is necessary at this point to discuss the initial specifically stated requirements of the U.S. military in assessing the strategic importance of Micronesia. The qualification initial is important because U.S. essential military needs proved to be flexible in a downward direction.

In the Draft Compact of Free Association, the United States and Micronesia (excluding the Marianas) agree that the United States should hold "full responsibility for, and authority over all matters which relate to defense in Micronesia." This responsibility entails the defense of Micronesia and "the right to prevent third parties from using the territory of Micronesia for military purposes." It further entails the "use of United States military bases which are established in Micronesia for the security of the United States, and to support its reponsibilities for the maintenance of international peace and security." The parties also agree that the "United States may conduct all activities and operations

on the lands and waters in the territory of Micronesia in the exercise of this responsibility and authority." The last general agreement between the United States and Micronesia gives the U.S. the option to request the use of the Trust Territory areas to satisfy future defense requirements.

Annexed to the <u>Draft Compact of Free Association</u> is an outline of specific defense needs in Micronesia. The United States wished to maintain "continuing rights to occasional or emergency use of all harbors, waters and air-fields throughout Micronesia," as well as "continuing rights to use existing Coast Guard facilities."

In the Marshall Islands, the United States specifically asked for "continuing rights for the use of lands and waters associated with, and currently controlled as part of the Kwajalein Missile Range, the land portion of which encompasses approximately 1,320 acres." In the Bikini Atoll, the United States sought "continuing rights for use of 1.91 acres of Ourukaen and Eniman islets, and the use of the pier, airfield and boat landing on Eneu Island." Finally, upon the return of Eniwetok Atoll to the Micronesians, the United States sought to retain use rights there.

In stating its options in the Palau Islands, the United States sought "access and anchorage rights in Malakal harbor and adjacent waters, together with the rights to acquire 40

acres for use within the Malakal harbor area which is composed of submerged land to be filled, and adjacent fast land." The United States asked for rights for "the joint use of an airfield capable of supporting military jet aircraft (the proposed airfield at Garreru Island reef, or Babelthuap airfield -- Airai site), the right to improve that airfield to meet military requirements and specifications, and the right to develop an exclusive use area for aircraft parking, maintenance and operational support facilities." On the island of Babelthuap, the United States wished to reserve the "right to acquire 2,000 acres for exclusive use, along with the right for non-exclusive use of an adjacent area encompassing 30,000 acres, for intermittent ground force maneuvers."

In the second round of negotiations with the Mariana Islands, the United States Representative, Ambassador Haydn Williams, outlined defense needs in the Marianas and the method by which the United States hoped to fulfill those needs. Originally, the United States wanted to purchase facilities on three islands of the Marianas chain, all of which are located in the proximity of Guam: Farallon de Medinilla, Saipan, and Tinian.

The United States requested the use of Farallon de Medinilla for target range purposes. The island was then being used by the Department of Defense as a bombing range. The island is uninhabited and the United States said

that it would be used only for air-to-ground and ship-to-ground target practice.

On the island of Saipan, United States military interests centered on the use of so-called military retention land which the U.S. acquired after World War II. The United States now claims 4,996 acres of the island's total acreage of approximately 30,000. Kobler Field, which serves as Saipan's commercial airport, is in retention land. The military said it required the retention of Isley Field for military purposes, although civilian activities would be allowed. The United States would relinquish rights to 4,100 acres of retention land, retaining almost 900 acres. Five hundred acres around Isley Field were required for reasons the United States considered "not hypothetical but contingent." "It will be needed immediately," said the U.S. Representative, "if we are to move out of some other location or if another location could handle a new requirement." The planned use of this area was for "aircraft maintenance and repair facilities as well as limited logistical support." Near the village of Tanapag, the United States would release some of the 320 acres of retention land presently used for commercial development, provided that the area was used for harbor-oriented purposes.

With regard to Tinian, the U.S. presented a detailed seven-stage plan for the construction of a base. Details of the plan, including the estimated costs of each phase and ultimate manpower requirements, are found in the following table.

TINIAN BASE DEVELOPMENT

AIRFIELD PORT LOGISTICS COMPLEX TRAINING AREA SUPPORT FACILITIES

	PRELIMINARY MANPOWER ESTIMATES Airforce Mission	Navy Mission	Support Elements	(Total)	CONSTRUCTION LABOR	COSTS	US DOLLARS EXPECTED TO FLOW INTO MARIANAS AS A RESULT OF TINIAN BASE Construction	Operation	Impact
PHASE I PLANNING AND LAND ACQUISITION Planning, Labor, Environment	---	---	---		---	---	---	---	---
PHASE II SITE PREPARATION Harbor, Airfield, Construction Camp	---	---	---		250	$ 6,539,000	$670,000	none	During Construction years:
PHASE III BARE BASE CAPABILITY Airfield Pavements, Port Facilities, Fuel Storage and Transfer, Utility Systems	---	---	---		1000	$30,353,000	$12,570,000	none	10-12 million annually
PHASE IV OPERATIONAL BASE Limited Flight Operations, Communications, Limited Personnel Support, Port Warehousing, Material Storage	132	62	542	736	1000	$36,785,000	$ 6,930,000	$ 2,220,000	During Subsequent years: $15,[illegible] annually
PHASE V MAIN BASE Maintenance, Administration, Personnel Support	211	212	1093	1516	1000	$31,322,000	$ 7,320,000	$5,260,000	
PHASE VI LOGISTICAL SUPPORT BASE Equipment Storage, Material Storage, Vehicle Maintenance	506	419	1278	2203	600	$24,306,000	$ 5,870,000	$6,620,000	
PHASE VII DEPENDENT SUPPORT Family Housing, Recreation, Schools, Exchange and Commissary	511	419	1440	2370	1000	$15,274,000	$ 6,440,000	$7,140,000	

CONSTRUCTION COSTS $144,579,000 TOTAL
RELOCATION COSTS $13,337,500 (ESTIMATE)

As then planned, construction of the base would cost $144.6 million, plus an estimated $13.5 million for relocation of San Jose Village. Ultimately, the base would have 930 Air Force and Navy personnel, supported by 2,370 others. Up to 1,000 persons would be involved in four of the seven-stage development.

The Department of Defense wished to purchase the entire island of Tinian, but use only two-thirds, or 18,500 acres. Plans called for a new airfield on Tinian. San Jose harbor was sought by Defense on the grounds that

"it is the only site reasonably suited to harbor development." Joint use of the harbor would be allowed 90% of the time. The village would have to be relocated for reasons of safety. Areas within a "safety zone" of the harbor would be allowed the people of Tinian for agricultural and recreational purposes. Warehouses would be built; the church would be permitted to continue its function; and the citizens would be employed at the dock. Finally, the Defense Department would control development of the civilian community on the remaining one-third of the island "in order to prevent undesirable conditions and consequences which could possibly result from the presence of a major military base." The planning of the civilian community would be a "joint military/civilian effort."

Military requests for lands and waters in the Trust Territory were more than a casual list prepared by the Department of Defense. Each request had been carefully tailored to reinforce strategic justification for continued United States occupation and, in the initial request,

each branch of the U.S. military saw to it that it got some of the pie.

DEFENSE JUSTIFICATIONS FOR MICRONESIA

A seasoned Pentagon official sat at his oak desk, drummed his fingers and spoke about the United States military role in the Pacific for the 1970's and beyond. He responded to specific questions with regard to strategic theory -- What

does the military define as our first line of defense? How far back are we prepared to retreat? "I have no idea," he replied. "I wish we could be certain."

He talked at length about the sweeping political changes in Asia, the shifting power relationships. He expressed concern over United States troop reductions and withdrawal from U.S. military bases stretching from Indochina to Japan. Throughout the conversation, he seemed troubled that despite American presence in the Pacific, there is no longer any hard and fast line of defense as defined by accepted military strategic theory.

This encounter with the Defense official became a typical example in subsequent interviews of an ever present concern of the military -- the fear of uncertainty.

Coping with uncertainty is neither a superficial nor an unrealistic concern of the Department of Defense. One has only to view recent history to find the roots of

The military had been unprepared to deal with the Japanese in World War II. The war had brought intense devastation which had led to traumatic repercussions within the Defense Department.

The concern for U.S. military preparedness in the face of uncertainty has fostered the development of two important strategic concepts: first, the idea that the United States should retain possession

of the Pacific Islands; and second, that the United States should remain the most resilient and formidable military power in the world.

In 1945, it was the sense of Congress that the United States should retain permanent control of the Pacific Islands, entrusting them to the military in defense of United States security. Agreeing with military officials, Congress felt that giving up the islands would be an irresponsible breach of national security that could lead to another war. In 1945, Congressman F. Edward Hebert (D-La.) who would later become the powerful head of the House Armed Services Committee, expressed the views of Defense officials and Congress when he said, "We fought for them, we've got them, we should keep them. They are necessary to our safety. I see no other course."

There was also a feeling among the military that retention of the Pacific Islands was realistic and practical considering the military investment expended in their capture. Congress shared the feeling that no one had the right to give away land which had been bought and paid for with American lives.

The passing of time does not seem to have altered the conviction of the military and some Congressmen that the Pacific Islands must be kept. As noted below, many Pentagon officials and Congressmen today echo the sentiment expressed by Hebert in 1945.

The second military concept resulting from the fear of uncertainty has been more readily apparent to the casual observer in recent years -- that the United States should remain a first-rate power with superior strategic capability.

Many Department of Defense and military officials are increasingly concerned that the United States will become a second-rate power. Defense officials fear that the United States has been lulled into complacency by such things as detente and the SALT agreements, leading to widespread troop reduction in foreign bases. They fear that the public remains dangerously uninformed about the realities of growing Soviet superiority in all phases of nuclear strategic capability and particularly naval power. "Soviet naval buildup," defense experts say, "is a major element in the shifting balance of military power." As a 1970 Blue Ribbon Defense Panel, appointed by the President and the Secretary of Defense put it in their report:

> The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S. -- of its military capability and its will -- could be the gravest threat to the peace of the world.

The reality of uncertainty and the emphasis on superiority coupled with a propensity to never willingly give up anything all lay behind the long and sometimes shifting list of strategic justifications for United States military presense in Micronesia: denial, fallback, forward defense, dispersal; spillover,

unforeseen resources, storage, research and development, training and practice. Some academic and military scholars have combined these justifications into a mid-Pacific strategy, arguing that economic and political realities are such that the U.S. should consciously pull its defense lines back to Micronesia.

DENIAL

In the late 1960's and the early 1970's, a number of Micronesian studies by military officers at war colleges throughout the United States were published. Many of these officers had access to classified information and were able to interview key military strategists. Without exception, these studies have indicated that the major immediate strategic justification for retaining Micronesia is to deny the use of the Trust Territory to a third power, and perhaps secondarily, to prevent denial to the United States. Indeed, except for testing, denial has been the major U.S. strategic objective in Micronesia.

Theoretically, denial does not require military occupation. Since World War II the United States has relied on the legal sanction of the United Nations and the Trusteeship Agreement to insure its military presence in Micronesia. Would an end to the legal sanction of the United Nations necessarily mean that the denial objective is no longer obtainable? Are there alternatives to United States military presence which still adhere to the principle of denial?

The Micronesians have favored United States military presence in the Trust Territory for the peace it has brought to the islands and the belief that continued United States protection is necessary. They have also maintained that American military potential is probably Micronesia's greatest economic asset. For these reasons, the Micronesians have indicated a willingness to continue to accommodate the United States military provided they receive adequate compensation -- compensation which they believe has been lacking in past years. Assuming that the United States would find it in its best interest to offer adequate compensation to the Micronesians, the possibility would exist for continuing denial to others and potential access for the United States.

In the event of the termination of the Trusteeship Agreement, the alternative in keeping with denial would be the neutralization or demilitarization of the region by international agreement, even by a unilateral declaration along the lines of the Monroe Doctrine. Few military officials place much faith in neutralization, fearing infiltration by less scrupulous Communist powers. Such concern, however, seems unjustified to other defense experts. One high Pentagon official ventured the view that "neither the Soviets nor the Chinese have an interest in Micronesia; and even if an interest were present, the threat of U.S. power would serve as a strong deterent." This would seem to be an accurate evaluation judging from the mild Soviet and Chinese reaction thus far to the ongoing negotiations with the Micronesians, and the U.S. proposals for military facilities in the islands.

On the contrary both the Soviets and the Chinese may look upon clear American interest in Micronesia as protection against the aggressive intentions of each other.

The military fears neutralization for another reason -- it would require foregoing access to lands they consider essential to United States security even though Micronesia is currently unused except for testing. While it is true that neutralization would prevent third power access, it would also prevent U.S. military access -- a bleak prospect in the minds of military strategists.

FALLBACK (Contingency)

Some Defense Department officials agree that while military bases in Micronesia are not immediately essential to United States security, they would become essential if bases in Okinawa, Japan and the Philippines and other East Asian points were no longer available. The assumption is made, probably correctly, that United States use of Taiwan has been or will be sacrificed for improved U.S. - Chinese relations. Further, while outright expulsion of the United States from Asian bases might not occur, restrictions on the use of nuclear weapons and offensive operations might necessitate fallback to the Trust Territory. In Japan and on Okinawa, for example, the ability of the United States to launch combat missions and to use nuclear weapons

has been restricted severely and might remain so short of an attack on Korea or Japan itself. In addition, the United States can no longer store weapons used in chemical and biological warfare there.

Contingency planning, based on the unknown, attempts to prepare for every eventuality. Defense experts have repeatedly asserted that the Department of Defense must prepare for the worst contingency. "Contingency planning is fully 50% of our justification for Micronesia," said one military official at CINCPAC, "but we have to be careful in advancing it because contingency arguments don't get appropriations."

Sprinkled liberally among Pentagon comments about the possible loss of U.S. bases in Japan, Okinawa, and the Philippines are doubts about the political situation in each location. There is concern about Japanese "leftists." Okinawa is a "hotbed of leftist sentiment," said one U.S. official, and you never know when this sentiment will "strike the right chord." There have been similar references made by the military with regard to the Philippines: The political situation in the Philippines is described as "tenuous;" the Philippine government is said to be becoming "belligerent" in dealing with the United States military: and Clark Field is described as becoming a "no-man's land for Americans."

While fallback and denial are the main justifications for the United States military in Micronesia, Defense officials have supplied various other rationales for U.S. military expansion in the islands.

FORWARD DEFENSE

Some experts see the need for a forward position in Micronesia to defend Hawaii against Asian attack. They contend that if Hawaii and Wake Island remains for the United States the first line of defense, the enemy will easily reach the U.S. mainland. On the other hand, if Micronesia were not militarily accessible, the distance between the nearest United States military forces and Asia would be much extended. The military could not quickly reach Asia from Hawaii or the West Coast of the United States. If the Department of Defense makes its forward line of defense in Hawaii rather than Micronesia, one officer predicts a problem of credibility with our allies. "How much can the United States reassure its allies or deter its enemies," he asked, "if we are not closer to Asia?"

According to Defense, a forward base in Micronesia would be equipped and fully operational to withstand an enemy assault which might threaten Hawaii or our allies. "Days are vital in conventional warfare," said one General, "and the islands (Micronesia) would provide ship and aircraft refueling and re-supply that is necessary to maintain forward defense."

The Defense Department considers Micronesia an important forward defense position for another reason not generally stated by the military. There are strong feelings within the Department of Defense about the possibility of another island-hopping World War II-type conflict and the need to meet the enemy as far away from the United States as possible. "We have to re-

member that the center of the United States is somewhere in the Pacific, not in Kansas," said one United States military officer.

Admiral John McCain, former Commander-in-Chief, Pacific and former head of the U.S. military mission at the United Nations, strongly advocated Micronesia's retention on a forward defense rationale:

> "...one of the points I continually stressed was to do something with the Trust Territories (sic); because if the Trust Territories are not kept under the immediate control of the United States, the next fall-back position is Honolulu, and that's a long way back. The Trust Territories, if properly used, will put the United States in a position not too remote from advanced bases in the Philippines and other forward bases."

Similarly, Hanson Baldwin, former New York Times military writer and a man with close Pentagon connections, advances the case for Micronesia in a 1970 book, Strategy for Tomorrow. Baldwin, who covered the war in the islands, argues that if the United States is to maintain any forward position in the West Pacific, "retention of these Trust Territory islands--indeed, their outright ownership by the U.S.--is essential." (p. 279) Stating that political conditions make continued use of U.S. bases in Japan and Okinawa "tenuous at best," Baldwin concludes that formalization and perpetuation of U. S. sovereignty in the Trust Territory is one of the"strategic imperatives" we face in the Pacific unless the U.S. is prepared to withdraw its defense line to Hawaii.

DISPERSAL

Dispersion is cited as a major means of defending oneself in conventional and nonconventional warfare: and Micronesia with its 2,000 islands is the perfect place to disperse forces. "At a time when communications are vital, as they would be during warfare," said one officer, "several communications installations would be advantageous."

Others concur on the necessity of dispersal in the nuclear age. With an extensive nuclear capability in the hands of potentially hostile powers, it is necessary to have many bases so that the enemy cannot destroy military installations in a single blow. According to one defense expert, many bases would facilitate an effective counter attack upon an enemy attempting to achieve a quick victory by surprise attack.

SPILLOVER

While massive facilities already exist on U.S. - owned Guam, the military argues that Guam is too far away from Asia and not adequate to handle future military needs. Brigadier General Hanket, Director of the Far East Division, Joint Chiefs of Staff, stated that Guam was "oversaturated" with Air Force and Navy personnel and that facilities there have been developed to the maximum. In the event it became necessary for the military to move its installations from other Asian bases, Tinian in the Mariana Islands would aid in absorbing the spillover

Other Defense officials believe that future expansion of Guam is limited by the islanders' desire for economic development. Presently, a great deal of land and many of the better

roads remain off limits to the Guamanians. Although Guamanians are ambivalent, it is commonly held that transferring some military facilities to Tinian would be an economic asset to Guam. Guamanians could then concentrate on building an economic structure based on tourism or some other industry.

UNFORESEEN RESOURCES

On November 7, 1973, the New York Times reported that Indonesia has the potential to double her present daily oil production of 1.3 million barrels in the next few years. According to the article, 40% of total production has been going to foreign oil companies, almost all of them United States companies. The article quoted the head of Indonesia's state owned oil enterprise, Pertamina, as saying, "I ask you (the U.S.)... to think of Indonesia, in your interest as well as ours, not merely with respect to petroleum but regarding business investments and opportunities of every kind."

Oil interests have already begun to look into storage and transfer possibilities at a protective, circular reef north of Babelthuap in the Palau Islands which not only has no inhabitants, but also has no islands. The spot would seemingly be ideal for storage of oil from the Middle East or South Asia and distribution to Japan or the United States. Also, in the mid 60's a Texas oil entrepreneur, Fred Fox, became interested in Micronesia partially because of his war-

time service there but also because he speculated that oil could be found in the islands.

Today there is an increasing demand for tin and rubber from the Western Pacific area. Australia and Indonesia are sources of raw materials for the U.S. The military has noted recent worldwide interest in Indonesia because of oil, raw material, minerals, and its strategic location by the Malacca Straits. Areas around Indonesia are considered politically unstable by the Defense Department. Therefore, they contend, United States military presence in the waters surrounding

Indonesia will help to stabilize the situation and protect United States interests.

Most defense experts agree that the Pacific basin is vital to world commerce, and that the United States should strengthen its position in the Western Pacific. A recent Defense justification for remaining in the Trust Territory is to maintain control over ocean resources in the three million square miles covered by Micronesia. "If sea farming were developed, Micronesia would be the biggest pastureland in the world," said one Deputy Assistant Secretary for Defense. "Because no one knows," said another Defense official, "the worth of resources to be found in Micronesia, its strategic importance cannot be defined...The area will possibly be extremely important to the United States and therefore we ought to keep a strategic position in Micronesia to maintain the flexibility we might need."

STORAGE

The military considers the Western Pacific a potential storage area for material and fuel. Land is scarce on Guam and Japan, and there is said to be no room for large storage areas. Defense officials believe that Micronesia is better suited for storage. The military maintains that storage depots in Micronesia would act as refueling stations for transports en route to Asian ports from the United States. The use of the islands as supply depots would rule out the need to store large amounts of fuel in ports like Korea.

Assuming the Seventh Fleet will remain in the area, there is a need, according to the military, for repair facilities for United States ships requiring regular maintenance. The repair facilities on Guam are only adequate for minor repairs on small ships. Furthermore, the Navy has been cutting back on the number of ship tenders which supply the Fleet, making it "necessary that bases be available in the Western Pacific which are readily accessible and well-stocked with supplies."

In addition, Micronesian land under American sovereignty provides storage space for nuclear weapons or even chemical and biological weapons, neither of which can be stored in such places as Japan and Okinawa.

RESEARCH AND DEVELOPMENT

The missile testing range on the eastern edge of Micronesia is considered essential by the Department of Defense. The Kwajalein lagoon is said to be ideal for missile research because it is easy to recover missile projectiles which fall into surrounding waters. The Pentagon has stated that Kwajalein will be needed indefinitely. According to Pentagon officials, there will be no reduction in the research and development facility as a result of the SALT agreements. They argue that Kwajalein is important to the military because there are no better alternatives.

The military considers Kwajalein a "must" for the United States due to the expense of the equipment already there. The facilities are seen as "unique" and "extremely difficult to duplicate."

TRAINING AND PRACTICE

Finally, the Department of Defense is making plans to put a Marine training facility and maneuvers area on the island of Babelthuap. According to officials, the United States is running out of readily accessible training areas in the Far East. In addition to Babelthuap, Tinian has been suggested as a multipurpose facility for Marine maneuvers, communications and tracking stations, and long-range reconnaisance activites.

In 1974 and 1975, the military began actual small scale training maneuvers on Tinian. Training, however, seems to have been an incidental objective for the exercises more clearly served to show the islanders that training was not necessarily injurious and when accompanied by improvement programs was advantageous. Secondly, training established an ongoing program which would constitute a deprivation for the military if discontinued.

ANALYSIS AND CONCLUSIONS

Despite the array of justification discussed above, there is strong evidence that Micronesia is not essential to United States for four reasons: First, the United States military continues to maintain stable relationships with the Asian countries which allow U.S. bases. Second, sophistication of weapons systems, aircraft and ships deny the need for new facilities in the Trust Territory. Third, the U.S. need to deny the area to others and even to prevent denial to the United States can be met by means other than a permanent relationship. Fourth, such uses as training and practice, storage and research and development are clearly available elsewhere or could be available in Micronesia given economic and political realities. Finally, it is suggested that the negotiating tactics of the United States indicate that the United States itself has vastly overstated the strategic importance for

Micronesia. In fact, CINCPAC officials allude to only one classified use of Micronesia, presumably storage of nuclear weapons.

The military has stated that Micronesia would be essential to U.S. security in the event our bases, particularly in Japan and the Philippines, became unavailable. However, State Department and the American Embassy officials in Japan say there is no evidence that American bases in Japan are in danger of forced withdrawal or would be unduly restricted. On the contrary, the reversion of Okinawa and relinquishment of some of the excess American facilities in Japan and Okinawa have reduced political pressure, as has the end of the Vietnam war. The problems come from other U.S. actions, said a U.S. official, obviously referring to problems created over textiles, trade relations, and unilateral actions on China.

Former Under Secretary of State for Political Affairs, U. Alexis Johnson, has said that restrictions placed on the military in Japan have not severely hampered United States military operations there. In his testimony before a Senate Committee, Johnson stated that restrictions had not been imposed to keep American aircraft or naval vessels from stopping at U.S. bases in Japan whether en route to or returning from combat operations. Johnson might also have added that U.S. bases in Okinawa, for better or for worse, are an integral part of Okinawa's economy.

Moreover, U.S. officials believe Japan will remain a close ally of the United States for "a long time to come." They refer to public statements of Japanese officials concerning the role of the United States military in Japan which includes preserving the peace and security in the Far East. Whereas U.S. bases in Japan have experienced troop reduction, the Japanese hope for the continued presence of United States carriers and tactical power.

Furthermore, recent Defense Department plans for American bases in Japan do not indicate that the military is overly concerned about its tenure. Plans are underway to modernize and enlarge American petroleum terminals at Sasebo; and in October 1973, the President declared Yokosuka Naval Base to be the homeport of the aircraft carrier, Midway. As a result, about 1,000 families have been moved from the United States to Japan.

On the other hand there is reason to believe that military consideration of Micronesia has caused some alarm in Japan. Thus the U. S. military has stressed the limitations of Micronesia so as not to undermine Japanese confidence in American protection, or give anti-U.S. groups in Japan, Okinawa, and the Philippines the impression that those facilities are no longer essential and that active political pressure would force the U.S. to withdraw. Indeed, Robert S. Ingersoll, then Ambassador to Japan and now Assistant Secretary of State for East Asian Affairs, is

reliably reported to have been sufficiently concerned that he made a special effort to discuss the implications of Micronesian facilities for Japan and Okinawa with Pentagon officials. Ambassador Ingersoll's concern was well placed. According to a Japanese Foreign Office official, perplexed Japanese military officials have already raised serious questions about American intentions in Micronesia and their implications for Japan.

According to officials, there is a favorable attitude toward the United States in the Philippines. Members of the Joint Chiefs of Staff have described military presence in the Philippines as an "ongoing proposition." The United States has two major military facilities there: Clark Air Base and Subic Naval Base. The facilities on both bases are extensive and as a result, the U.S. economic impact in the Philippines has been tremendous. State Department officials replying to comments by the military that the Filipino government is becoming more belligerent toward the military have said that "any anti-military noises on the part of the Marcos government are merely part of a bargaining strategy." Furthermore, bargaining is a necessary function of all governments trying to protect their own interests and should not be misinterpreted by others as "bad omens" for future relationships among nations.

United States overseas bases in the Pacific extend beyond Japan and the Philippines. The United States has bases in Okinawa, Thailand, Taiwan, South Korea, Guam, New Zealand and

Australia. It would appear unlikely that the United States would engage in activity which would result in a simultaneous expulsion of the military from these bases. It would appear highly unlikely that the United States would engage in any activity which would be restricted by all these countries and by Guam at the same time or be even a substantial portion of them. If this did occur, it would be a prima facie case for a thorough re-evaluation of policy. Indeed, the inability of the United States to enjoy the full support of its allies or to conduct military operations without restriction was a necessary sobering influence on United States policy in Vietnam.

Even so, partial losses could be absorbed by other facilities if the United States was forced to withdraw from some of its bases. When asked the effect if the United States "gave up a lot of...facilities in Japan, the Philippines and elsewhere in Asia, Admiral B. A. Clarey, Commander in Chief, Pacific Fleet, responded, "In the unlikely event that we gave up bases in one area, we would simply concentrate in other areas...We would use Subic Bay in the Philippines more if we gave up bases in Japan...We have a lot of capacity at Subic. Or we could come back to Guam."

More important, except for possible forward defense of the United States itself, there is no need for bases in the area if the countries to be protected are so hostile or unconcerned that they expel American bases without re-entry rights. In the interview referred to above (April 1972), Admiral Clarey thought it "unlikely in the foreseeable future"

that the U.S. would lose bases in Japan, Okinawa, and the Philippines. Such a situation would "represent a major political change out there, which would affect more than just the Fleet. It would affect the whole American posture in the area."

While military officials have emphasized the contingency nature of Micronesia, they have also prudently stated that the "modest" facilities proposed in Micronesia would not, could not, replace the extensive U.S. naval and air facilities at other East Asian locations. Among other things, Micronesia does not have the developed economy or the large pool of skilled and unskilled labor necessary to repair and service modern military equipment. The military facilities initially proposed on Tinian, for example, would require large numbers of construction workers. The proposed joint navy-air force base on Tinian would require imported labor during construction and after construction. There are only 779 people--423 male and 356 female as of June 30, 1972, excluding commuters from Saipan--on Tinian. Micronesia, said one official, is a "poor man's fallback," to be relied on as a last ditch attempt to retain a foothold in East Asia. Deputy Secretary of Defense William P. Clements told a September 16, 1973 Tokyo press conference the need for the Tinian base complex is in the "out years," meaning 15-20 years from now.

Undoubtedly, the ultimate advantage of a Micronesia especially under American sovereignty is the element of control. The feeling is that once "enticed" the U.S. military can do almost what it wishes. But this may not be true. Micronesians have already expressed concern over unrestrained military activity,and public interest lawyers have already successfully blocked some military activities in Micronesia.

Perhaps Senator Stuart Symington, ranking Democratic member of the Senate Armed Services Committee and former Secretary of the Air Force, expressed the appropriate skeptical view of fallback policy when he said,

> I do not think we have to have so many islands in the Pacific to back up Korea. The Philippines back them up, Okinawa backs them up, Taiwan backs them up, Japan backs them up, the Polaris sub backs them up. How many places do you have to back them up before you break your own back? (U.S. Sec Agreement Hearings Subcomm, 1970)

There are, of course, no current plans to concentrate U.S. Asian military might in Micronesia but that is the implication of planning bases on the total loss of current bases in East Asia. Such planning has an air of unreality and foolishness. It conjures up the image of the United States as a malevolent giant sitting off the coast of Asia waiting to come to the aid of countries unconcerned about their own defense.

Indeed, there is a psychological argument for continued U.S. presence. If the United States wishes to follow a policy of active military, economic, and political involvement in Asia - which it apparently wishes - it undoubtably is helpful to have actual military forces in being in the region rather than having United States forces based on Hawaii or on the U.S. mainland. But this does not mean that the United

States should build up its forces in Micronesia. Rather, psychological presence argues instead for keeping present United States bases in East Asia.

Japan, for instance, could not be expected to feel more secure knowing that American forces and nuclear protection are to be removed from the Japanese defense perimeter and relocated 1,000 miles south in Micronesia. Some Asian experts have even suggested that both China and the Soviet Union would prefer that United States forces remain in the area as a deterrent against precipitant actions by one of the Communist giants against the other; or against other countries in the area; or Soviet efforts to upset the delicate balance in the area by getting a foothold.

There are massive facilities available on U.S.-owned Guam. However, it is argued that Guam is too far away from Asia and not sufficient to handle future military needs. During the Vietnam war "Guam almost tipped into the Pacific from the weight of B-52's at Anderson Air Force Base," stated one military officer. Economic development pressure on Guam limits the possibility of future expansion there, said another military official. We need additional space for dispersal, said another.

The arguments against further use of Guam are particularly ironic. Guam was not so far as to prevent the use of Guam-based B-52's in Vietnam. While it is certainly true that it is more convenient and less costly for the U.S. to have big bombers as close as possible to targets, it does not mean that they must be

at the closest point. For example, if U.S. military authorities decided that the United States <u>must</u> maintain a bomber force capable of hitting targets in China and Siberia, such forces could be maintained on Guam or as far back as Hawaii, Alaska, or even the west coast of the United States.

The same situation applies to U.S. ballistic missile subs, six of which are now homeported at Apra Harbor on Guam, and U.S. anti-submarine (ABW) land-based aircraft. On station time for U.S. ballistic missile subs would be shortened if there were no room on Guam. On the other hand, the U.S. has mobile sub tenders, and will be introducing into the fleet in 1978 the Trident sub which will carry a missile of greatly increased range, increasing the optimum-maximum distance between a sub and its target. The need for forward submarine bases would be lessened.

Similarly, the range of our ASW land-based planes - which are a major part of the U.S. effort to keep the sea-lanes open to commerce - can be extended by the process of in-flight refueling, as the Russians do over the Atlantic Ocean. Again, this obviates the need for having a string of island air bases all across the Pacific Ocean. In addition, the U.S. Navy is now spending large sums of money to procure several squadrons of sea-based ASW aircraft which do not need land bases. The U.S. has a fleet of 15 aircraft carriers on which these planes can be stationed. The Soviet Union has only one aircraft carrier.

As to overcrowding and saturation of current military facilities on Guam, a number of observers expressed strong doubts. They cite the relocation of B-52's to bases on the mainland after the conclusion of U.S. participation in the Vietnam war. Further, military plans already call for a new generation of bomber, the B-1, which will probably require only half as many planes as are required with B-52's. In addition, nuclear-capable fighter bombers on U.S. aircraft carriers can reach many targets in China, as can F-4's based in the Philippines and Taiwan. Finally, argued one former Pentagon analyst, the bomber is no longer the main force in the U.S. strategic arsenal and is of less strategic value against China, for example, because of that country's "thick" ground-to-air as well as air-to-air bomber defense system. The United States is much more dependent on the other two parts of the U.S. nuclear triad, ICEM's and submarine-launched missiles, to protect its national interests.

Nor is Micronesia essential for the U.S. role as a great naval power in the Pacific. Since World War II the United States has built a sizable carrier-based navy in the Pacific. These are being modernized, and funds are committed to build 37 new DD-963 destroyers that have a range of approximately 6,000 miles at cruising speeds. In addition the United States has committed funds to a fourth nuclear-powered aircraft carrier and to 28 new 688-class nuclear-powered hunter/killer submarines. These nuclear-powered ships have virtually an

unlimited range of operations. With Hawaii in the East Pacific and Japan, Okinawa, Australia, New Zealand, and the Philippines in the West Pacific, Micronesia takes on the appearance of an outmoded stage coach stop that is bypassed by modern trains.

Several Guamanian lawmakers have found military protestations about "saturation" and economic development pressures on Guam unappealing and "hypocritical." Over 33% of the total land of Guam is presently controlled by the military and 25% of that land is unused. They argue that the military was long responsible for Guam's economic stagnation and even today the military actively opposes or delays major projects which might assist the economy.

There remains, with regard to Guam, the dispersal argument either to prevent damage from a single attack or to provide alternate weather locations. Obviously, the military planners do not rate dispersion as the first priority in current military plans for Micronesia. Dispersal arguments are undermined by geography. Tinian, where plans call for a large joint naval and air facility is within sight (five minutes by plane) of Saipan and only 100 miles from Guam. The weather in both areas is likely to be the same. In short, a major facility on Tinian grossly ignores the rules of dispersal.

The Department of Defense has maintained that Micronesia is essential to U.S. security by providing logistical support

in contingency planning and forward defense strategy.

At a time when the Department of Defense debates "limited nuclear warfare" as opposed to "unlimited nuclear warfare," talking about the conventional means of military buildup seem absurd. Nevertheless, Defense continues to plan in accordance with conventional methods knowing that the ultimate use of United States nuclear capability would mean total annihilation. But even in a conventional sense, sophistication of aircraft and ships denies the need for new facilities in Micronesia.

Some members of Congress have publicly stated their scepticism about the need for the United States to retain all current fixed bases or to establish new ones. Senator Fulbright noting the "great change in weapons systems " stated, "if we are going to have an ABM and missiles, why do we have to have Clark Air Force Base?" Senator Symington further stated; "I...believe many developments possibly first, the Polaris sub, have eliminated much of the necessity for bases."

CHANGING MILITARY NEEDS

Finally, changing statements of U.S. military needs and constantly changing negotiating strategy cast doubt on the judgment that Micronesia is essential to either U.S. military needs or to the maintenance of international peace and security.

The effect of U.S. military assessments on its negotiating position will be discussed elsewhere. At this point it is sufficient to note that the U.S. negotiating strategy

itself casts doubt on the U.S. evaluation of Micronesia's strategic importance. It certainly has been a changing evaluation of military needs. At first, the U.S. insisted on a virtually unlimited right to eminent domain and "permanent" control of Micronesia. All of Micronesia was strategically important and the military did not wish or was unable to designate specific requirements. Consistent with this view, high ranking military officials swooped down on Micronesia with vague but seemingly sweeping plans for military facilities. A Marine Corps Commandant probably created everlasting concerns in Palau as a result of his insensitive remarks about U. S. land needs. This was later changed to designation of specific military land needs and acceptance, in principle, of Micronesia's right to "opt out," indicating that the United States saw a time when Micronesia as a whole might not be strategically important. The latter provision came about only after the Marianas had broken away from the other islands and appeared agreeable to providing land if it became a "permanent" part of the United States. "Who cares about the rest of Micronesia as long as the United States has the right to build bases in the Marianas?" said a Deputy Assistant Secretary of Defense.

There is strong evidence of bickering between State and Defense Department experts about U.S. military needs in Micronesia and about the political position the U.S. should take in light of those needs. From the time of the recommen-

dation of the Solomon group in 1963 until overruled by President Nixon in the fall of 1973, the Defense Department has maintained that Micronesia is of such strategic importance that the option of independence should not be included on a plebiscite. "What right," demanded one high ranking military officer," does a small number of people have to shape the destiny of the world?" Interior initially, but reportedly not later, accepted the Defense view. On the other hand, the State Department has argued that the credibility of the United States would be sufficiently on the line that the political importance of including an independence option outweighed the risks of its selection. In any event, State Department officials argue that Micronesians are unlikely to select independence.

Similarly, when the strategic importance of Micronesia was reviewed in the summer of 1973 Defense presented a laundry list of reasons for Micronesia's strategic importance. (See an unclassified Defense analysis by Defense, Appendix
On the other hand, the State Department took the position that access to Micronesia should be retained only if the financial and political costs proved reasonable. "Micronesia is insurance against the unknown. "You don't give away an asset for nothing," said one official.

The State Department official referred to above concluded that if there was great resistance, for example, in Palau, the U.S. was "buying trouble." And indeed Palau is an example of sharp differences between State and Defense

and perhaps even within Defense. Palauan leaders have gone on record as strongly opposed to U.S. military operations in Palau. Actually, Palauan leaders say they're not opposed to a U.S. military presence in Palau _if_ their public lands are first returned and _if_ the United States negotiates with Palauans for specific land use.

Originally, said one source, there was no real requirement for facilities in Palau. Palau had been "tacked on." At first Navy had written to the Deputy Under Secretary of State U. Alexis Johnson to emphasize the Navy view of Palau's importance. Johnson responded, rather unenthusiastically, that Palau might be too expensive politically but that the United States would make its best efforts. Navy then persuaded Defense and the Joint Chiefs of Staff to shift ground and to claim that Palau was "equally important." A Defense Department letter to the Deputy Secretary of State is said to describe Palau as "essential, an irreducible minimum." But the State Department again was described as less than enthusiastic. Deputy Under Secretary Porter, who had replaced Alexis Johnson, responded that Defense could not unilaterally change U.S. policy. The majority view continued that the U.S. "would go for Palau only if it was not too expensive." Arguments over Palau should not be allowed to delay an agreement on Micronesia, lest the "seeds of erosion" destroy everything.

Even with regard to Tinian the U.S. position has changed drastically. In mid-1973, the Defense Department said it wanted to begin to build and complete within seven years a full-scale base on the island. However, on December 5, 1974, the U.S. announced a change in plans. While reiterating the necessity of defensive requirements on Tinian, the U.S. changed from a full-scale base to one of more limited base size and use. The short-range usage of Tinian would be to support ground, sea and air training exercises, although there would be some rehabilitation of the harbor and upgrading of the airfield. Only in long-range planning Tinian needed ammunition storage and forward logistics.

POLITICAL AND ECONOMIC COSTS

While Micronesia is not essential to U.S. security, it would be useful to U.S. security, provided it could be secured at reasonable political and economic cost. International political cost might prove high if the United States insists upon building new bases in Micronesia.

Although the Soviets have expressed little interest in Micronesia, they have not discounted the potential use of other mid-South Pacific islands. Eugene Mihaly, former advisor to the Congress of Micronesia, argued in a Foreign Affairs article that "supply and maintenance points in the mid and South Pacific have the same attraction to the Soviet Union that Diego Garcia has to the United States in the Indian Ocean." "Given the number of small and impoverished Pacific island states," said Mihaly, "it would be a matter of time before one or another state finds a Soviet base arrangement irresistible." The prospect of United States and Soviet fleets encountering one another in such close proximity presents political ambiguities of a delicate nature. The negotiations between the Soviets and the Americans have reached a crucial stage in an attempt to forge detente between the two powers. The ultimate goal of detente is to limit the arms race; but military buildup in the Pacific by the Soviets and the United States would surely lead to a naval arms race between the two countries. Competition of this nature would have a negative impact on the stability of the Pacific area and on the chances for permanent detente.

There is another question to be answered with regard to the political cost to America in obtaining Micronesia. If the Micronesians and the United States are unable to come to terms, what effect will it have on the image of the United States throughout the world?

The Defense Department considers Micronesia politically inexpensive. They foresee no strong Micronesian opposition to

determining status within U.S. strategic constraints. And it is true that even at times of exasperation with the U.S., Micronesian leaders admit that they have little recourse either because of economic necessity or because of the combination of U.S. power and world disinterest. But there is no such thing as a "secure" place for the United States military in the world's political forum. The United States was given the mandate of the Trust Territory by the United Nations. Throughout the years, the U.S. has asserted itself time and again as champion of "free choice" in government among all people, and an adversary of colonialism. The time has come when the people of the Trust Territory are claiming the right to self-determination. It would be a political liability if the United States were portrayed as a nation which attempted to satisfy its own military needs at the expense of Micronesia's thrust toward self-determination.

Economic cost in building new facilities in Micronesia are also likely to be a significant factor. The cost of building a new base on Tinian was orginally estimated at 144.5 million dollars. While building facilities on Tinian seems an economic liability, its comparative estimated cost to the Defense Department's 90 billion dollar budget seems insignificant. However, military cost estimates are usually one-third the true cost for building a base; and the military works with a 3% inflation figure during a time when the national figure fluctuates between 11% and 15%, and the Micronesian inflation

figure rises to 14.3%.

On the basis of this analysis of the strategic importance of the Trust Territory, the following conclusions can be made: First, it is highly doubtful that Micronesia's strategic importance in 1974 and beyond will exceed denial to other powers, in which case new military facilities are not needed. Moreover, U.S. military negotiations have revealed a grudging retreat from an exaggerated estimate of Micronesia's strategic value.

Second, insistence upon iron clad guarantees for military facilities of doubtful value has caused political tension between the Micronesians and the United States. The cost to United States relations with other United Nations members may also be high.

Finally, the construction of major facilities in Micronesia is highly questionable at a time when the United States is reducing military bases at home and abroad. It would be better to engage in a political relationship with the Micronesians founded on mutual trust and cooperation -- a mutual security pact which would accomplish the goals of Micronesia and the United States, or an international agreement such as neutralization which would declare the Trust Territory a demilitarized zone.

The debate within the U.S. Government about Micronesia's strategic importance has remained within the Executive branch and has mostly involved Defense and State. Interior Department officials have tended to accept with little question

Defense arguments about Micronesia's strategic importance and about military operations in the area. Defense, they believe, is responsible for military assessments and Interior's role is mostly limited to administration, except for those occasions as in Ebeye when insensitive relocation created overwhelming problems in housing, sanitation and health. That is not the case once they are out of office. Three of the Interior Department officials most intimately connected with Micronesia during the Kennedy-Johnson years, and a former Assistant Secretary of the Interior under Nixon, as well as William R. Norwood, High Commissioner of Micronesia from 1966 to 1969, all now question the strategic importance of Micronesia and past military operations in the area.

A decision on Micronesia's strategic importance and future use by the United States also involves the U.S. Congress. As will be seen, few congressmen or senators focused on the Micronesia question even at an advanced stage in planning. No formal Congressional consideration has been given by Congress to Micronesia's strategic importance since the mid-forties. None of the relatively small amount of money spent initially for planning future military bases was specifically authorized and appropriated.

Rather, the money spent came from general planning funds or from re-programmed Air Force and Navy funds. This is not to say that there was no Congressional atten-

tion devoted to military plans and their effect on Micronesia's political status. Members of the Interior and Insular Affairs subcommittees which handle Micronesia were somewhat familiar with plans, but took no formal action. There is some evidence that the ranking members of the Armed Services Committee were consulted, although F. Edward Hebert, then Chairman of the House Armed Services Committee, said as late as September 23, 1974, that while some "upstarts" on his committee might have been consulted, he had not been. But there is little evidence that members of the Foreign Relations Committees were consulted. A fuller analysis of Congressional views will be discussed later.

The failure of the Administration to adequately place plans for military facilities in the context of economic priorities and to anticipate the reactions of the Office of Management and the Budget or the Congressional Appropriations Committees was clearly a mistake. For when it came time to actually approve funds, the Administration was willing to ask for only $1 million for studies. For its part, the Congress had already approved the 1974 report of the House Appropriations Committee that there was no justification for building bases in Micronesia so long as numerous other facilities were available in the Far East.

THE NEGOTIATIONS

In 1963, it was thought that the objective of making Micronesia a permanent part of the United States could be accomplished rather easily, and at acceptable international political costs. Micronesians were not particularly politically conscious. Even those who were politically conscious were favorably disposed toward the U.S., partially out of gratitude for American economic and educational assistance and partially because of the new feeling of political freedom which United States administration had introduced. In fact, American policy makers believed that Micronesians would overwhelmingly select association with the United States in any plebiscite, a judgment shared by most observers, among them E.J. Kahn in his sensitive book, A Reporter in Micronesia.

American policy, then, was to strike while the iron was hot, hold a plebiscite at the earliest possible date, and to insure a favorable and credible plebiscite, take rapid economic, educational, and political measures which would promote the attainment of policy objectives. Almost the opposite took place. Educational and political development moved ahead, but Micronesia's economic plight remained the same, for in one sense economic development was intimately connected with Micronesia's political status. On that the

U.S. vacillated. In turn, educational and political development made impossible the attainment of initial U.S. political objectives. Micronesia's political elite might have been satisfied with a status equivalent to or even lower than other U.S. territories in 1963 but Micronesian expectations steadily increased.

In 1967, only two years after the founding of the territorial legislature, Micronesian leaders deemed the question of future political status "the imperative primary issue" and expressed the desire for"... an early opportunity to determine the ultimate constitutional and political status of Micronesia." U.S. leaders had decided that Micronesians should be allowed to express their right of self-determination. The 1963 Solomon Committee had recommended an act of self-determination by 1967 or 1968, and if possible as early as 1966. But President Kennedy's death signaled a pause in White House pressure for a resolution of status. The activists on the White House staff, who had provided the force needed to move the bureaucracy began to drift away from Washington or to devote full-time to the expanding war in Southeast Asia. The bureaucracy renewed its internal battles. The political movement in Micronesia which resulted from accelerated political and educational programs did not wait for the bureaucracy to resolve its differences.

The Micronesians Prepare

By August 1966, one year after the Congress of Micronesia,

the leaders of the new legislature, increasingly aware of the opportunities open to them and prodded by the United Nations, decided to make their first move toward self-determination. The Congress of Micronesia petitioned President Lyndon Johnson to establish a commission which would consult with the Micronesian people, so that Micronesians could freely express their views and political alternatives could be determined. But, as already indicated, while Interior and State bickered over the mandate of such a commission a year passed before Johnson in August 1967 submitted a joint resolution to the U.S. Congress recommending a status commission, to be composed of eight members of Congress and eight public members (including Micronesians) and a chairman selected by the President. The resolution called for a plebiscite by June 30, 1972! Two and a half years have passed since Johnson's proposed plebiscite, and nine years have passed since Kennedy asked to be informed of a definite date.

As already noted the Commission's legislation proposed by Johnson was approved by the Senate Interior Committee in May 1968 and later by the full Senate. The Commission, however, never got off the drawing boards. The action by the Senate was already outdated. A month before Senate Interior Committee action, a committee of Micronesian legislators rejected the idea of Micronesian representation on a U.S.organized and directed status commission. Micronesians were willing to cooperate with the U.S. commission, to

testify, and to exchange information but did not wish membership. More important, action on U.S. territorial policy had become the virtual prerogative of the House and, within the House, of Wayne Aspinall, Chairman of the House Committee on Interior and Insular Affairs. The bill never got a hearing in the House. Aspinall, for reasons discussed below, adamently opposed the legislation.

The Micronesian Negotiators

The Congress of Micronesia decided not to sit back and passively watch further delay in the resolution of Micronesia's status. Three weeks before President Johnson submitted his commission proposal to the U.S. Congress, on August 8, 1967, the Micronesian legislature established its own Commission to undertake four major tasks:

(a) to recommend procedures and courses of political education in Micronesia;

(b) to study the range of political status alternatives open to Micronesians;

(c) to recommend ways ofdetermining Micronesian views on their future political status; and

(d) to undertake a comparative study of self-determination in Puerto Rico, Western Samoa, the Cook Islands and other territories.

The Micronesian Political Status Commision consisted of a representative of each of the territory's six districts and at its initial meeting elected as its chairman Senator Lazarus Salii of Palau, a young political science graduate from the

University of Hawaii. Between its organizational meeting in November 1967 and the submission of its interim report June 26, 1968, the Political Status Commission held three sessions, each lasting a week.

The Interim Report

The Commission's first interim report was issued in July, 1968. Because of time only a cursory look was given to the problem of political education but the Commission noted that it would be neither sensible nor responsible to require self-determination without first providing avenues for Micronesians to learn all of the issues and be in a position to make a responsible decision. No attention was devoted to means of determining views of Micronesian citizens on their future political status. The report reflected a moderate and cautious approach to the status question. The Commission's interim report speaks of having examined nine possible political status alternatives ranging from those theoretically possible to those which were practical. Practicality won out and some theoretical alternatives were dismissed even though the Commission "fully realized that many of the theoretical alternatives should have been considered to provide an academic base..." In essence, the question before the Micronesians then as now were:

-- What is the geographic scope of the area or areas whose status is to be determined? Is it the single political

entity which since 1920 formed the League of Nations mandate and since 1947 the U.N. Trust Territory? Or is it two or more geographic areas whose only previously unifying force (aside from isolated island location, poverty, sparce population, and weakness) had been mutual dependence on an external power?

-- Of the several political status alternatives available which was preferable?

In one sense the questions of what political entity and what status are separate and distinct. Their separate treatment would greatly facilitate discussion. However, a completely separate discussion is artificial because separatism has been a recurring themethroughout status discussions, and because one of the reasons for separatism is an inability of all areas to agree on a desirable status. Thus, both geographical and political aspects of the status question will be discussed together. However, the details of the Marianas negotiations will be discussed separately.

One aspect of the question "Which political entity?" was resolved rather quickly and has received little formal consideration since: Micronesia could theoretically "expand" -- that is, join forces with other political units in the Pacific. But besides Japan, the most logical areas were islands which guarded their own new status jealously. Moreover, with the possible exception of Guam and phosphate-rich Nauru, other Pacific islands faced economic problems

similar to those of Micronesia and would have brought additional language and cultural and physical problems as well. The possibility of union with Guam was set aside for later in-depth exploration and is discussed separately. Japan was not even mentioned initially, and was later dismissed, a strong indication of Micronesian antipathy toward Japan as a result of Japanese administration. Perhaps equally important was a strong suspicion that Japan desired to reap maximum commercial benefits from Micronesia without taking on the economic and political burdens which accompany close association.

With regard to separatism, the Commission decided to leave its final position to a later date but it reached these tentative conclusions:

(a) a divided territory would bring no greater political economic or social advantages than a unified territory;

(b) as a practical matter, further enquiry into division was effectively "concluded" since both the U.S. and the U.N. had expressly stated on numerous occasions that "fragmentation" of the territory was "out of the question" as a public policy;

(c) a budding sense of nationalism was growing among younger Micronesians; and

(d) Micronesia's size and the possibility of economic specialization would enable each district to "complement" each other.

The Commission wrote of four broad categories of political alternatives open to Micronesia:

-- independence;
-- a "free associated state" or protectorate status;

-- integration with a sovereign nation in the form of a "commonwealth",* unincorporated territory, or incorporated territory;
-- remaining as a trust territory

Although it was stressed that observations were "preliminary and tentative," the advantages and disadvantages of each status were briefly discussed with no conclusions or recommendations except that a substantial amount of research remained to be done.

The major portion of the interim reports was devoted to an analysis of the methods by which selected territories had achieved "self-government"-- Puerto Rico, Western Samoa, the Cook Islands, the Philippines, and Guam. In its comparative but, in the Commission's own word, "superficial" analysis of the five territories, the Commission reached two principle conclusions: first, while self-sufficiency is a "prerequisite for a healthy, progressive government," none of the territories examined was self-sufficient prior to attaining its new status nor had the new status necessarily resulted in self-sufficiency. Second, "a metropolitan nation which is apathetic to the political status question can be aroused to take an interest by agitation for change from within the territory, but that other factors seem to have affected the same kind of arousal in the United States with regard to Micronesia." This conclusion reflects an opinion that the United States was concerned and had taken measures regarding status. But in the Commission's views what apparently "aroused"

* The report placed Puerto Rico in this category but incorrectly stated that Puerto Rico has "the option to sever their ties with the United States at any time and become independent." (Interim Report, p. 23)

the United States was not humanitarian concern for the Micronesian people, but "an increased awareness of the United States' strategic needs in the Pacific and an increased level of pressure from the Trusteeship Council of the United Nations."

Report of the Future Political Status Commission

One year later, in July 1969, the Commission submitted its second and final report to the Congress of Micronesia, immediately more hard-hitting than the Interim Report and noticeably more outspoken. The Commission had clearly acquired a sense of direction and was more definitive in its observations and recommendations. It called for "a government of Micronesians by Micronesians and for Micronesians," and spoke of future status as the "imperative primary issue." Openly critical of the United States, the Commission wrote of the "frustration", of the "sad irony...of life on islands strewn with unexploded bombs and other debris of the Second World War," of the lack of a clearly defined objective on the part of the U.S., and of the pace followed by the United States in taking effective action to bring Micronesians toward "self-government or independence." Also noted was the failure of the U.S. to replace Americans with Micronesians in senior positions as rapidly as possible and an ineffective economic development program which "lacked the sense of urgency."

However, the Commission was quick to admit that both politically and economically "the United States had not been lacking in good will," and as the Report progresses, an increasingly moderate tone is apparent as the Micronesian Commission envisions "not an end but a redefinition, renewal, and improvement" of Micronesia's relationship with the United States.

"We believe that we have acquainted ourselves with every alternative we might possibly face, that we have studied and contemplated every reasonable political arrangement for Micronesia" was the confident expression in the Report's statement of intent. Although recognizing that "Independence... is the political status most in accord with the intent of the Trusteeship Agreement," the Commission based their conclusion on "two inescapable realities" -- the need for Micronesian self-government and long-standing American strategic interest in the area -- and therefore recommended:

> that the Trust Territory be constituted as a self-governing state and that this Micronesian state -- internally self-governing and with Micronesian control of all its branches including the executive -- negotiate entry into free association with the United States.

The Commission defined "self-government" as "direct and unconstrained involvement of the Micronesian people in the foundation of their government and, specifically in the preparation, adoption, and subsequent amendment of the basic documents of government..."

In a statement reminiscent of the eloquence of the America's Delclaration of Independence or Africa's Lusaka Manifesto, the

Micronesians explained the rationale for their recommendation:

> We choose a free state because the continuation of a quasi-colonial status would prove degrading to Micronesia and unworthy of America. Difficulties and problems will surely arise, but the administering authority in these islands must become an authority administered by Micronesians. At the same time, we choose an associated state because we recognize the historically unique partnership between Micronesia and the United States. In recommending free association with the United States, we seek not an end but a re-definition, renewal and improvement of this partnership.
>
> Whatever our particular evaluations of the American administration in Micronesia may be, we feel that one contribution has been indelible, one achievement almost unqualified: the idea of democratic, representative, constitutional government. Our recommendation of a free associated state is indissolubly linked to our desire for such a democratic, representative,constitutional government. We endorse this system -- which was brought to us by America and which we have come to know as an essentially American system.
>
> Yet our partnership with the United States and our endorsement of the American democratic system must be joined by our wish to live as Micronesians, to maintain our Micronesian identity, to create a Micronesian state. Such a state, we believe, would be a credit to America and to ourselves. As a self-governing state in free association with the United States, our past twenty years of partnership would be raised to a new level in a compact, not between guardian and ward, but between more nearly equal friends.

But even as a self-governing entity the Commission recognized Micronesia would continue to need support from the United States:

> for representation and protection in international affairs, for material and human assistance in the affairs of government, both in times of crisis and in day-to-day operations. As a self-governing state, Micronesia's needs will be as great or greater than as a territory. We do not underestimate the problems we will face. We do not wish for any lessening of American concern for Micronesia or of American presence in Micronesia.

From the beginning, however, the Commission expressed the view that Micronesia also had something to contribute to a

new U.S.-Micronesia relationship of an associated free state.

How, then, will America benefit by entering into association with Micronesia? How can Micronesia hope to reward continued American contributions to its development? We would point out -- without the slightest suggestion of self-righteousness -- that there was an element of trust, of moral obligation, involved when the United States undertook responsibility for these islands, and that such as obligation, which was begun when these islands were in ruins, should not be ended when they are reaching for political maturity.

Yet there is one item of material value which Micronesians can offer the United States -- an item which is most precious in Micronesia and to Micronesians: the use of their land. Micronesians recognize that their islands are of strategic value, that the United States may require the use of some areas forpurposes of military training and defense. We have seen the strategic value of these islands, have seen them conquered in historic battles, have seen them used for nuclear experiments and missile testing. Our experience with the military has not always been encouraging. But as a self-governing state in free association with the United States, we would accept the necessity of such military needs and we would feel confident that we could enter into responsible negotiations with the military, endeavoring to meet American requirements while protecting our own interests.

Relinquishing use of land, accepting the presence of large numbers of military personnel, accepting the risk of treatment as a target area by a hostile power in war are not conditions to be lightly undertaken. But as a self-governing state we would be far more prepared to face these prospects than as a Trust Territory.

The Commission recognized that achievement of its desired status necessitated long and complex negotiations with the United States and that the United States might be called upon to make "unprecedented provisions and accomodations." But as the Marianas group would later argue,/the group believed that the United States had dealt "flexibly and imaginatively" in its previous territorial policies. The United States had "shown a willingness to evaluate each territory as a separate case -- and Micronesia surely is that."

The Commission looked forward to successful negotiations but left no doubt about their alternative course:

> It is the second alternative mentioned in the Trusteeship Agreement, an alternative which might bring economic hardship and administrative difficulties. That alternative is independence. Independence is not the alternative we now recommend, but if it should prove impossible to renew our partnership with the United States as an associated free state, the Political Status Commission feels that independence would be the only road left open to us.
>
> In the times to come, we will look to the United States for friendship and aid; but, whatever our relationship with the United States, whether as an independent nation or an associated free state, we must also look to Micronesians, look to ourselves. We maintain that the basic ownership of these islands rests with Micronesians and so does the basic responsibility for governing them.

But the principle Micronesian recommendation as the first step in achieving a new status was not to be met. The Commission recommended that the U.S. Congress pass enabling legislation along the lines of similar legislation used for Puerto Rico. Such legislation, the Commission thought would indicate Congress' endorsement of the movement toward self-government in Micronesia and would be a "basic test" of future U.S. policy. If so, the United States flunked the test. Not only did the Congress not pass enabling legislation but, as indicated below, even President Johnson's study commission failed passage. U.S.-Micronesian negotiations would begin without any indication of the formal views of the U.S. Congress. Thus, any agreement reached in negotiations with the Executive Branch of the American government would risk repudia-

tion by the Congress.

Actually, it was not a period of inaction on the part of the United States Government. The new Nixon administration did not bother to exhume Johnson's proposal for a joint U.S.-Micronesian status commission but, as noted elsewhere, the U.S. started pulling together a position under the aegis of the Undersecretaries Committee of the National Security Council, then headed by Eliot Richardson at the Department of State. Knowing that a report of the Micronesian group was forthcoming, Secretary of the Interior Walter Hickel, in the dramatic public relations manner of the new administration, had made a special trip to Micronesia in May, 1969 aboard a Presidential plane and encouraged the Micronesians to prepare for negotiations. In Hickel's own words, he exhorted them to "dream big dreams." "You will help develop the legislation," Hickel continued, "which will end the trusteeship and build a lasting political partnership with us." Hickel's speech left the Micronesians ecstatic. Hickel recalls that he pledged immediate steps to improve the Micronesian judicial system, ease tariff barriers and travel restrictions, gear up for major educational and health programs and invite new investment capital to the islands." "For years," he continued, "you have had little voice in your government. This is wrong. Only when the people lead their government can that government be great and the people prosper."

The Negotiations Begin

From the Micronesian Political Status Delegation's point of view, they were finally on the road to a future political status of free association or independence. After two years of careful study they felt well-prepared to meet the U.S. Delegation at the first round of talks held in Washington in October 1969. But it was apparent the U.S. Delegation was not equally prepared. As indicated earlier, the change of administrations in Washington had brought sweeping changes in personnel not simply at politically sensitive policy-making levels but also at middle and lower management levels. Within months every official in Interior's Office of Territories was changed, some precipitously and unceremoniously. The civil servant Director of the Office of Territories was replaced by the 73-year old widow of a former Congressman from Hawaii. (She "never did figure out what the score was," said one of her former superiors at Interior.) At State and Defense, normal assignment rotation had taken a similar toll. Staff from the Seventh Floor(the location of State's senior officers),particularly those assigned to the NSC Under-Secretaries Committee, assumed responsibility from lower-level officials.

Harrison Loesch, the Assistant Secretary of the Interior for Land Management who was appointed to bargain with the Micronesians, believes now as he did then that the U.S. had made no effort to resolve Micronesia's status prior to the new administration; he believes now ,as he apparently did then , that consideration for a future status came only with the urging of the Micronesians. A similar lack of knowledge, not

to mention appreciation, is seen in Secretary Hickel's backward look at how Micronesia came to his attention. In Who Owns America, Hickel writes:

> The story behind my trip started in the middle of February, less than a month after I became Secretary of the Interior. My staff brought to my attention a report that the United States was likely to be seriously criticized during the next session of the United Nations General Assembly for mishandling its responsibilities in the Trust Territory. I directed that all available information be summarized for a presentation to me. The information on the Trust Territory indicated that we had been lax in caring for the needs of the people of the Territory. The report showed desperate needs for better education and health facilities and - most important for some mechanism allowing the voice of the Micronesians themselves to be heard in the decision-making that affected them.
>
> I assigned a number of my staff members the responsibility of preparing recommendations we might make to Congress for improving conditions for the Micronesians. I also dispatched members of my staff to Saipan and throughout the Territory to meet with its leaders to get their assessments of some of their more basic problems.
>
> As the matter developed, I became more and more convinced that there was a need for me to visit Micronesia personally and determine first-hand what could be done to help these people.
>
> The President agreed.

Thus, the U.S. side was without a corporate memory and worse, inclined, without even knowing why, to denigrate the accomplishments of the previous administration. A member of Congress visiting Saipan in 1969 when the new Secretary of Interior addressed the Micronesians reflected, "I was aghast at the Secretary's speech... Hickel made promises he couldn't possibly keep... It was a premature speech. The Nixon administration had just begun... It seems every new administration starts out believing that they can correct the errors and inabilities of past administrations but they proceed to talk themselves into the same problems."

The first round of negotiations with the Micronesians, held in Washington in October, 1969, was a funny round, former Assistant Secretary Loesch recalls -- "We had no position." The purpose, Loesch said, was to "explore Micronesians' feelings without any proposals of what we would do." The Micronesians are said to have been outraged that the U.S. spent more time entertaining them than in substantive discussions. Yet, two months earlier (August 10, 1969) High Commissioner Edward Johnston had addressed the Congress of Micronesia in his first State of the Territory address: "We (the U.S.) are prepared and anxious (my emphasis), from this moment forth, to discuss with this Congress... the exact nature which this partnership should take." The United States was anxious to secure permanence of the relationship, but apparently not anxious to discuss or negotiate, and certainly not prepared.

But the first round would not be the only round where the U.S. came unprepared. Throughout the status negotiations, the U.S. side complained about receiving last minute approval of negotiating instructions "from the airplane" of Nixon's chief foreign policy adviser. The sixth round broke down because the U.S. Delegation said it did not know what the Micronesians meant by independence, even though the Micronesian Delegation had always had the mandate to negotiate free association or independence and the Congress of Micronesia had publicly reaffirmed the independence aspect. Actually, U.S. instructions were not to discuss independence. And six days before the

seventh round of negotiations were to begin the U.S. Delegation still had no final negotiating instructions because President Nixon had not yet approved negotiating instructions. Significantly, the United States would not be so ill-prepared at the time of the Marianas request for separate negotiations. The U.S. was able to grant the request on the day it was made!

If the purpose of the first round from the U.S. point of view was to explore Micronesian feelings, the Micronesian Delegation let them be known. In addition to two published reports on their status desires, they had developed eleven topics for discussion and presented them to the United States.

1) Micronesians wished to draft and adopt their own constitution;

2) Micronesians wished assurance that no confiscation of land and no military bases would be established in the islands without full consultation and consent of the Government of Micronesia and fair compensation; that land currently held, controlled or possessed by the United States under lease or other arrangements would be renegotiated;

3) The United States, subject to certain exemptions, limitations, and conditions, would conduct Micronesia's external affairs and provide protection from outside aggression and consult with Micronesia before entering into international obligations with respect to Micronesia;

4) Micronesia would agree not to allow any other country to enter into Micronesia for military purposes;

5) The United States would agree to an early settlement of Micronesia's postwar damage claims;

6) The United States would remove all barriers to the free movement of Micronesians into the United States;

7) The United States would agree to remove all barriers to the free movement of goods from Micronesia into the United States;

8) The United States would fully consult with the Government of Micronesia in matters of shipping, civil aviation and communication;

9) That Micronesians would have access to the United States Ninth Circuit Court and the United States Supreme Court;

10) That Micronesia would continue to have access to banking facilities in the United States, to the use of United States currency and postal services; and

11) The United States would guarantee financial aid to Micronesia.

The U.S. Delegation agreed in principle with the eleven points with two outstanding exceptions: land control, one of the most important issues throughout the negotiations, due to its scarcity; and whether a future relationship should be permanent or in the form of a revocable compact.

These major differences would lead the Political Status Delegation to report after the next round of negotiations:

> "...the difference between current United States and Micronesian positions is profound. From the beginning, it has been clear that the United States and Micronesian Delegations have very different notions of what would constitute true self-government in Micronesia and what would be a sound future partnership between Micronesia and the United States."

The Questions of Self-Government, Permanence and the Common-Wealth Proposal

The "very different notions of what would constitue true self-government in Micronesia" basically narrowed down to two questions: first, whether the Micronesians should be able unilaterally to terminate the arrangement if later they should decide to become independent, and second, the degree of control the Micronesians would exercise over internal developments.

Thus, the negotiations brought out in public the debate which had raged in the bureaucracy. The Micronesians, essentially took the position which had been advocated by the Department of State. On the other hand, the negotiating posture adopted by the United States was that advocated by the Departments of Defense and of the Interior.

As already noted, the State Department believed that international legal and political considerations dictated (a) complete Micronesian control over internal affairs while the U.S. exercised delegated responsibility for foreign affairs and defense; (b) an opportunity for Micronesians to unilaterally alter the relationship should they later decide to do so; and (c) to make the association credible, an opportunity for the Micronesians to select between independence and free association. In State's view a properly cultivated bond of friendship and dependence prior to a plebiscite would survive the risk of having independence included as an option and that this same relationship would ensure that a Microneisa freely associated with the United States would not later wish to "opt-out". On the other hand, Defense believed that U.S. strategic interests were too great to risk independence on a plebiscite or free association with an opt-out provision or a level of autonomy which might restrict military operations in Micronesia. And Interior believed that as a practical political matter the U.S. Congress would not approve either independence or free association, or the level of autonomy desired by the Micronesians, particularly in light of Defense views. In fact, failure to reconcile these two

positions largely accounted for lack of progress on the status issue in the Johnson administration.

Perhaps in light of disagreement on means of achieving their objective and because of a wish/not to [to appear] predetermine Micronesia's future, the Kennedy and Johnson Administrations spoke in public only of a commitment to "self-determination", that is that the Micronesians themselves would have an opportunity to decide their status and that no options had been precluded. The Nixon administration went public in expressing its goal for a more lasting relationship with Micronesia. Hickel had been quite specific during his visit to Micronesia. And in his State of the Territory address of August 1969, High Commissioner Edward Johnston bluntly stated U.S. hopes for a future relationship with Micronesia:

> Let me make it abundantly clear to this honorable body today (and I am sure I speak for President Nixon, Secretary Hickel, and many othersthroughout America) the United States is proud to be associated with Micronesia and we definitely desire to enter into a lasting and permanent partnership.

"It's apparent Washington has decided what it wants. I'm afraid that everything is part of a timetable already set," one Micronesian Senate leader commented.

The second round of talks was to be held in Washington from May 4-8, 1970, but in January Assistant Secretary Loesch met with the Micronesian delegation in Saipan during the special session of the Congress of Micronesia. Informally, Micronesia got its first look at what the U.S. would call the "commonwealth" proposal under which Washington would gain permanent control and sovereignty over Micronesia and the U.S., after some preliminary procedural hurdles,would be free to do what it wished in Micronesia, including acquire land under eminent domain.

The final proposal had been drawn up by an Interagency Group following a meeting at the Office of Secretary of State William Rogers. Those who attended are said to have included Henry Kissinger, President Nixon's Assistant for National Security Affairs, Secretary of State William P. Rogers, Secretary of the Interior Walter Hickel, High Commissioner Edward Johnston, and Assistant Secretary of the Interior Harrison Loesch. It was at that meeting that Kissinger sided with the Defense argument that Micronesia could not have a degree of self-government which included control of their land -- and, of course, other minimum Micronesian demands such as the right to unilaterally alter the relationship were obviously out.

As Hickel recounts the meeting, he "might have gone along with almost anything less than the argument for eminent domain -- such as negotiated purchase or lease of land. We had established military bases in Turkey and Spain without right of eminent domain. What right did we have to invoke eminent domain on the Micronesians?" Hickel's account of Kissinger's response is readily quoted by Micronesians: "There are only 90,000 people out there. Who gives a damn?"*

The U.S. Commonwealth proposal, in the form of draft legislation, was informally presented by Loesch, who, in his own words, knew he was "dead as a duck." Loesch had taken the proposal to the home of Micronesian Status Commission Chairman, Lazarus Salii, put it on the table, and apologized, "This is what I was sent out with. Don't blame me." The reaction Loesch expected was the one he got. The draft bill was "almost totally objectionable" to the Micronesians. Though labeled "commonwealth," apparently to make the status sound similar to Puerto Rico, whose status the Micronesians had generally spoken of approvingly, Micronesia would have become an unincorporated territory of the United States like Guam or the Virgin Islands. The Micronesian Delegation felt the "commonwealth" offer directly clashed with the Trusteeship Agreement, with the mandate of the Congress of Micronesia and with the basic premises upon which the Micronesians had opened discussions in Washington. Maintaining that the internal self-government of Micronesia

*Who Owns America? p. 191.

should be "reserved solely to the people of Micronesia" and that they were totally opposed to any U.S. legislation providing for the internal government of Micronesia, the Micronesian negotiators flatly rejected the proposal as a ". . . camouflaged offer to outright territorial status." Even the manner in which the U.S. presented the commonwealth proposal was inconsistent with Hickel's promise that Micronesians would assist in developing legislation on their future. Instead, the U.S. was saying, "this is what you ought to do." The usually mild-mannered Salii reacted sharply:

> ". . .The U.S. offers us a new name: This Trust Territory would become a Commonwealth. But the United States would control our future. Micronesia would become a permanent part of the United States' political family -- that is the phrase they use -- but eminent domain would remain eminent domain; veto would remain veto; Kwajalein would remain American and Ebeye would be Micronesia. And Micronesia would become the newest; the smallest, the remotest non-white minority in the United States political family -- as permanent and as American, shall we say, as the American Indian.

During the four months between the January meeting in Saipan and the status talks to be held in May, the Interagency Group further developed the commonwealth proposal, "a disaster" according to Loesch.

In preparation for the May, 1970, negotiations, the Micronesians had prepared a list of four basic principles which would guide their effort to negotiate free association with the United States:

a) Sovereignty in Micronesia resides in the people of Micronesia and their duly constituted government;

b) The people of Micronesia possess the right of self-determination and may therefore choose independence or self-government in free association with any nation or organization of nations;

c) The people of Micronesia have the right to adopt their own constitution and to amend, change or revoke any constitution or governmental plan at any time; and

d) Free association should be in the form of a revocable compact, terminable unilaterally by either party.

As formally explained by the U.S. Delegation, the "commonwealth" proposals had the following essential provisions:

1. Structure of Government: Micronesia would become a "Commonwealth" of the United States -- a "part" of the U.S.; in "permanent" association with the U.S. -- a relationship neither as close as a "state" nor one implying future evolution as in the case with an "unincorporated" territory. Some powers would be reserved to Micronesia; others shared with the U.S. Government and a "few" others reserved "primarily" to the Federal Government.

2. Structure of Government: As with all "other political subdivisions of the United States," these would have to be (a) a republican form of government; (b) a bill of rights and (c) three separate branches of government.

3. Powers of the Commonwealth: Micronesia would be able to control economic development, education (so long as it remained free and equal), and pass all local legislation. Powers on local matters would be extensive "within the limits of Micronesia's dependence on financial support from the Federal government."

4. <u>Shared Powers</u>:

A. Legislative. Legislation passed by the U.S. Congress would take precedence over local legislation. Micronesia would have a non-voting delegate in the U.S. House of Representatives.

B. Judiciary. The Federal District Court for Micronesia would be established with the possibility of appeals through this court to the U.S. Supreme Court.

C. Taxes generated in Micronesia would be matched by the U.S. and could be locally controlled. The U.S. Congress would be authorized to appropriate additional funds for specific purposes.

D. Land and Property Control. The U.S. retained the right of eminent domain but with extensive protective procedures "unique to the Commonwealth, with no other political subdivision of the U.S. being accorded the same extent of review and consultation, in particular, the right of review by the legislature."

Areas Reserved to the Federal Government

A. Foreign Affairs. Reserved to the Federal Government except where "consistent with national policy." Areas of possible "commonwealth" activities include cultural, commercial contacts and tourism. Where policy was directly involved, Micronesian views would be welcomed and would receive sympathetic attention.

B. Defense. The U.S. would have total responsibility

C. Citizenship, Travel and Trade. Micronesians would become U.S. "nationals" but could become citizens by "simple application" to the Federal Court. Micronesians would have free access to the U.S. and the same would be true of Micronesian goods.

The clash between the Micronesian principles and the U.S. offer was obvious and to be expected given the earlier informal exchange. In the Micronesian view the differences were "profound." Specifically, while finding much to commend the "commonwealth" proposal, the Micronesians, as expected, rejected the proposal because they would not be able to

control their lands, laws or future status. What could not be expected was the low level in which the United States viewed Micronesian preparation and knowledge. The U.S. quibbled over the definition of "free association" although in the United Nations the U.S. had itself been a leading exponent of "free association" as an alternative to independence for small territories. In fact, in Trusteeship Council reports on repeated occasions the U.S. had inserted references to U.N. General Assembly Resolution 1541 whcih was the basis of the Micronesia definition of "free association." Moreover, internal U.S. working papers cite Puerto Rico as an example of the use of "free association" within the U.S. territorial system. Yet, according to the Micronesian report the U.S. Representative even stated that the U.S. was not obligated to offer "free association" since the term was not used in the Trusteeship Agreement. Neither, retorted the Micronesians, was the term "commonwealth."

Nor was the U.S. any more forthcoming on independence as a possible status. The Micronesians asked what,in view of the strategic interest of the United States, was the U.S. attitude toward independence for Micronesia. The question was particularly relevant for the United States had earlier stated that strategic considerations which led to the strategic trust arrangement in 1947 were essentially the same as in 1947. The implication was that the scope of choice available to Micronesia was limited.

In a long, rambling and bureaucratic statement, the U.S. Representative avoided any response to the implications of U.S. strategic interests for independence. Micronesia, he said, was not ready for independence, would not be "for some time to come," and the U.S. was not prepared to undertake specific programs nor to adopt a specific timetable by which time Micronesia would be ready for independence. In what can only be described as a hypocritical statement, and incidentally an indication of American thinking on possibly dividing the Territory, the U.S. Representative said:

> "The United States would, in fact, be derelict to its obligations under the Trusteeship Agreement if it were to prejudge the outcome of that act of self-determination by the people of Micronesia <u>as a whole</u>." (emphasis ours)

This, of course, coming from a government whose own policy at the time <u>excluded</u> <u>any</u> <u>choice</u> other than electing to become a part of the U.S. and whose policy was to never embrace independence as an option.

Clearly, the Executive Branch wanted a territorial status. This view was mirrored by Congress as well. The course of the first two rounds and the U.S. commonwealth proposal had naturally been influenced by Wayne Aspinall, a "hardliner on possible future political relationships -- he was on a colony or territory kick at the time," recalled Loesch. But the Micronesians' outright rejection of the U.S. proposal complicated matters because the basic American

assumption -- that the Micronesians would accept any status "offered" by Washington and in fact that they wished to become a part of the American political family -- had been shot down. Because their perception had been shattered, U.S. officials began to gain an awareness of the real problems to be confronted in the negotiations.

There were bureaucratic problems as well. Loesch essentially had a free hand in representing Interior's position to the Interagency Group, but other representatives from the various agencies were often not able to speak for their own departments. In Loesch's opinion, the NSC representative was a "dumbhead, a junior." At one point it took nine months just to get the Undersecretaries Committee to meet. Once a position paper developed by the group was completely rejected by the Undersecretaries Committee as "too loose." On another occasion, after Secretary Hickel had himself been unceremoniously dismissed, Acting Secretary of the Interior Fred Russell at the last minute presented a completely new and unstaffed proposal to the National Security Council Undersecretaries Committee.

Even today, considerable friction remains among those offices responsible for Micronesia's administration. The Interior Department's Office of Territorial Affairs harbors resentment toward the Trust Territory Government. There is also a feeling in the U.S. negotiating delegation that Trust Territory employees, because of a desire to hold onto their jobs, are hindering the talks and Interior's Micronesianization program.

Indeed, the delay in reaching an early agreement is partially the result of this inaction and confusion on the part of the U.S. Government, as well as bureaucratic infighting between the Departments of State, Interior, and Defense, agencies who all have input in the decision-making process, but whose concern for their own particular position seems to outweigh a general concern for the best interests of the Micronesians. Harrison Loesch admitted that during his tenure the main problem regarding self-determination for the Trust Territory was bureaucratic infighting, inertia and laziness.

The irony is that by putting the status question off, Washington officials thought they were securely holding onto Micronesia. But this was not the case. Micronesian leaders had been influenced by western ideals and intellectually moved farther and farther away from the likes of the "commonwealth" proposal. Micronesian expectations, wrote a former Director of the Office of Territories, had escalated. Some government officials have charged that "hothead advisers," Peace Corps Volunteers, and U.S. lawyers "which we paid" went to Micronesia and told the islanders how to deal with the United States. Now many lament the inaction of the U.S. Government believing the Micronesians might earlier have accepted a proposal for a permanent relationship. One Interior official believes that in 1960 it would have been easy to negotiate any package with the Micronesians. One Army general feels the wise move would have been to hold a referendum ten years ago --

then we would have won "hands down" and Micronesia would have become a part of the United States. The U.S. hope for a "permanent and lasting" relationship with Micronesia backfired and U.S. officials were not prepared to deal with this.

New Measures by the U.S Government: Appointment of an Ambassador and the Establishment of the Office of Micronesian Status Negotiations

Not until 16 months later did U.S.-Micronesian talks resume. The political situation in Micronesia had greatly deteriorated. The Mariana Island representatives began to look upon commonwealth as their long sought closer association with the United States and regretted its rejection. They found more cause for disagreement with the other districts of Micronesia when the Congress of Micronesia passed territory-wide tax legislation and stipulated that the funds collected would go into a general fund for use throughout Micronesia. In essence, the economically better off Marianas were to help pay for programs in poorer areas of Micronesia. Arson resulted in the destruction of the buildings of the Congress of Micronesia and the partial burning of the home of the High Commissioner. Finally, in February, 1971, the Marianas District Legislature voted to secede from Micronesia "by force of arms if necessary" in order to join the United States "with or without the approval of the United Nations."

In an effort to improve knowledge of local political developments, and to obtain information filtered through

neither the Trust Territory Government nor through the Department of the Interior, the position of Status Liaison Officer was created. John Dorrance, a Foreign Service Officer and a specialist in Pacific islands affairs at the American Embassy in Australia, was appointed to the new post of political adviser to the High Commissioner in Saipan. Later, Dorrance would continue to handle Micronesian affairs from the State Department's Australia, New Zealand and Pacific Islands Affairs desk, after his replacement by Mary Vance Trent, another Foreign Service Officer.

On June 24, 1971, President Nixon, in the words of his announcement, "demonstrated his continuing interest in the political status deliberations" by appointing Haydn Williams as his Personal Representative with the rank of Ambassador to conduct negotiations on the future political status of the Trust Territory with the Congress of Micronesia and other Micronesian leaders. Negotiations were taken out of Interior's hands and put into Williams' by establishment of an Office of Micronesian Status Negotiations. This further removed Interior from responsibility for status. The State Department had long sought such a change as a means of elevating policy above bureaucratic infighting. However, according to a former Director of the Office of Territories, the Departments of State, Interior, and Defense were "simply astonished" at this move, for they had no prior warning. Williams himself is reported to have expressed surprise at his appointment.

Williams' background is a combination of the military and diplomacy, and some contend the CIA. He was a member of the faculty and Assistant Dean of the Fletcher School of International Law and Diplomacy, where he earned his MA and PhD; Deputy Assistant Secretary of Defense for NSC Affairs and Plans, then for International Security Affairs; and President of the Asia Foundation, a position he still holds today. The Asia Foundation, located in San Francisco, was created in the 1950's to provide "proper training and education" for "promising" foreign leaders. Newspaper articles in the New York Times and Ramparts alleging that the Asia Foundation was receiving major backing from the CIA led to extensive suspicions, particularly among young Micronesians and returned Peace Corps Volunteers, of Williams' true motives. There is no evidence that such suspicions were justified.

Various government officials have described Williams as "cold," "secretive," "sensitive to protocol," "aloof," "basically non-communicative," and as having a very big ego. At one point, a State Department official, concerned about what he called Williams' "attitude of exploitation," expressed the hope that Williams could be replaced. According to the Friends of Micronesia Newsletter, the Micronesian negotiating team has nicknamed him "crocodile," -- one who grins but bites.

The fact is that neither Williams nor his office enjoy a warm relationship with the Micronesian or even the Marianas negotiators. Micronesians resent Williams' constant and

formal use of his title, The President's Personal Representative, speculating, correctly, that Williams never discussed Micronesia with President Nixon or even Henry Kissinger.

In a Micronesian Reporter article, P.F. Kluge gave a bleak account of the proceedings of the 4th Round in Koror, Palau, the second round for Williams:

> "The meetings, it soon developed, were rigid confrontations, in which one side would read a prepared position paper at the other. The other side would acknowledge receipt of the paper -- sometimes with thanks, sometimes without -- and we would all return to our rooms and prepare for the next meeting.
>
> It was a stiff, formal routine, a world of lawbook phrases, measured politeness, and Xerox machines working overtime, and it changed very little as negotiations proceeded...Whether the United States Delegation ever got close to Micronesia, whether it ever developed some special feeling for the islands, I cannot say."

Even Williams' assistants believe that the office should "loosen up." They complained that after negotiation rounds had ended and some Americans would have liked to relax with the Micronesians, Williams assigned extra tasks which could easily have been done on return to Washington. Former negotiator Loesch, though cautious not to interfere with Williams, feels that the Micronesians probably find Williams "cold and secretive," and that such a relationship adversely affects the negotiations. Williams, he says, "thought it was terrible to take a drink with the guys." Loesch himself tried to develop personal relationships with Micronesians and joked, "I often wished I had taken them up on some of their drunken offers."

Williams' deputy, James M. Wilson, a foreign service officer, has even less rapport with Micronesians and at one point he engaged in a public dispute with Felipe Q. Atalig, representative of Tinian in the Congress of Micronesia. (Wilson is quoted as having told Atalig: "Perhaps our difficulty is one of communication and a need to be more sensitive to each other's sensibilities.")One official from the Office of Micronesian Status Negotiations admitted that Wilson is highly opinionated, the most difficult man to work with in the office, and that he is despised by the Micronesians

The negotiations appear to be between hostile countries rather than close associates. One example of strained relations was the high-handed and dictatorial manner in which the Office of Micronesian Status Negotiations handled initial Micronesian efforts in the area of political education. The program was prepared by Carl Heine, a highly respected Micronesian government official. It was approved by the High Commissioner and by Mary Vance Trent, the State Department's Liaison Officer in Saipan and sent to Washington, ostensibly for information purposes. The program was hurriedly and summarily stopped by Williams' office. Williams maintains that the original program was qualitatively inadequate; the Micronesians contend that the extensive changes demanded by the U.S. slanted the educational program toward the political status desired by the U.S. In any event only after one of the frequent Hawaii summit meetings was agreement reached on the development

of a political education program and Micronesian legislators still express resentment that the U.S. through the Trust Territory Government, controls political education.

Still another point of conflict was the development of Micronesia's own "Watergate," or at least the so-called "executive privilege" aspect. The Congress of Micronesia charged three Trust Territory Government employees with contempt when they provided information regarding land to American negotiators, but refused to provide similar information to the Congress of Micronesia.

Finally, to further complicate the feeling of mistrust between the Micronesians and the United States, there is some concern that former Peace Corps Volunteers who served in Micronesia, and who should be sympathetic to Micronesia's side, have "sold out" and taken positions in Washington. Three former volunteers worked in the Office of Territories and one worked in the Office of Micronesian Status Negotiations Micronesians and former volunteers now working for the Congress of Micronesia are skeptical of the concern of government employed former volunteers for the Micronesian people. The aura of suspicion has affected administrators as well as negotiators to the extent that volunteers believe that to be pro-Micronesia is to be anti-American.

The Office of Micronesian Status Negotiations was established by a classified National Security Council memorandum on July 28, 1971, to support and represent

Ambassador Williams. It is an inter-agency group located in the Department of Interior but separate from Interior and the Office of Territories. The overriding role of Defense is evident. Officials assigned to the office include an office director who is a Navy captain, an Army colonel who is next in line, two legal advisors, and one public affairs officer. The changeover in personnel is great. In the short time span of three years, there were two office directors, both Navy men. Wilson succeeded Arthur Hummel, who was reassigned to the State Department. There is an informal understanding that the top two positions are occupied by military men because, as one official put it, of the "substantial interest of the Department of Defense." "Let's face it," he said, "if it weren't for that Defense interest, the negotiations would have been over long ago."

Despite suspicions and personality problems, the new measures by the Executive Branch did produce results. The Office of Micronesian Status Negotiations provided a center for information and viewpoints. Micronesian proposals were given more consideration and study when one office could devote full time to the negotiations. The next round of of negotiations would reflect this.

New Appraoch

Prior to the second unsuccessful round of talks, the Congress of Micronesia, hoping to make its position clear, had endorsed four basic principles and legal rights as the essential premises of future negotiations. For the Micronesians, these were to be the minimum, non-negotiable requirements for a future relationship with the United States.

The United States, on the other hand, had never clearly listed defined objectives to be reached through negotiation.

The major change in renewed negotiations, held at Hana, Hawaii in October 1971, with the Micronesians, was in the U.S. approach. This time it was apparent that the U.S. had carefully studied the Micronesian position. In Williams' own words, "Rather than presenting a U.S. blueprint for the future political status of Micronesia, the U.S. sought to concentrate on those issues of greatest importance to them (the Micronesians) and their future." It had taken the U.S. two full years to get around to discussing with the Micronesians the three key issues which the U.S. had itself privately identified as early as 1964 and which the Micronesians made explicit at the first and second rounds of negotiations. These were: control of laws, control

of land and control of future status. Two other issues would remain lurking in the background: finance and Micronesian unity. In his opening statement Williams correctly stated the first two Micronesian concerns. Curiously however, in his report to the President the important issue of control of future status would be rephrased to read "Full protection for their own values, traditions and cultural heritage," thereby obscuring a crucial issue.

The U.S. also made explicit its three basic interests against which any agreement would be tested:

(a) The U.S. general concern for the long term welfare of the "peoples" of Micronesia;

(b) The U.S. general legal and moral obligations under the Trusteeship Agreement;

(c) The U.S. "larger Pacific role and other commitments with respect to the peace and stability of the Pacific Ocean area."

The vague and elastic nature of U.S. interests was to prove a major stumbling block. Among other things, the question was raised anew as to the implications of U.S. strategic interests on the range of options available to Micronesia. When asked at the second round, the U.S. had refused to answer the question. But there was an implied answer, at least, in the three basic U.S. interests: U.S. strategic interests required a continued U.S. presence in Micronesia.

Summary of U.S. - Micronesian Negotiations

Before undertaking an issue by issue analysis of U.S.-Micronesian negotiations as they evolved over the next _____ rounds covering the next ____ years, it is useful to present brief descriptions of the major developments at each round.

Round III - Hana, Maui, Hawaii, October 4 - 12, 1971

This was the first round of the renewed negotiations and the first round in which Williams participated. The round was highly successful providing a new atmosphere and a new approach to the negotiations, i.e., a discussion of issues as opposed to a specific plan. So successful were the disscussions that Carl Heine,* a Marshallese and Trust Territory Government official said that it would be difficult for either side to back away from the "spirit of Hana" or to introduce new proposals.

Compact

The United States agreed with Micronesian suggestion that future relations would be governed by a Compact of Association. The Micronesians would draft, adopt and amend their own Constitution; and enact, amend or repeal their own legislation. The U.S. would have no authority to either amend the Constitution or enact legislation. Although it was agreed in principle that foreign affairs and defense would be left to the U.S., differences emerged on the extent of U.S. control.

Land

The U.S. would not exercise eminent domain. All land would be returned to Micronesian control after the Micronesians agreed to specific but limited U.S. military land needs which would be specified

*Heine would become the first Micronesian author when the University of Hawaii press published his book Micronesia at the Crossroads.

in the Compact. In addition,the Micronesians would be asked to agree to procedures whereby the U.S. would have temporary access to land in the event of an emergency. The U.S. would pay full and fair compensation. The Micronesians welcomed U.S. statements but insisted that present U.S. land holdings would terminate at the conclusion of the Trusteeship Agreement, that leases be negotiated and that any U.S. land holdings would end with the termination of the Compact. In addition, the Micronesians required consent for the storage of some types of weapons and a set termination time for emergency use of land.

Laws

Micronesians would have full authority in all internal affairs with the U.S. controlling foreign affairs and defense. The powers necessary for the U.S. to fulfill its responsibilities for foreign affairs and defense would be spelled out in the Compact.

Future U.S. Programs and Services

Micronesians might wish to avail themselves of numerous U.S. Government programs in health, education, public works, etc., and of such services as the Postal service, banking and currency, etc. These were Micronesian decisions and the Compact would outline procedures for Micronesian use of such programs.

Financial Affairs and Economic Development

The scope of U.S. assistance depended on the "form substance and continuity " of a future relationship. Micronesians would be responsible for determining their own economic development priorities. The Micronesians thought detailed discussion premature but said some assurance of the level of finances was necessary.

Termination

This was a major point of disagreement. The U.S. proposed that amend-

ment or termination after an agreed number of years be subject to mutual consent. The Micronesians insisted on the right of either party to unilaterally revoke the compact.

Round IV - Koror, Palau, April 2 - 13, 1972

Both sides found the talks "highly useful." Basic agreement was reached on a number of issues including Micronesia's right to unilaterally terminate the agreement. Outside the formal talks, the U.S. announced its decision to negotiate separately with the Mariana Islands.

Compact

Agreement was reached that a Compact of Free Association would govern the relationship with Micronesia completely responsible for internal affairs. The U.S. would be responsible for defense and foreign affairs but each would consult on international matters affecting the interest of the other. Micronesians could join appropriate regional organizations and enter contracts not involving intergovernmental obligations. There continued to be sharp differences over the extent of U.S. authority in both defense and foreign affairs.

Laws

The parties reaffirmed agreements reached at Hana concerning Micronesia's right to write, adopt, and amend its own Constitution and legislation. U.S. laws would apply only to the extent mutually agreed.

Land

Any land needed by the U.S. would be negotiated in the compact. Any additional land acquisition would be subject to Micronesian laws. The U.S. would permanently relinquish the power of eminent domain at the time the compact took effect. U.S. options and leases of land would continue for a pre-determined period and not terminate automatically with termination

of the Compact. A mutual security pact agreed to prior to signing the Compact would continue in the event of termination.

Termination

The parties agreed that either side would be able to terminate the Compact after an agreed period and after due notice. Agreement was not reached on the precise period necessary before termination was possible. The U.S. proposed 15 years, the Micronesians 5 years.

Disagreements

The area of sharpest difference was over the amount of U.S. financial assistance. The Micronesians proposed $100,000,000 annually. However, the U.S. decision to negotiate separately with the Marianas was made known at Koror and would lead to additional differences.

Round V - Washington, D.C., August to , 1972

Tentative agreement was reached on the Preamble and three titles - Internal Affairs, Foreign Affairs, and Defense - of a Draft Compact of Free Association. Still to be negotiated were provisions on finance, trade and commerce, immigration and travel. The Micronesians suggested that the next talks focus on the U.S. response to Micronesian proposals on the level of U.S. financial assistance as well as on transitional arrangements. The U.S. agreed. Both sides agreed that the language was "tentative and preminiary," pending final agreement on the Compact as a whole.

Major provisions of the Draft Compact include:

Internal Affairs

-- Micronesians have the right to adopt their own constitution, which can be changed or amended at any time so long as it is consistent with the Draft Compact

-- The Government of Micronesia shall have full responsibility for and authority over internal affairs

-- In the event the Compact is terminated, the people of Micronesia

"in the exercise of their right of self-determination" may freely choose their own political status

Foreign Affairs

-- The Government of the United States would have full responsibility for and authority over all matters which related to the foreign affairs of Micronesia.

-- The U.S. would avoid to the greatest extent possible any interference in Micronesia's internal affairs pursuant to its foreign affairs authority.

Defense

-- The Government of the United States would have full responsibility for and authority over all matters which related to defense in Micronesia.

-- The Government of the U.S would have the exclusive right to establish, maintain and use military areas and facilities in Micronesia.

-- If the U.S. Government required additional land, requests would be made of the Government of Micronesia to satisfy these requirements.

In Annex B, the U.S. also listed its land requirements:

1) Marshall Islands

a) Within the Kwajalein Atoll, continuing rights for the use of those lands and waters associated with and currently controlled as part of the Kwajalein Missile Range, the land portion of which encompasses approximately 1,320 acres.

b) In the Bikini Atoll, continuing rights for use of 1.91 acres of Ourukaen and Eniman Islets, and to use the pier, airfield, and boat landing on Eneu Island.

c) In the Eniwetok Atoll, retention of such use rights as may be negotiated upon return of the atoll.

2) Palau Islands

a) Access and anchorage rights in Malakal harbor and adjacent waters, together with rights to acquire 40 acres for use within the Malakal harbor area, composed of submerged land to be filled and adjacent fast land.

b) Rights for the joint use of an airfield capable of supporting military jet aircraft (the proposed airfield at Garreru Island reef, or Babelthuap airfield/Airai site), the right to improve that airfield to meet military requirements and specifications, and the right to develop an exclusive use area for aircraft parking, maintenance and operational facilities.

c) On the island of Babelthuap the right to acquire 2,000 acres for exclusive use, along with the right for non-exclusive use of an adjacent area encompassing 30,000 acres, for intermittent ground force training and maneuvers.

3) Continuing rights to occasional or emergency use of all harbors, waters and airfields throughout Micronesia.

4) Continuing rights to use of existing Coast Guard facilities.

Round VI - Barbers Point, Oahu, Hawaii, September 28 - October 6, 1972

The talks broke down over the issue of independence.

In their report to the Congress of Micronesia after Round V the Micronesian nagotiators had recommended approval of the agreed portions of the Draft Compact and asked the Micronesian Congress for additional guidelines. The Draft Compact had met with sharp criticism, partially because on the basis of the parts completed, it looked as if the Micronesians were giving a great deal and getting little. The Micronesian Congress had passed a resolution renewing the mandate of their negotiators to negotiate a status of Free Association but added the directive that independence also be negotiated at the same time.

The United States began the negotiations by asking for a clarification of the Micronesian position, particularly with regard to previously agreed principles and the tentatively agreed but still incomplete Draft Compact. In response the Micronesians indicated a desire to continue discussion of remaining portions of the Draft Compact. However, they noted that there were new instructions to negotiate independence as a result of opposition to provisions of the Draft Compact and growing sentiment for independence. The Congress had decided that a plebiscite must include a <u>choice</u> and inde-

pendence was an alternative which had considerable and growing support.

The United States said it was unprepared to discuss independence, nor was it prepared to discuss financial assistance or termination procedures until it had considered "the new framework" in which negotiations were proceeding. The United States implied that independence was out of the question because of Micronesia's strategic importance. The Micronesians pointedly reminded the United States that they were negotiating for six districts and did not accept separate U.S. negotiations with the Marianas.

Round VII - Washington, D.C., November 14-21, 1973.

More than a year passed between the sixth and seventh rounds. In addition to disagreement on negotiations on independence, three other issues had accounted for delay: U.S. negotiations with the Marianas; disputes over the return of land, and a dispute over the content of the political education program.

Prior to the meeting, agreement was reached on a political education program. The U.S. announced a new land policy just prior to the meetings. But the negotiations broke down over the amount of U.S. financial assistance, and one of the reasons for the difference was Micronesian insistence on negotiating for six districts (i.e., including the Marianas) and the U.S. insistence that only five districts were under discussion.

Subsequent Meetings - 1974 to Present.

After the breakdown of the seventh round, the U.S. and Micronesia began to emphasize informal private discussions between the leaders of the Micronesians and the two or three representatives of the U.S.

Some progress was made. Agreement was reached on a financial package of \$690 million over 15 years, provided the United States completed a \$ 146 million capital improvement program <u>prior</u> to termination of the Trusteeship Agreement in 1981.

In November 1974, the land issue which had earlier caused a one-year delay in negotiations led to another abrupt break in informal negotiations. The Congress of Micronesia had twice passed and the High Commissioner had twice vetoed land legislation on the grounds that it did not conform to the eight conditions set down by the United States at the Seventh Round. Among other things, the U.S. wanted land returned directly to the Districts and not to the Congress of Micronesia. In addition, the U.S. wished individual owners to agree in advance to "accommodate" U.S. land requirements. Neither of these conditions nor others were acceptable to the Congress. Told at Honolulu that the U.S. intended to resolve the matter by Executive Order, the Micronesians walked out of the meeting.

In early 1975, the Micronesians indicated by letter to the U.S. Representative that they were prepared to resume negotiations. At the same time, legislation which would have precluded further negotiations was introduced and later withdrawn.

Issues in the Negotiations

Control over Future Status

Ambassador Williams would later list Micronesia's desire to control its own future status as a desire for "full protection for their own values, traditions and cultural heritage." But the U.S. was never under any illusions about what the Micronesians wanted -- the right to unilaterally declare its independence -- or about what the U.S. perceived to be the implication of that right. The U.S. believed that Micronesia's ability to unilaterally terminate its association with the U.S. would endanger the third "basic" U.S. interest in Micronesia: "the U.S. larger Pacific role and its commitments with respect to the maintenance of peace and security in the Pacific area." Certainly the objectives of the military would be endangered by "free association" -- a status which would not bring the much sought guarantee of long-term security in Micronesia. Under this arrangement the U.S. military would be just as vulnerable as in Japan, the Philippines, or any place where the U.S. did not have sovereignty.

At the renewed talks held at Hana, the Micronesians forcefully reviewed their position. "Free association" offered an "acceptable compromise" between the desires of the Micronesian people and the "exigencies of the situations" in which Micronesia and the United States found themselves, said Lazarus Salii. Free association would afford Micronesia a status with most of the characteristics of full independence and a status which could be translated into independence if and when the Micronesians chose, but it would also "offer the United States optimal protection of any interests it may have in our islands, whatever they may be." In sum, said Salii:

> We are here to secure independence for our people. We are willing to discuss arrangments wherein that independence has minor limitations placed upon it -- limitations as contained in the Free Association proposal. We are not interested in discussing more limiting arrangements.

Salii's opening remarks were explicit and in the afternoon he would describe control of future status and control of laws as "primary" with the former taking precedence, while land and funding were "subordinate." But the U.S. would discuss land first and not get around to control of future status for two days, by which time the Micronesians had sent a pointed and formal reminder of their opening remarks:

October 6, 1971

Ambassador Williams:

We would like to remind you that the Micronesian delegation is not authorized by the Congress of Micronesia to compromise or negotiate the right of either side unilaterally to terminate any future association or compact arrived at between Micronesia and the United States. Our question then is: Is the United States Delegation authorized to negotiate on this basis, or are you required by your mandate from your government to insist upon termination only by mutual consent? If you are prepared to accept the principle of unilateral termination, we can discuss procedures which will assure an orderly termination should this take place.

(Signed) Lazarus Salii

Williams would later respond that he did not wish to be evasive about the scope of his instructions. But the U.S. was not prepared to accept unilateral termination and the U.S. strategy was to present sufficient concessions in other areas to keep the talks going. Williams proposed a procedure whereby after a period of years each side would promptly consider and negotiate in good faith those changes, including termination, desired by the other. But it added up to mutual consent. And Williams, obviously aware

that his response fell far short of Micronesian demands twice virtually pleaded with Micronesians to recognize that negotiations involved give and take and that Micronesians ought to accommodate U.S. interests as the U.S. had tried to accommodate Micronesia's interests on land and control of laws. Perhaps, Williams later suggested, the Congress of Micronesia might change its insistence on unilateral termination in light of U.S. concessions in other areas.

Unilateral termination remained in Salii's words, "the single most important area" of basic disagreement. The Micronesians maintained that U.S. security interests could be protected and that the Micronesians were willing to work out termination procedures which would " prevent hasty termination based on less than the most compelling reasons." The U.S. left Hana impressed with Micronesian determination on the termination question. But the military may have also left with a renewed belief in the importance of termination by mutual consent. For the Micronesians also proposed (and withdrew at the next round of talks) that all leases for military land terminate with the termination of the relationship.

At the third round, the Micronesians had suggested that the next talks center on the issue of termination. Thus, termination was a key question when the fourth round of negotiations was held at Koror, Palau. The initial U.S. statement seemed to indicate no change in the U.S. position. Williams reaffirmed the virtures of the U.S. position on termination by mutual consent but he added that the U.S. did not intend that the Micronesian people "should be forced to remain locked forever in a relationship that is detrimental to their best interests and one that remains in effect against their freely expressed will."

But it was the Micronesians who took the initiative on the issue. The Congress of Micronesia, said Salii, had authorized his side to "attempt to arrive at a tentative agreement which in its judgment is best suited to the needs, interests and aspirations of the people of Micronesia." Unilateral termination remained one of the governing principles "deemed essential" to preserve Micronesia's "sovereign rights" and to permit changes in a relationship if the interests of either party required. But, Salii continued, the Micronesians recognized "the importance to the United States of being able to plan on a long range and continuing basis." The Micronesians recognized "the importance of a stable relationship and the American concern for its ability to carry out its responsibilities for the maintenance of peace and security in the Pacific area." Salii then proposed four termination features which he said would preserve the "essential principle of unilateral action but, at the same time, accommodate the security and planning concerns of the United States and Micronesia" (emphasis ours). These were:

a) An initial period of five years during which the Compact could not be terminated except by mutual consent;

b) After the initial five years the Compact could be unilaterally terminated by either party on one year's notice given prior to January 1;

c) Notice of termination by Micronesia could be given only after a vote of the Congress of Micronesia and subsequent approval by a majority of Micronesian voters;

d) Immediately on notice of termination the parties would "negotiate in good faith" a security agreement providing for terms and conditions under which the U.S. might continue to maintain previously agreed military bases.

The United States response for the first time indicated acceptance of the principle of unilateral termination -- but after 15 years instead of five as the Micronesians had proposed after a more complicated,

difficult procedure than that proposed by the Micronesians. For example, the U.S. stipulated approval by 2/3 of each house of the Congress of Micronesia and by two-thirds of the electorate. And, for the first time, the U.S. formally suggested fragmentation. Procedures should be written in the Compact, suggested Williams, to accommodate other arrangements since "There may exist or arise sentiment among your people for allowing individual districts the option of Association with the United States despite a Micronesia-wide vote for a change of status." Moreover the U.S. added the proviso that such a termination arrangement was possible only if basic U.S. interests in foreign affairs and defense were agreed to.

No agreement could be reached on procedures of termination at Korror but agreement had been reached on the principal of unilateral termination. And the Micronesian desire for free association was an established fact -- or so it was thought.

Independence had always been the Micronesians' alternative in case free association was not possible. Independence was a growing force in Micronesia, particularly in Truk and Palau, and among Micronesian students at the University of Hawaii and of Guam. In addition, when the Congress of Micronesia met a Ponape in 1972 it had before it only the partially completed Draft Compact drafted at the fifth round. It was a compact in which Micronesia's concessions were explicit but which did not include, for example, U.S. financial commitments to Micronesia. Thus, the draft compact was vulnerable to attack, particularly from independence advocates. In its special session in Ponape during the summer of 1972, the Congress of Micronesia adopted a resolution authorizing and directing the Micronesian delegation to conduct negotiations with the United States regarding the establishment of an independent nation, while continuing negotiations toward free association. For, in their final report prior to

negotiations the Micronesians had said that Free Association was their second choice and independence their first. Free Association, however, had been thought to be the most practical alternative. Some therefore thought new Congress of Microneisa directives were not different from previous instructions, although they emphasized independence a little more.

At the Sixth Round Salii explained that the Congress of Micronesia did not like the way the talks were moving. There was, he said, an "important and growing sentiment" in Micronesia for independence, on its own merits. Although free association was still the mandate, the Micronesian Delegation was bound to negotiate for independence so that an alternative choice would be before the people of Micronesia in a plebiscite.

U.S. officials feel there were other reasons for this new approach. According to this view Salii, finding himself in trouble in his home district after the Fifth Round of talks, wanted to show that there had been significant accomplishments in the negotiations and that he could handle the Americans. Thus, Salii had introduced the incomplete and tentative Draft Compact for approval by the Congress of Micronesia which wisely refused to ratify an incomplete document. Salii would later comment about the Ponape directive that "...it wasn't really clear in our own minds how we were going to handle free association and independence at the same time." U.S. officials claim that Salii came to the sixth round under pressure to hardline the United States and that Senators Nakayama and Amaraich, previously two of the most ardent supporters of independence, would not talk about independence.

The U.S. did not take the Ponape directive seriously -- they pictured the new approach as more of a personal move by Salii than a serious demand by the Congress of Micronesia, and also felt the Micronesians, wishing to

stretch for negotiating room, used the "threat" of independence as a bargaining tool.

Perhaps in an effort to assert more authority, the "threat" of independence would be used again. Shortly before the 7th round, one member of the Micronensian negotiating team commented, "If the U.S. fails (to meet Micronesian demands) then we opt for independence..."

At Barbers Point the U.S. Delegation claimed that it did not know what the Micronesians meant by independence and had no instructions on how to handle the issue. The fact is the U.S. delegation was specifically instructed to avoid a discussion of independence. In addition, in a not too veiled threat (which would later lead to U.N. chastisement) the U.S. let the Micronesians know that U.S. strategic requirements would not countenance independence. Thus the talks broke off indefinitely. They did not resume until a year later and even then, it was so clear that the level of U.S. financial assistance was directly tied to termination that financial assistance was the focus.

Space for any
additional discussion
of termination in
subsequent negotiations

Land

Land and its acquisition had long been a major point of friction between the Micronesians and the United States administrators. The inhabitants claim that substantial quantities of land was either confiscated by the Japanese or acquired at unreasonably low rates by the Japanese and the United States. Almost every U.N. Visiting Mission has urged the United States to take steps to settle long-standing land disputes. Given the scarcity of their land, the role of land in Micronesian culture, past experience with foreign land acquisition and the uncertain and unlimited nature of future military needs, it was not surprising that Micronesians summarily rejected eminent domain provisions of the "commonwealth" proposal of 1969.

Two kinds of land have been the subject of dispute:

1. Public lands -- land owned or maintained by the Japanese as government or public land; land formerly owned by Japanese individuals, agencies, and corporations; and land acquired by the Trust Territory Government for public purposes. Theoretically, the land is being held for use by Micronesians who would also decide on the manner of its disposition. Public land amounts to 60% of total land in Micronesia and is distributed as follows: Yap, 3%; Marshalls, 13%; Truk, 17%; Ponape, 66%; Palau, 68%; and the Marianas, 90%. According to the U.S., the largest percentages are found in areas with the largest islands, "primarily because these larger island areas were acquired and used by the Japanese for agricultural and industrial purposes."

2. Retention land -- land reserved or used by the U.S. Government. The amount of retention currently totals 3.8 % of the total land in Micronesia. But the figure has been larger. A total of 21,141 acres had been turned over to the Trust Territory Government including all military retention land held in Yap, Palau, and Truk. But defense still controls

more land than any U.S. agency:

a) 3,031 acres under Use and Occupancy Agreements in Kwajalein, Eniwetok, and Bikini atolls:

b) 8,882 acres on Tinian and 4,943 acres on Saipan for a total of 13,825 acress in the Marianas.

An additional 519 acres is in use by the Coast Guard (500 acres), the Post Office (6 acres) and the National Weather Service (13 acres).

As part of its new approach at the third round of negotiations (Hana), the United States backed off its insistence during the first two rounds that the U.S. ultimately have an unrestricted right to eminent domain. For the first time, the U.S. outlined a formula whereby specifically stated U.S. military land requirements would be agreed on prior to a change in status. Any future U.S. needs would be in accordance with Micronesian laws and "mutualy agreed on procedures". In addition, the Micronesians would agree to negotiate in good faith for emergency and temporary land use.

The United State, said Williams, had "gone to considerable length" to keep its military land requirements at a minimum.

There were no military land requirements in Yap, Ponape or Truk. In other districts the U.S. outlined the following requirement:

-- Marshalls: No additional land was needed in the Marshalls in addition to existing missile range facilties at Kwajalein. These facilities were described as "important and integral" to military research. And while consolidated tests might lead to smaller land needs, there was "no prospect" that the need for missile testing would disappear or even diminish in the near future.

-- Marianas: The U.S. had definite requirements, primarily on Tinian where the U.S. wished the "flexibility" to rehabilitate some existing airstrips and to build supporting structures and "other facilities." By "consolidating" future actvities mainly on Tinian, the U.S. would be in a position to release a "significant portion" of the 4,000 acres it held on Saipan. In addition, the U.S. thought it "essential" to have use of Farallon de Medinilla Island, for which a Use and Occupancy Agreement was then being negotiated with the Trust Territory Government.

-- Palau: There was no immediate need for land in Palau but the U.S. wished four options:

a) 40 acres of submerged and adjacent land to establish a "very

small naval support facility at Malakal Harbor," configured to support naval ships calling at Palau periodically;

b) an unspecified amount of land on Babelthaup to build structures and store material;

c) the right to hold "intermittent" training exercises ashore for ground units. If used, exercises would be for "only a few limited periods every year" and property owners would be fully compensated for property use and damage.

d) the right to build or to jointly use a civilian airport to support operations under the options.

In return for its land needs, the U.S. promised fair and adequate compensation and reminded the Micronesians that some other benefits would accrue such as harbor dredging and improved road, port, and communications facilities.

Thus on land, the United States also made a major change at Hana. Lands would be under full Micronesian control and their major fear, unknown military acqusition, was eliminated. Even by Micronesian standards the U.S. requests did not appear large. A major consultant to the Micronesians recalls that the Micronesians were indeed surprised at U.S. modesty and and may also have been disappointed since modest land needs would surely mean more modest financial support.

It appeared that the only question remaining was determination of specific U.S. land needs within the general areas outlined by the U.S. But land would remain a central question as it remains a central aspect of Micronesian culture.

Micronesian control of land having been agreed in principle at Hana, the subject was not extensively discussed at the Fifth Round. But particularly in the Fifth Round, sharp differences began to develop over the methods of returning land to Micronesian control and to the potential presence of the military. The Palau legislaure indicated that the military was not welcome.

Still others, including the Speaker of the Palau legislature and a prominent chief from Babelthaup, took the position that discussion of possible military use of land should take place only after land had been returned to the people of Palau, implying that the U.S. was withholding land in order to blackmail Micronesians into agreement. "It's not that we don't like or distrust the Americans," the Speaker told an interviewer. "Americans are good people -- after you learn how to deal with them. And we now know the rules of the game." In any event, in late 1972, the Palau legislature demanded the return of pulic land to the chiefs of Palau to hold in trust and made the return a precondition to resumption of the talks (which had been stalled on the question of independence).

The Palau position became the Micronesian position and it was only after the U.S. indicated agreement on disposition of land that the abortive Seventh Round of negotiations took place at Washington, D.C. in And, as if to reinforce its views, a delegation of elected and tradtional leaders were on hand to hear the U.S. statement of land policy.

At the outset, the U.S. announced that public land would be turned over to each district prior to termination of the Trusteeship Agreement after passage of implementing legislation. However, the U.S. insisted on a number of "safeguards." Clearly the most important was the U.S. requirement that title to public land which had been requested by the U.S. for military purposes would not be changed until a commitment had been made to meet U.S. land needs. The Micronesians objected to leases as pre-conditions for the return of public land, noting that the Micronesians were already committed in principle to meet U.S. defense requirements. In a formal statement the Palauan group indicated that it would not accept pre-conditions and confirmed that any negotiations would be with the Palau legislature and not individual Palauans. However, the Palauans reiterated their intention on behalf of the legislature to bargain with the U.S. in good faith.

The new U.S. position on land was sufficiently responsive to lead to renewed negotiations--only to have the new negotiations promptly break down over finances. But the land question was far from resolved. The U.S., through the Trust Territory Government, asked the Congress of Micronesia to pass legislation implementing the new land policy. Twice in 1974 the Congress of Micronesia passed land legislation but without all of the "safeguards" contained in the U.S. policy announcement, and twice the High Commissioner vetoed the legislation. Among other things, the Congress of Micronesia insisted:

--that public lands be returned to the Congress of Micronesia and then to the Districts;

--that the right of eminent domain rest with the Districts and not the central government;

--that agreement to meet military land needs not be a pre-condition for the return of land; and

--that land questions previously "settled" but controversial be subject to review.

In each instance, the U.S. was opposed largely because these provisions would endanger or at least make more difficult the attainment of U.S. land objectives, not only in the five districts but in the Marianas as well.

As in other instances, the U.S. had the authority to make its will law by Executive Order. At a meeting in Honolulu in November 1974, representatives of the Interior Department met to "consult" with Micronesian representatives on U.S. land actions. But it was what America's allies have come to call "consultation American-style." The U.S. informed the Micronesians of the intention to issue an Executive Order implementing land transfers along the lines of the November 1973 U.S. policy announcement. The Micronesians promptly walked out, and negotiations were again at an impasse and again on _the_ item of central importance to Micronesians and their culture--land.

Control of Laws, Defense and Foreign Affairs

Control of their own internal affairs had been one of the principal Micronesian objections to the so-called commonwealth proposal which the Micronesians had rejected summarily. For, unlike the Commonwealth of Puerto Rico or even the Commonwealth which the U.S. would later work out with the Marianas, the initial U.S. Commonwealth proposal retained for the U.S. large measures of control over Micronesian internal affairs. Even the basic law governing Micronesia would have been passed by the U.S. Congress in the form of an organic act. In political terms, the Micronesian commonwealth would have had less autonomy than Guam and the Virgin Islands.

At Hana, the U.S. reversed its position. Ambassador Williams said that the Micronesians would be able to write, adopt and amend their own Constitution and write, adopt and amend legislation governing Micronesian internal affairs. The Constitution would be consistent with the basic understandings and terms of compact between the United States and Micronesia. These would be provision for the protection of fundamental human rights. However, the U.S. recognized that circumstances in Micronesia might dictate some provisions and procedures which might differ from what might be done in the U.S. For example, the Micronesians might wish provisions to protect their land from purchase by other than Micronesian citizens. Finally, the compact would specifically state those areas where responsibility was delegated to the U.S. The U.S. would have no other responsibility except by mutual consent.

Now the U.S. recalled that the Micronesians themselves had suggested in 1970 that the U.S. handle foreign affairs and defense and that "it would be therefore necessary for the United States to retain sufficient powers" in those areas to enable the U.S. to fulfill its responsibilities. Indeed, the U.S. acknowledged that it looked

with favor on the allocation of authority contained in the agreement between the United Kingdom and the West Indies Associated States of 1967, although U.S. negotiators had feigned ignorance in 1970*. The U.S. suggested that there were U.S. services in health, education, public works and postal and currency which Micronesia might wish to request and which would require agreement as to rules and regulations. For example, he said, if U.S. postal services were used, U.S. postal laws and regulations would be applicable in Micronesia.

The Micronesians were delighted with the new U.S. proposals that Micronesians would govern their internal affairs. However, they asked for clarification of the U.S. suggestion that some U.S. laws would be applicable. They recognized the rationale for the application of American laws where U.S. responsibility or services were made available but suggested that such U.S. authority must derive from Micronesian laws which were parallel or identical to American laws. Otherwise, they envisioned practical problems as when American law enforcement personnel sought to make arrests in Micronesia or if a Micronesian were tried in American courts in the U.S.

In its response, the U.S. acknowledged potential conflicts but suggested that the best approach was for each side to decide which services and then to work out procedures to resolve potential conflicts.

There was no detailed discussion of the issue of control of laws at the 4th through 7th sessions. But at the 4th round, Salii suggested in a summary of agreements in principle that U.S. laws would be applicable only if specified in the compact or as otherwise agreed in connection with specific U.S. services and programs.

* Great Britain was to have responsibility for "any matter which in the opinion of Her Majesty's Government in the United Kingdom is a matter relating to defense."

Defense and Foreign Affairs

The Micronesian response noted that the United States had not spelled out its approach to foreign affairs and defense or of the powers the U.S. would require in Micronesia to fulfill foreign affairs and defense responsibilities. The Micronesians, however had their own views: Micronesia had to have a "determinative voice" in defense and foreign affairs, without which it could not be truly sovereign.

(1) They expected to agree before any international legal obligation was reached in their name or made applicable to Micronesia

(2) The U.S. would seek concurrence before taking "steps which would have a direct impact on Micronesia's interests."

(3) Micronesia would reserve the right to reach agreements on its own behalf with nations other than the U.S., and with international institutions in matters of economic, cultural, educational, social and scientific character. In particular, Micronesia would reserve the power to:

(a) negotiate and conclude trade agreements;

(b) seek economic assistance from other countries and from international institutions;

(c) seek technical assistance and employ nationals from other countries and from international institutions; and

(d) apply for membership in U.N. specialized agencies or similar international organizations.

(4) A Micronesian would be attached to U.S. embassies which handled a high volume of Micronesian business.

(5) Micronesia could establish its own tariff schedules and other mechanisms to control imports. Among other things, they thought it necessary for balance of

payments reasons for the U.S. to accept restrictions on entry of U.S. goods but allow unrestrained entrance of Micronesian goods into the U.S.

(6) They wished free entry to the U.S. and the right to seek employment but thought their small size should allow them to restrict Americans in Micronesia on a most-favored-nations basis.

(7) The Micronesians wished prior consent before storage or dangerous materials.

In response, the U.S. pointed out that there was already legislation pending which would give Micronesians a preferred status in the U.S. The U.S. believed that the Micronesians might better restrict immigration and tourism indirectly (e.g. tourist facilities, rates, etc.) rather than by direct restrictions on American citizens. Similarly legislation was pending to allow the free entry of Micronesian goods into the U.S. The U.S. would expect reciprocity; however, there were ways such as excise and sales tax which the Micronesians could use to hold down imports provided such taxes did not discriminate as to country of origin.

Although there was an effort to emphasize areas of agreement, there is little question that the U.S. was concerned by the detailed Micronesian views of U.S. responsibility in foreign affairs and defense, especially when added to Micronesian insistence on the right to unilaterally declare their independence. "We would be less than forthright," said Williams, "if we did not state clearly that there remain some fundamental differences or at a minimum, misunderstandings between us which must be resolved prior to your change in status. These differences do effect our legitimate interests, our responsibilities, and our obligations." He continued:

> " The fundamental divergence is this: You have described and proposed a relationship which would be so loose and tenuous, and the protection of U.S. interests so circumscribed and qualified, as to raise serious doubts as to whether my Government could be responsive. I am not speaking simple of my present negotiating authority but, more fundamentally, of feelings in both the Executive and Legislative Branches of my Government as measured by my consultations and their reactions prior to our coming to Hana, Maui.

> These feelings also reflect the consideration of the views, attitudes, and interests of other Pacific nations with respect to the need for political and economic stability in the Pacific Ocean area. We know that you too share and have a vital stake in this matter."

The U.S. did not see the compact as a treaty but a "binding compact with legal definition of its own and recognized as such by both parties and by the world community." It would be an "agreement between two parties and between two peoples concerning the respective power and responsibilities of each within, and only within, those areas covered by the agreement. The basic division of powers and responsibilities would flow from the force of the voluntary and freely expressed agreement of each party to the compact, rather than being assigned from one party to another."

The U.S. did not envision approval of the compact only by the U.S. Senate, as in the case of treaties, but submission to both Houses in view of the financial implications of any agreement and the fact that appropriations measures must originate in the U.S. House of Representatives.

The U.S. particularly had difficulty with Micronesian requests that they maintain what the U.S. called a "veto" in foreign affairs and with their request for prior consent on the storage of dangerous weapons. The U.S. envisioned close and continuous consultations but said the Micronesian proposals would "substantially vitiate" the authority of the U.S. in the two areas which the Micronesians had all along proposed would be left to the United States. The U.S. said that advance revelation of dangerous material movement and storage was "counter to the strategic and tactical interests of the military" but suggested that Micronesian apprehensions could be allayed by looking at the limited nature of U.S. land needs.

The questions of defense and foreign affairs were discussed again at Koror. Again the U.S. reiterated that it desired perogatives in defense along the lines of the West Indies Act, ie. while the U.S. would "consult" on matters directly related to Micro-

nesia, it required full and final authority in defense and in foreign affairs. As the U.S. saw it, such authority was needed to carry-out its threefold responsibility: defense of Micronesia; denial; and use of Micronesian waters and soil to support U.S. military obligations in the Pacific. The U.S. saw significant value in a Status of Forces Agreement aimed at eliminating military/civilian conflict.

The Micronesian response was again agreeable in principle to delegating authority for defense to the U.S. But they rejected sweeping authority such as contained in the West Indies Act and several times sought standards and criteria to insure that there would not be any "unduly expansive interpretations as to defense matters." They wished prior consent , for example, if the U.S. changed use of a facility from missile testing to storage of chemical and biological weapons. On the other hand, they would not object and sought no control over whether military facilities were used for a specific policy objective. As Salii put it:

> ". . . we recognize that the Government of Micronesia would retain no veto power as to the situations and circumstances under which the United States might elect to utilize these military facilities. The determination of when and under what circumstances will require use of these bases will reside within the exclusive control of the United States Government."

The U.S. just as repeatedly stated that it could not accept the severe limitations which the Micronesians seemed to be placing on defense and which the U.S. saw as hampering its fulfillment of its three basic defense responsibilities. The U.S. was willing to consult on possible changes in use of Micronesian bases and to insure that defense activities did not adversely affect Micronesia's environment. However, it objected to any requirement that Micronesian approval would be necessary if the use of a facility was changed (e.g. missile testing to chemical weapons storage.)

In the final analysis, in addition to agreements already reached the two sides compromised on the issue of changed use of bases. The U.S. undertook to consult and seek Micronesian consent to any military uses which differed significantly from the use

specified in leases.

At Koror, the U.S. sought to spell out its desired role in foreign affairs. The U.S. desired "full authority," by which it meant that the U.S. would be "responsible for Micronesia's foreign relations and that the U.S. would represent Micronesia in all official government-to-government relationships and in international organizations and conventions which required official government representation and participation." Micronesia's policies and positions in "areas touching upon foreign affairs would have to be consistent with or at least not in conflict with American foreign policy." In the event of a dispute, the U.S. wished it clear as to the "primacy of overall U.S. foreign policy considerations." For example, the U.S. would not wish Micronesian control of their own tariffs to include preferential trade arrangements while the U.S. was promoting non-discriminatory world trade within the GATT framework.

On the other hand, the U.S. did not envision Micronesian isolation from the world community. The U.S. would wish to "delegate" to Micronesia the actual exercise of foreign affairs in many areas of closest concern to Micronesia. The U.S. would encourage and assist Micronesian contact with foreign countries in commercial, cultural, technical and educational areas. Micronesia would be free to seek technical and economic assistance from regional and international organizations and to directly participate as members or associate members in appropriate regional and other international organizations (e.g., ECAFE) of special interest to Micronesia. Arrangements could be made for consultations on matters of particular interest to Micronesia and in certain "limited key areas of major and special importance," (e.g. airline routes in Micronesia) prior Micronesian consent might be required. But the U.S. made clear that in the final analysis, any Micronesian participation in foreign affairs must be within the "broad concept of plenary United States responsibility for foreign affairs."

The Micronesians responded that they looked at foreign affairs responsibilities in three categories:

(a) That related to the U.S. "larger role in world affairs." They were prepared to recommend that the U.S. be "invested" with authority to act on Micronesia's behalf.

(b) That related to trade and economics and to Micronesia's relations with regional associations and international organizations on commercial, technical, cultural and educational matters. The Micronesians wished to retain authority to conduct their own affairs. For example, they saw no reason why they should not be free to enter into direct agreements with foreign countries on the free reciprocal entry of goods and people.

(c) That related to representational and protective services. They proposed to utilize U.S. services.

In general, the Micronesians made a distinction between external affairs which involved security matters and areas involving their economic, educational and cultural development. They were willing to delegate the former but not the latter. As Salii put it:

> "It is essential that the Compact and the new relationship which it brings into existence recognize the fundamental sovereignty of the State of Micronesia. Intrinsic to the concept of sovereignty is the authority of a country over both its internal affairs and its foreign relations. Recognizing the security interests of the United States, which are not identical with those of Micronesia, the Micronesian Delegation is prepared to recommend to the Congress of Micronesia that full authority be delegated to the United States for the conduct of the external relations of Micronesia which bear significantly on international security matters. On the other hand, the Government of Micronesia must reserve to itself the authority to negotiate and consummate arrangements that relate to matters of trade, economics, foreign investment and cultural affairs that are not directly relevant to security and defense matters."

The U.S. found the Micronesian division of authority "directly counter" to the U.S. need for "full authority." The Micronesian proposal was unacceptable because it contained "a corollary giving Micronesia the right to decide what agreements

bear on U.S. interests and which ones affect only local matters." The U.S. saw, for example, the possibility of political penetration as the result of trade missions, of policy conflicts on items such as free trade and, in general, of numerous disputes as to authority.

The U.S. suggested that since both sides were in general agreement that Micronesian international activities would have to be consistent with U.S. foreign policy and security interests, their differences really related to the questions of formal and official inter-governmental relations. The Micronesians in turn agreed to leave government-to-government agreements to the U.S., provided such agreements were initiated at the request of Micronesia and were concluded with Micronesian participation and consent. The Micronesian Government would be free to negotiate and sign contracts which do not involve direct intergovernmental obligations and responsibilities. (These could even include agreements with government-owned banks.) Micronesia would also participate in appropriate regional and international organizations.

Both the defense and foreign affairs provisions were subsequently included in the Draft Compact written at the 5th Round at Washington. Neither provision was to receive much direct discussion at later rounds, although there was extended discussion of a mutual defense pact which would come into effect on termination of the compact. Indirectly, both defense and foreign affairs remained at issue, not so much as to their provision but as to whether the U.S. should play such a large role and, particularly, have access to land use if the U.S. financial offer were not correspondingly generous.

Finance

It appeared at the Third Round (Hana) that the Micronesians and U.S. negotiators were in agreement on the role of finance in the negotiations. Lazarus Salii labelled future funding as subordinate to the issues of control of future status and control of laws. Williams agreed that any "future relationship should not be dictated by financial considerations," and later added that financial questions were subordinate to other questions to be decided. However, the real U.S. position was sandwiched between its statements of seeming agreement with the Micronesians. In Williams words, "the form, substance and continuity of a future association will have a direct bearing in the long term on our financial relationship."

At Hana the U.S. was diplomatic and elliptical in presenting its view that the permanence of the relationship would have a direct bearing on the amount of U.S. financing. At the Fourth Round the U.S. was more direct. Recalling his earlier remarks at Hana about form, substance and continuity, Williams added:

> "...under a close association there is a greater likelihood that the United States Congress and the American taxpayer will be willing to accept the responsibility of long-term and abiding commitments to the people of Micronesia. It stands to reason, conversely, that the more tenuous the relationship, the more difficult it will be to assure continuing and adequate budgetary support and the availability of federal programs and services."

Unofficially, U.S. officials were more blunt. One member of the U.S. negotiating team accused the Micronesians of wanting to limit their relationship with the U.S. to "an office where Micronesians can pick up the check." A Micronesia which could unilaterlly change the relationship could not expect, the official remarked, to get the same financial support it would have gotten under a "commonwealth" status.

But the U.S. was not alone in camouflaging its real position on financial matters. The Micronesians seemed to de-emphasize financial considerations, particularly the tie between finances and the nature of the relationship. In fact, the Micronesian position was the exact opposite of the U.S., a fact which was to become clear when the talks broke down at the Seventh Round in November 1973. For the U.S., financial levels depended on the nature of the political relationship; for the Micronesians, the nature of the political relationship depended on the level of U.S. financial support.

The two sides also disagreed on the conceptual approach of how to calculate U.S. financial payments after trusteeship. The U.S. would calculate on the basis of how much Micronesia would "need" for support and development, the nature of future financial policies and institutions, and the possible continuation of current U.S. programs and services. For example, at the Third Round, although other aspects of finance were addressed, the U.S. sought to define the existing magnitude of U.S. assistance, possibly in an effort to lower Micronesian expectations. The existing annual level of U.S. support was cited as the only tangible indicator of the amount of support which the U.S. Congress might approve in the future. Estimated U.S. expenditures were said to exceed $75 million, broken down as follows: $60 million annual appropriation; $7.4 million from such U.S. programs as OEO, HEW, Peace Corps, etc.; $1.8 million by the Post Office; $1 million by the Coast Guard; plus expenditures by the Department of Defense on excess material, ship loans, and Civic Action Teams. The $75 million appears to be slightly inflated, for the U.S. apparently included approximately $2.5 million earned by Micronesian employees at Kwajalein and approximately $2 million realized from sales and income taxes at Kwajalein.

On the other hand, at the Fourth Round, as in their first interim report years earlier, the Micronesians looked upon their "strategic location" as their only natural resource, and the U.S. was being asked to pay for the purchase of that commodity as well as meet moral financial obligations arising out of trusteeship. Their position was similar to the "strategic rental" concept of the Solomon Report of ten years earlier. The Micronesians proposed that financing be divided into four basic areas:

--continuing economic support to be provided Micronesia during its transition from trusteeship to "economic independence";

--compensation on an annual basis for the agreement by Micronesia to deny the use of its land and waters to military forces of any nation other than the United States;

--annual payment for the continuing right to use specified land and waters for U.S. military bases and operations, and

--payment for specific rentals for military use of land and territorial waters, and options on specific land and territorial waters.

The Micronesians suggested that the U.S. provide $50 million annually for the first category, economic support, and another $50 million annually for the three categories of compensation for military privileges, plus an unspecified amount of transitional assistance. The Micronesian request was substantial, but as Senator Daniel Inoyue had pointed out earlier, the Micronesians were aware that the U.S. was then paying Spain as much as $100 million annually for base rental.

The Micronesian request for a guaranteed $1 billion, over ten years and adjusted in the event of inflation and devaluation, was significantly higher than earlier U.S. suggestions of about $75 million annually for an unspecified period. However, having itself broached the financial question, the U.S. was unwilling to discuss specific figures, preferring to hold out until the Micronesians were more specific about the nature of the new relationship. But it was clear that a chasm separated U.S. and Micronesian views on the amount of U.S. financial support. "I would be doing you a disfavor," said Williams in a statement inserted into the record, "if I were to leave this (financial) issue without stating candidly that our views on the future level and categories of U.S. support are far apart."

How far apart the two sides were would remain unclear for another year and a half when the talks at the Seventh Round, themselves the first formal talks since the talks broke off after the Sixth Round, also immediately broke down over the question of finances. This time it was the Micronesians who would link finance and the nature of the association.

During informal talks at Washington, the U.S. for the first time suggested an annual payment of $40 to $43 million, in addition to services of the FAA, the Post Office, and the Weather Bureau. (The two sides were unable to agree on the value of the U.S. proposal--$40-41 million, said the Micronesians; $43 million, said the U.S.) The figure was significantly below the $100 million plus figure advanced by the Micronesians at Koror and well below the $75 million budget for all of Micronesia, which the U.S. originally suggested was a "tangible indicator" of the amount the U.S. Congress might support. "It has been and remains our position," said Salii, "that we cannot usefully discuss the remaining details of the proposed Compact of Free Association until it becomes clear that there is a substantial likelihood that we can reach agreement on the question of financial support."

The U.S. proposal "for the six districts" was unacceptable, said Salii, and the U.S. had been unwilling to improve its offer despite a Micronesian offer to reduce their request by $20 million and to accept a "significant diminution" in federal programs. The "wide gap" and "apparently unyielding" U.S. stance, said Salii, made it impossible to proceed with discussions about a Compact unless it was on the basis of "a significant curtailment" of the degree of authority to be delegated to the United States in the areas of foreign affairs and defense.

Buried in Salii's statement was the third major difference between the two sides on financial questions. The U.S. proposal was for a five district Micronesia, the Mariana Island District already engaged in advanced negotiations

with the U.S. for a so-called commonwealth status. On the other hand, the Micronesians continued to negotiate for six districts, never having accepted the Marianas negotiations as legal.

The U.S. did not budge in its response to a virtual ultimatum. The U.S. proposal, Williams stated, was based on U.S. estimates of Micronesia's future needs, estimates which were made even after the U.S. became aware of conceptual differences. U.S. estimates were based on:

--Micronesia's desire to work toward economic self-sufficiency;

--gradual economic development taking into account the need to preserve Micronesia traditions and culture;

--less costly, simpler and decentralized government;

--reduced dependence on expatriates;

--exclusion of the Marianas.

In fact, Williams argued, on the basis of these criteria the U.S. proposal of $43 million, excluding payments for use of public land, was above U.S. projections of Micronesian needs and represented U.S. efforts to continue to support Micronesia at substantially the same level as during the closing years of the Trusteeship. In addition, Williams concluded, new sources of income such as additional taxes, bilateral and multilateral assistance and private funding would become available to a freely associated Micronesia.

The Washington finance negotiations ended abruptly and bitterly. As a result, a series of informal and unofficial negotiations with limited participation on each side would replace the formal rounds of talks. U.S. and Micronesian negotiators met quietly and briefly at Guam, Hawaii, and California. At the same time, the U.S. unilaterally took a number of measures to improve the negotiating climate. The most important step took place in January 1974 when Secretary of the Interior Morton announced that the United States would no longer automatically exclude countries other than the United States from

investing in Micronesia. Instead, the initial decision on investment applications would be left to each District. Final approval would be left to the High Commissioner, who was to base his approval "on the security of the area and the general welfare and development of the Micronesian people." Thus, the U.S. still maintained control over undesirable investment whether Japanese, Chinese or Soviet. In addition, Morton asked the High Commissioner and his staff to draw up a five-year program of capital improvements and to develop plans for their construction.

Both announcements had a potentially revolutionary effect on Micronesia's future--they might have been highly praised in Micronesia, and it was, in fact, welcomed by some. But the foreign investment announcement was widely questioned, and, in some instances, strongly denounced. Micronesian leaders objected to such an important announcement without prior consultation, especially since the Congress of Micronesia was in session. Micronesia officials and businessmen argued that machinery had not been established to implement the new policy. Said Senator Edward Pangelinan, head of the Marianas negotiators: "I think they've opened a Pandora's box and I don't know how we're going to control this monster." Prominent businessmen in Truk and Palau suggested that Micronesians did not have the technical knowledge to enable them to evaluate sophisticated foreign business proposals or to compete with foreign businesses; others, particularly in Yap, feared an adverse cultural impact from a heavy influx of tourism. Finally, Micronesians particularly objected to the Madison Avenue nature of the announcement: a filmed speech, hand-carried to Micronesia by an Interior Department official, then hand-delivered to district headquarters by the Director of Public Affairs, and then shown and broadcast simultaneously throughout Micronesia. With all that coordination, said one official, they could have consulted us if they cared.

Lost in the commotion was Morton's announcement on capital improvement. Planned or not, the five-year capital improvement program provided a formula for a resolution of the impasse over finances.

At meetings in Carmel, California, and later at Guam, it was agreed that the effective date for termination of the Trusteeship Agreement would be delayed until 1981, that is, until after initiation and completion of a $146 million capital improvement project. Thus, the burden of financing needed capital improvement was made a part of the continuing U.S. Trusteeship obligations instead of a major and pressing problem of a new Micronesian government. Both the Micronesians and the U.S. could present a respectable cost figure to their respective constituencies. In addition, the two parties agreed to the following financial provisions (in constant dollars) of a 15-year compact:

1. A U.S. grant to Micronesia of $35 million annually for the first 5 first 5 years; $30 million annually for the second 5 years, and $25 million annually for the 10th through 15th year. (Section 401)

2. A U.S. grant for capital improvement of $12.5 million annually for the first 5 years; $11 million annually for the next 5 years, and $9.5 million annually for the next 5 years. (Section 404a)

3. The U.S. will provide economic development loans amounting to $5 million annually for 15 years, subject to the terms of long-term, low-interest loan agreements. (Section 404b)

4. The U.S. will provide services of the U.S. Postal Service, the U.S. Weather Service, and the Federal Aviation Administration. No dollar figure is given, but the U.S. had previously estimated the value of postal services to all of Micronesia at $1.8 million. The Weather Service put its services for 1975 at $2,161 and the FAA budget at $144,495. No mention is made of the services of the Coast Guard.

In total, the U.S. agreed to provide, over 15 years, a total of $690 million, broken down as follows:

U.S. Grants	
First 5 years	$175 million
Second 5 years	$150 "
Third 5 years	$125 "
Capital Improvements	
First 5 years	$62.5 million
Second 5 years	$55 "
Third 5 years	$47.5 "
Development Loans	$75 million

THE MARIANAS BREAK AWAY

The fourth round of negotiations between U.S. and Micronesian negotiators, held in the Palau Islands in April, 1972, marked the most progress in the status negotiations to date. Broad agreement was reached in many areas after a major concession by the United States: The U.S. finally agreed in principle on the issue of termination of the Compact, whereby after a proposed number of years either party could unilaterally terminate the arrangement upon compliance with specified procedures. The Micronesians could therefore opt for independence in the future.

However, for the Marianas district, which wanted to strengthen ties with the U.S. rather than loosen them, the right to "opt out" did not represent progress. For more than ten years the Marianas had expressed the desire for a "close and permanent affiliation with the U.S." through referenda, resolutions adopted by the District Legislature, petitions to the United Nations, endorsement of the 1970 "commonwealth" proposal, and by direct representation to the U.S. Government. Given their small population, they had pushed for a bi-cameral instead of a unicameral legislature at the time of the formation of the Congress of Micronesia. However, they had already seen that this classic means of protecting small units from the decisions of the majority was insufficient for their purposes. Much opposed territory-wide tax legislation had already been enacted despite opposition from the Marianas. There was every possibility that once they were a part of a new Micronesia unit they would be even more

vulnerable to what they saw as unfair legislation passed for the benefit of more populous districts. The Marianas representatives on the Micronesian negotiating team had become increasingly dissatisfied after the Micronesian Delegation flatly rejected the "commonwealth" proposal. They were particularly adverse to inclusion in a unit that could some day terminate its relationship with the United States.

Thus, it came as a surprise to no one when at the close of the 4th Round representatives from the Marianas formally requested to conduct separate negotiations with the United States. What was surprising was that the U.S. agreed to separate negotiations. As noted, both the U.S. and the U.N. had consistently spoken against separatist tendencies, not only in Micronesia but also in Africa, Asia and the Caribbean.

Culture, geographic distance from other districts, relatively greater economic development and aspirations, and previous separate administration by the U.S. account for the Marianas settlement. The inhabitants of these islands are largely of Chamorro descent, although about 4,000 of the total population of 12,500 are Carolineans.* Mariana islanders tend to look down on other Micronesians--even on the Palauans, who are said to look down on everyone. Their neighbor, Guam, is geographically part of the Marianas but became an unincorporated territory of the United States in 1898. Guam's relatively modest economic achievements have always loomed large to the people of the substantially less well-off Marianas District and have been attributed to Guam's close association with the United States. The Marianas decided they

*An additional 2,500 residents of the Marianas are foreigners.

wanted the same for themselves. As the Marianas Statement of Position put it: "...the United States has brought to our people the values which we cherish and the economic goals which we desire."

But there was one major change in the long standing Marianas drive for close association with the United States. The idea of "re-integration" with Guam and anything other than an autonomous arrangement with the U.S. were rejected, at least for the immediate future and probably indefinitely. One reason for the rejection had been the rejection of the Northern Marianas by Guam's voters in a 1969 referendum. But, like budding nationalists elsewhere the leaders of the Marianas did not welcome loss of their political identity in the larger and already established political unit of Guam. They saw <u>themselves</u> as Governors and senators, and concluded that such positions would surely be held by Guamanians with "re-integration." One American was half-seriously offered the position of Attorney General --a position which presumably would have been available because the leading Marianas-born attorney aspired to even higher office. Re-integration came to be viewed as "political suicide" in the belief the Northern Marianas would be "swallowed up" by better developed and more educated Guam.

But there appear to have been other reasons for rejection of "re-integration" with Guam. In the Marianas view, Guam's status as an unicorporated territory was colonial. The Marianas' protected position as a U.N. ward, the desire of the American military for facilities in the Marianas, and the desire of the other Micronesian islands to "opt-out" put the

Marianas in a unique bargaining position. At a February, 1974, meeting on Guam and Micronesian status at the University of Guam, Edward Pangelinan, chairman of the Micronesian Status Delegation, openly denounced the status of Guam and even that of Puerto Rico as inadequate. The Marianas, he said, wished to develop a new kind of relationship with the United States.

The chance for the Marianas to take advantage of their unique bargaining position, however, did not come until the fourth round of negotiations between the U.S. and Micronesian Delegations, which took place from April 2-13, 1972. On April 11, during an afternoon session, Haydn Williams brought the subject of unilateral termination to the agenda and he presented the long-held U.S. position on the subject:

> The events of the past few months have reinforced the need both for continuity and security in the relationship we are discussing. Important changes are occurring, or are certain to occur, in the Pacific and in our relations with countries in this region of the world. In this swiftly changing atmosphere, who can tell what U.S. security interests may be in the years to come? What we cannot guarantee is that today's assessment of our strategic interests will hold good indefinitely...For this very reason, we consider bilateral termination of our future relationship an important benefit for you, as well as us.

Nevertheless, Williams went on to somewhat begrudgingly approve of the unilateral termination provision, a principle the Micronesians have held fundamental to a future relationship:

> Despite the continuing firm belief of the United States that the best interests of both sides would be better protected by a procedure for termination by mutual consent, the United States is nevertheless agreeable to working out a unilateral termination procedure, which would be written into the proposed Compact of Association, provided our basic interests in foreign affairs and defense have been agreed to.

The Request for Separate Negotiations

The next morning Marianas representatives on the Micronesian delegation, Edward Pangelinan and Herman Guerrero, presented to the U.S. Delegation a letter, dated April 11, and a Statement of Position. This was the first known formal communication regarding separate negotiations:

> With approval of the members of the Joint Committee on Future Status on April 11, 1972, we are transmitting herewith a Statement of Position, Mariana Islands District Representatives on the Joint Committee.
>
> We would appreciate your response on the inquiry raised in the Statement of Position at your earliest convenience.

The inquiry was whether the U.S. would consider conducting separate negotiations with the Marianas. The Statement of Position simply began, "The people of the Mariana Islands District desire a close political relationship with the United States of America."

The U.S. Representative was able to approve the request the afternoon it was presented to him. Preliminary contact with representatives of the Marianas had been extensive, although the amount and timing remain unclear. What is clear is that the State Department representative in Saipan, John Dorrance, informally explored with Marianas representatives the possibility of separate negotiations on numerous occasions, and that the Deputy U.S. Representative, Arthur Hummel,

had himself explored the question during a visit to Saipan.

<u>Micronesian Reaction to Separate Negotiations</u>

According to several Micronesian Delegation sources, the Micronesians never approved of separate negotiations or even the transmittal of a request, as the letter from Pangelinan and Guerrero indicates, and as U.S. Representatives were to repeatedly assert, at least initially, in defense of separate negotiations. The Marianas representatives had indeed first taken their letter to the Micronesian Delegation and had asked the Micronesian Delegation to present the letter to the U.S. Representative. The Micronesian group then had a long debate over whether to (a) transmit the letter, (b) approve the transmittal by the Marianas or (c) disapprove the transmittal. The Micronesians declined to transmit the letter to Williams, stated that they had no authority to approve or disapprove of transmittal by Marianas, but added that the group also had no authority over Pangelinan and Guerrero as individuals.

In fact, the Micronesians virtually ignored the separate negotiations. The Micronesian Delegation Communique of the 4th Round stated it was "pleased at the progress made in the 4th Round of talks" and no mention was made of the request for separate negotiations. No mention of separate negotiations was made in Salii's statement of the afternoon session of April 12, in Ambassador Williams' final statement of April 13 (which was inserted in the record but not read) or the Joint Communique of the 4th Round. The Marianas letter and

Statement of Position can be found in the U.S. version of the official records of the 4th Round, but not in the Congress of Micronesia's version.

Micronesian disapproval of separate negotiations was to remain an underlying issue between the United States and the Micronesian negotiators. The United States regarded the issue as closed; the Micronesians looked upon it as at best postponed and, in any event, something which they could do little about given the power of the United States.

Nevertheless the issue surfaced twice in the negotiations. Senator Salii reiterated a request for materials concerning U.S. land requirements in the Marianas and pointed out:

> As you are aware, the mandate received by this Committee from the Congress of Micronesia requires that our consideration and negotiations encompass the entire present Trust Territory and not only five out of the six districts. The unilateral action of the United States in accepting separate negotiations with the Marianas does not, obviously, relieve this Committee from the obligations with which the Congress has entrusted us.

Again, in the 7th Round, the problem came up again when finance was being discussed. The Micronesians, in their report to the Congress of Micronesia, described the situation thus:

> One problem associated with the subject is the refusal of the United States Delegation to accept the Joint Committee's mandate to negotiate a future political status agreement for all of Micronesia, so that each district would have the opportunity to accept or reject that agreement. The United States position, in refusing to negotiate with respect to one district, would prevent the residents of that district from voting on the Compact. It is not the purpose of this analysis to discuss this situation except insofar as it relates to a further complication in the computation of proposed support payments.

The United States supplied figures of support payments based on five districts, while the Micronesians based their figures on six. The Micronesians, in order to compare the proposals, increased the U.S. figures by 20% when discussing six districts and decreased Micronesian figures by 16.7% when discussing five districts.

By not openly debating the issue of the Marianas' separation, the Micronesians have appeared to consent to the Marianas' desires. Senator Lazarus Salii acknowledged in an interview that the Micronesian negotiations "more or less" gave the Marianas the go-ahead to discuss separate negotiations when they did not specifically disapprove the action of the Marianas representatives at Koror. On the other hand, Salii maintains that disapproval would not have stopped a Marianas request for separate negotiations or U.S. approval.

The Congress of Micronesia never endorsed separate negotiations. The Congress passed a resolution in the spring of 1973 stating that the Micronesian group was the sole authority in the negotiations. Eighteen members of the Congress of Micronesia voted for the resolution, eleven voted against, and twelve abstained. Since in the Congress of Micronesia, abstentions are counted as affirmative votes, the resolution passed 30-11. Ambassador Williams explained the vote's significance to members of the U.S. House of Representatives territorial subcommittee in this way

> This vote in both their Senate and their House was split. The number of Congressmen and Senators who voted "No" added to those who abstained, in both cases were in the majority against the resolution. However, by the rules of the Congress of Micronesia, those who abstained were put in the "Yes" column so the resolution was passed.

U.S. officials saw the Congress of Micronesia resolution as a bargaining chip, solely a negotiating matter. According to one State Department official, the Congress of Micronesia, fearing it would not get "as big a pot" without the Marianas, was trying to use its approval or disapproval of separate negotiations as a means of bargaining for a better position. He added that by resisting separate negotiations, the Congress of Micronesia hoped to achieve more concessions, but the U.S. negotiations didn't feel "the slightest need to buy off the Congress of Micronesia." The U.S. unofficially took the position that the Congress of Micronesia would not be allowed to exploit the issue and if they got too troublesome or started to raise legal problems, the Secretary of the Interior's order creating the Congress of Micronesia and stipulating its composition and authority would simply be rewritten.

Although U.S. officials are quick to explain the logic of separate negotiations with the Marianas, this logic would not extend to any of the other five districts. In fact, Washington is gravely concerned about further fragmentation. So concerned, according to one U.S. government official, that in 1973 they considered ordering Palau District Administrator Thomas Remengesau to veto legislation which would have established another status group for Palau. Remengesau vetoed the legislation on his own before Washington sent its instructions.

One of the most potentially troublesome problems faced by the U.S. was the proposed separation of the Marshall

islands, a move seen by some government officials as a bargaining tool in the Marshalls' continuing feud with the Congress of Micronesia over revenue sharing. In March, 1974, the Marshall Islands District Legislature adopted a resolution informing the United Nations that it was unwilling to be a part of Micronesia after the termination of the Trusteeship Agreement and that the Marshalls intended to "commence shortly" negotiations with the United States. But the U.S. expressed its view that the problems of the Marshalls were internal and to be worked out within the Congress of Micronesia. The U.S., said its Representative to the U.N. Trusteeship Council, had not received a formal request from the Marshalls. In an interview, Ambassador Williams dodged, taking a position on separate negotiations with the Marshalls, again arguing that no formal request had been received from the Marshalls. However, other U.S. officials stated that U.S. policy was to reject the bid. Although some Americans refer to the Marshalls' movement as "different" from the Marianas, the only difference appears to be the longer history of the movement in the Marianas. Both appear to be motivated primarily by economic factors and secondarily by a fear of being dominated by the more populous (and less prosperous) islands.*

The task before the United States was to mount a convincing case against further fragmentation, but is own actions with the Marianas had already set a difficult precedent. The U.S. would receive neither land nor sovereignty but only administrative headaches from further fragmentation. "Can you imagine the number of people who would have to be involved in Washington

*Still another potential case of fragmentation is the Polynesian island of Nukuoro in the Panape District, whose people told the 1964 U.N. Visiting Mission that they also wished to separate if the Marianas were allowed to do so.

and the various offices that would have to be created merely for administrative purposes? It would be a nightmare," mused a State Department official. The same official maintained that further separation would play a negative effect on what the remaining territory could achieve, composed as it would be of the poorest but most heavily populated and isolated islands.

But certainly this argument can be used in the case of the Marianas. What Micronesia could achieve without them is considerably less, since the Marianas district is the most advanced economically and has potential for the two most attractive immediate resources in Micronesia: tourism and military facilities. The separation could have grave implications for the other five districts, because the situation could arise where they are forced to a status less than desirable. And in another sense, the fact that the Marianas create a precedent for others to break away is not a desirable situation for those concerned with nation building. Palau Senator Roman Tmetuchl is quoted in the November 19, 1973, Micronitor as saying: "I know that the United States is using some of us to divide and make us fight among ourselves so they can rule us but we have to unite and be strong to fight for what is ours and what we want."

Many Micronesians genuinely concerned about the future of the status negotiations and the future of Micronesia as a country are worried and baffled by the separate negotiations. Although all Micronesians will admit to distinct cultural and social differences, there is a belief among many that steps

taken toward a united Micronesia have succeeded: English as a common language, the Congress of Micronesia, Air Micronesia, the flag, and the educational system. Many Micronesians, now suspicious of U.S. motives, ask why the U.S. did not "keep its word" regarding unity and sought to split the islands to its disadvantage.

This suspicion seems to be apparent now in all levels of Micronesian society -- from high school students, to mayors, to the Congress of Micronesia. When more than one year passed between the sixth and seventh round of talks, one member of the Micronesian negotiating team surmised that the U.S. was deliberately delaying the talks -- now that Tinian was secured there was no immediate need to conclude talks with the rest of Micronesia. This assessment of U.S. motives was very different from the earlier Micronesian judgement that "the United States has not been lacking in goodwill."

Even if no one was surprised that the Marianas requested separate talks, it came as a surprise to many Micronesians that the U.S. would grant them. Historically opposed to the concept of fragmentation, Washington officials had emphasized that they wanted Micronesian unity. While still a member of the Micronesian negotiating team, Benjamin Manglona, a member of the Marianas Political Status Commission, indirectly approached several top officials at Washington parties. When he explained to them that the negotiations were not accommodating the needs of the Marianas and that the Marianas wished to explore the possibility of separate negotiations, the U.S. officials' reply was, "we cannot entertain you at this time."

A State Department legal advisor recalled sitting in on 3 or 4 meetings before the formal request and hearing even from those American agencies he would have expected to be in favor of a split, presumably the military, that the Marianas could not be separated. In fact, Manglona felt that those in Saipan who advocated "re-integration" with Guam or separation from the Trust Territory were looked down upon by the Trust Territory Government. Given the long-held U.S. position against separatism, then, former U.S. Congressman Nieman Craley, now a member of the High Commissioner's Liaison with the Congress of Micronesia, remembers that the Micronesians were "dumbfounded" when Pangelinan indicated that the United States would negotiate separately. Andon Amaraich, Senator from Truk, remarked "We've been had." John Heine, then Staff Director for the Micronesians had the same reaction.

U.S. officials give several reasons for granting separate negotiations, ranging from the immediate -- the letter received from the Marianas, the consent of the Micronesians for the Marianas to negotiate separately (although they have since backed away from earlier statements citing Micronesian consent), and the Mariana's unhappiness with the Congress of Micronesia -- to the theoretical -- the argument that there is no such thing as a "Micronesia" because it is an artificial creation. Although criticized for not doing more to promote unity, U.S. officials contend there was nothing they could do to stop separatist sentiment in the Marianas and that had separate negotiations with the

Marianas not been agreed to, the talks with the Micronesians would have been stalled. And Haydn Williams maintained in his reply to the Marianas Position Statement that to seek a common solution to the status question against the expressed wishes of the Marianas population would be imposing upon them a status which they have said is unacceptable and denying them their right of self-determination. "It does not seem that the American policy of seeking a common solution for the entire Territory is any longer feasible or desirable," Williams said.

But as one State Department official put it most appropriately, "we call it pragmatism." Separate negotiations resulted primarily from U.S. military considerations. The Marianas' desire and the possible adverse impact on other Micronesians were secondary considerations. The U.S. always preferred a "commonwealth status" to free association; and free association to independence in the belief that the more permanent the set-up, the better U.S. military interests would be protected. While nothing is really "permanent," the "commonwealth" arrangement would make the Marianas a territory over which the U.S. has sovereignty. A military base on sovereign U.S. territory would present fewer problems than a base where the U.S. does not have sovereignty -- such as the other Micronesian districts in free association with the U.S. where the possibility existed that the relationship would be terminated and the military unceremoniously expelled. "The looser the relationship the Joint Committee talked about, the more Defense became interested in something

closer with the Marianas," recalled a State Department legal advisor.

However, there is no evidence presently available that the Marianas broke away at the explicit urging of the Pentagon. State and Defense Department officials maintain there was no plan to negotiate separately with the Marianas in case an agreement could not be reached with the Micronesians. However, although there were no "plans" there had been consideration of Marianas separation as an option. One former official recalls that one of the first policy papers considered by the new Nixon administration contained the option of separate negotiations with the Marianas in light of their longstanding desires and in light of the prime location of the islands in terms of U.S. military needs. The fragmentation option had not been selected at the time for fear the U.S. would be accused of following a "divide and rule" strategy. But clearly subsequent events, most notably the so-called "summer of discontent" when Marianas opposition to continued unity became violent, made it possible for the U.S. to entertain separate negotiations at an acceptable political cost.

The Micronesians may have unwittingly helped ease the U.S. dilemma. Ambassador Williams recalls having been urged by Salii to bite the bullet and lay the separatist issue to rest by coming to Koror prepared to take a firm stand on separation. Salii hoped and in the opinion of John Heine, fully expected, that the U.S. would again reject separation and thus strengthen Salii's hand within his Micronesian delegation. But the U.S. quickly calculated otherwise and according to

Heine "took advantage of us." Instead of dashing Marianas hopes and enabling the Micronesians to negotiate from a unified and strengthened position, the U.S. accepted separate negotiations.

Military needs in the area therefore came to affect not only the substance of the talks, but their very procedure. There would now be two sets of negotiations instead of one. But this move would also have a very large effect on the bargaining positions of the U.S., the Joint Committee on Future Status, and the Marianas Political Status Commission. Paul Warnke, Attorney for the JCFS, at one time felt that separate negotiations with the Marianas would have little effect on the Micronesian negotiations. But Warnke seems to have tried to keep the United States from confirming his client's weakened condition. The breakaway of the Marianas left the Micronesians in the least desirable bargaining position. At least one staff member of the JCFS believes the Micronesians were completely undercut by separate negotiations with the Marianas. The Micronesians still had their so-called strategic location, and it had Kwajalein (though in time of S.A.L.T. no one knew how long), but it no longer had Tinian, the prime selling point.

However, two Marianas representatives continued to negotiate with the Micronesians. In theory, at least, the Marianas did not preclude the possibility that they might once again unite with the rest of Micronesia. Marianas representatives planned to attend the territory-wide Constitutional Convention. The Chariman of the Marianas

Commission even admitted he personally had misgivings about separation from the rest of the islands. But unless the situation changes drastically, a reunion with the other five districts appears highly unlikely, given the detail and extent of U.S.-Marianas negotiations. U.S. officials do not see this as happening, and in fact sought to accelerate negotiations with the Micronesians. Even administrative problems in the Marianas were given priority.

Legal Efforts to Stop Separation

On the eve of the signing of the Marianas Covenant, the Congress of Micronesia made its first legal move to stop the Marianas separation. A Marianas representative (Jose P. Mafnas) in the Congress of Micronesia, in a class action suit, asked the High Court of Micronesia to temporarily and permanently restrain the Marianas Commission, legislature and Trust Territory Government from proceeding with signing the Covenant and the subsequent conduct of a plebiscite. The suit was argued by Michael A. White, a staff attorney for the Congress of Micronesia, and reportedly paid for by the Congress of Micronesia. Mafnas argued that under Trust Territory law only the Congress of Micronesia could authorize status negotiations and that the Marianas District legislature had exceeded its authority since it was limited to local matters.

The Marianas responded in a brief prepared in cooperation with U.S. negotiators that the question was a political matter, that the question was not a last-minute one and should have been raised earlier, and that the Congress of Micronesia would, in effect, deny the Marianas their right of self-determination. As to legality, the

Marianas suggested that the negotiations had been conducted with t the consent and at the direction of the President of the United States, who had final authority in Micronesia, under U.S. law. Finally, the Marianas suggested that the plaintiff(s) would suffer no irreparable harm since many steps remained before the Covenant would go into effect. Mr. Justice Burnett is appointed by and removable by the Secretary of the Interior.

At a hearing held just three hours before the scheduled signing of the Covenant, Trust Territory Chief Justice Harold Burnett denied the temporary restraining order.

The Setting for Negotiations

The setting for the negotiations between the U.S. Delegation and the Marianas was much different than that of the opening round of talks with the Micronesians in 1969. The status the Marianas desired was the one the U.S. also favored, so the Delegations were able to proceed from that assumption. Already familiar with the provisions of the "commonwealth" proposal, the Marianas and the U.S. could work out, in their words, "the exact form and substance of that relationship." Preliminary contact had been extensive, so the U.S. Delegation knew what to expect and was well prepared. Time would not knowingly be wasted making proposals which would be rejected. Since the Office of Micronesian Status Negotiations had been established in 1971, there was one central office which could carefully study the Marianas position, and many of the bureaucratic hassles apparent in the opening rounds with the Micronesians were therefore avoided. In fact, the Department of State dropped out of the second, third and fourth rounds of U.S.-Marianas negotiations on the grounds that no international issues were involved and, in any event, State was short of personnel. The Marianas could also learn from the mistakes of the Micronesians. Talks with the U.S.

Delegation have been much more informal, less stiff, and less of an adversary relationship. One U.S. official could comment after the second round of talks with the Marianas that more progress had resulted from three weeks of negotiations with the Marianas than three years with the Micronesians.

The Marianas Political Status Commission also differed from the early Micronesian political Status Delegation. The representatives knew what they wanted and because they were negotiating for one district instead of six, they could easily reach agreement on issues. According to a Micronesian staff member, Edward Pangelinan and Herman Guerrero who became co-chairmen and a member respectively of the Marianas Commission, had been primarily concerned with protecting the Marianas best interests while they served on the Micronesian delegation instead of thinking on a territory-wide basis. The 15 member Marianas Commission, drawn from both the public and private sectors and from all the principal islands and municipalities of the district, was described by Ambassador Williams at the First Round as "broadly representative of the people of the Marianas." Unlike the Micronesian delegation where Chairman Lazarus Salii exerted strong authority, each member of the Marianas Commission had equal power.

In the Marianas negotiations, the U.S. was in a good position to pursue its own objectives of denial and use of land, for unlike the JCFS, the Marianas Political Status Commission did not present the U.S. with specific minimum requirements for a future relationship though clearly they had some.

U.S. objectives were not threatened as they had been by the Micronesians' demand for a unilateral termination clause. In fact, Senator Pangelinan did not state what his minimum requirements were. At the first round of the Marianas negotiations, Pangelinan stated that the desire for the close relationship with the United States was "premised upon our conviction that such stability will enhance our capacity to develop our resources and to improve the economic well-being of our citizens." But this goal would accommodate the objectives of the U.S. -- the U.S. could pay for permanence.

The United States, therefore, approached the issue of permanence with the Marianas with much the same vigor as it had earlier with the Micronesians. Ambassador Williams made it obvious from the start that permanence was the desired goal. During the opening round of negotiations in Saipan, Williams read to the Marianas Political Status Commission a ceremonial letter to him from President Nixon in which Nixon stated that the discussions should look toward "a close and permanent association between the Islands and the United States...The United States, as a Pacific nation, is deeply concerned both for the stability of this vital area, and for the security and well-being of the Marianas people. In this spirit, we are looking forward to a continuing mutually advantageous relationship with the Mariana Islands." The prominence of "permanence" was probably a legitimate assumption on the part of the United States, for in the April 18 letter to Ambassador Williams the Marianas leadership noted that the desire of the people of the Marianas to

become "a permanent part of the United States of America is fundamental and has existed over a number of years."

But the formal mandate of the Marianas District legislature instructed its delegation to negotiate a "close association." The mandate does not mention permanent. Accordingly the Marianas Commission has noticeably avoided use of the word, except in their initial statement at the first session of the negotiations. Since then, "secure", "enduring," and "lasting" are words the Marianas use to describe the relationship they seek. The Marianas' sensitivity to use of the term permanent is in partial recognition of the abstractly temporary nature of any arrangement. It is also possible they may seriously be thinking of later alteration, or they may be using ambiguity as a bargaining tool. But Lazarus Salii feels that even though individual members feel reservations, the Marianas Commission is hooked on the term, for "at every occasion the Ambassador (Williams) wraps it around their neck." The U.S. Delegation, however, at least after the opening round of negotiations, also switched from using "permanent" to those terms of the Marianas negotiators: "enduring structure," "lasting political relationship," or merely "political union" were found in joint communiques. Joint press releases spoke of "lasting ties" and "close association." Whatever the terminology of press releases and communiques, the key to the permanence of the relationship would appear later as agreement took the form of legal language. Article I of the Draft Covenant would describe the Marianas as coming under "the sovereignty" of the United States.

Perhaps unknown to the U.S. was that the Marianas negotiators were likely to drive a hard bargain and not likely to rush into any new relationship. Edward Pangelinan described himself as a politician out to get the best deal out of the circumstances. Before the negotiations began in December, 1972, the Marianas hired several consultants: Howard P. Willens, from the Washington law firm of Wilmer, Cutler, Pickering; James R. Leonard, an economic consultant from James R. Leonard Associates, Inc. of Washington and a participant in the Robert Nathan economic study of Micronesia. James E. White became Executive Director of the Commission's staff. Joseph F. Screen, an expatriate businessman in Saipan was also listed as a consultant but seems never, in fact, to have fulfilled that role.

Willens was to serve as counsel to review specific questions with regard to political status and to make the Marianas presence known to U.S. Congressional leaders and members of the U.S. Executive Branch. He was in frequent contact with the Office of Micronesian Status Negotiations. In Micronesian terms both Willens' and Leonard's firms are paid handsomely for their work, although their fees are undoubtedly small in U.S. terms. The Marianas Political Status Commission devoted the largest part of its budget to the services of these consultants. Its financial statement as of July 30, 1973, listed nearly $50,000 in expenditures to cover air fare and compensation for Leonard and Willens, from expenditures totalling nearly $92,000. Estimated budget requirements from August, 1973, to February, 1974,

called for $50,000 for the services of Wilmer, Cutler, Pickering, and $35,000 for those of Leonard.

The Negotiations

The talks between the U.S. and Marianas were, in the words of joint communiques, largely characterized by "free, frank, and searching exchanges" and"mutual trust and common objectives." Appearing frequently in the proceedings of the negotiations and press releases were phrases which described the negotiations as proceeding "efficiently and harmoniously" and "marked by good will and uninterrupted progress." Phrases such as these suggest that issues were easily ironed out after initial agreement on principles, but this was not the case. Joint communiques masked rather large differences. For example, members of the Marianas group opposed issuance of a joint communique at the close of the December 1973 talks. According to sources on each side, there was more disagreement than agreement, but U.S. negotiators insisted on the issuance of a joint communique so it would not appear that the momentum of the negotiations had been stalled. Similarly, the Marianas group for some time cooperated with the United States in omitting from the communique the sharp differences which existed on U.S. land requests. On one occasion, agreement was reached on a joint press release on economic measures. However, in a separate statement the Marianas publicly denounced the position taken by the U.S. in the joint release.

Although at the last round of negotiations the U.S. Representative would state that the final agreement was openly arrived at, this was hardly the case. Official reports contained largely formal and ceremonial statements. The Marianas had indeed made complete reports to their legislature after the second round, and these included position papers exchanged by each side. However, the U.S. strenuously objected to the release of such detailed information and threatened to cease exchanging position papers if the Marianas made further complete reports. The U.S. position prevailed.

U.S.-Marianas negotiations were usually held in Saipan for periods of two to three weeks. Formal negotiations were preceded by extensive informal contacts between representatives of each side or through working committees.

The First Round

The first round was held in Saipan and lasted only two days, December 13-14, 1972. It was generally a ceremonial and exploratory session with the Marianas expressing their desire to become part of the American political family and the United States, flattered, recalling various ways this desire had been communicated to the U.N., the U.S. Government, and the Congress of Micronesia. "The coming of the United States in Micronesia ushered in a new era for our people," said Pangelinan:

> For the first time in four centuries we could enjoy the fundamental human rights to which all men are entitled...After a quarter century of American administration, our people have come to know and appreciate the American system of government. The concept of democracy has been very important and significant to us...We desire a close political union with the United States of America -- a membership in the United States political family.

Williams reply would have surely brought tears to the eyes of all patriotic Americans, as he spoke of American ideals, goals, and love of country:

> As an American and as the representative of the President of the United States, I cannot help but be moved by these words and the eloquence and sincerity of the statements of your leaders...with all of our human imperfections, we cannot be less than enheartened and grateful that the people of the Marianas would have reached the conclusion, voluntarily, to become a permanent part of the American family, that you have chosen to place your faith in the ideals which continue to guide and motivate the American nationa as it strives to perfect its own systems and to improve the quality of life of its citizens and people everywhere.

> I am reminded of what Adlai Stevenson once said: 'When an American says that he loves his country, he means not only that he loves the New England hills, the prairies glistening in the sun, the wide and rising plains, the great mountains and the sea. He means that he loves an inner air, an inner light in which freedom lives and in which a man can draw the breath of self-respect.'

But not all was sweetness and light. Pangelinan's identification of the issues ahead was itself an indication of difficult negotiations. Essentially, the U.S.-Marianas negotiations involve three major issues and one procedural, though substantive issue.

The Major Issues:

1. The form of political association. Would the Marianas have a "commonwealth", unincorporated or other territorial status and more importantly what does that term mean in terms of sovereignty and the application of the U.S. Constitution and laws, citizenship, political and human rights such as voting, internal self-government and participation in foreign affairs. Pangelinan himself noted that existing precedents might not be sufficient to resolve the issue. It might, he said, be necessary to develop a "totally new" political status for the Marianas. We hope, said Pangelinan "that the United States will be flexible and responsive to our desire to develop a political status unique to the Marianas. After all, there was no established precedent for the Constitution of the U.S. in 1789."

2. Land. More than 90 percent of the land in the Marianas was controlled by the U.S. Government through the Trust Territory Government or the U.S. military, either as public land or military retention land, respectively. The question has long been a hotly debated issue throughout Micronesia with the people maintaining that land, their scarcest and only asset, had been wrongly taken by the Japanese and Americans and should be returned. The Marianas agreed in principle to provide land for U.S. military needs but precisely how much, where, and on what terms would be a matter of dispute. As Pangelinan put it, "Land--- its use, sale and development, is probably the most important and difficult problem we face in the future." In addition, they wished to ensure that whatever the political relationship with the United States, land could not be purchased by other than Marianas descendents, i.e., land could not be alientated.

3. Financial and economic arrangements. In addition to funds received through the lease or sale of land to the U.S. military and to funds generated as a result of U.S. military construction and operations, agreement needed to be reached on the level of funds to be provided by the U.S. for operation of the Marianas government and for capital improvement. Most important, agreement had to be reached on the controls to be maintained on U.S. funds. For example, could agreement be reached on specific lump sum appropriations so that the Marianas government could not be controlled in internal matters through U.S.

control of the pursestrings?

4. Finally, there were the procedural questions of transition. Legally, the Marianas could be administered separately but only under the provisions of the Trusteeship Agreement. No change in the Marianas political status could take place without amending the Trusteeship Agreement, a step which the United States believed to be politically infeasible since the approval of the U.N. Security Council would be necessary. The Security Council might oppose separate status for the Marianas, especially if such a proposal was presented prior to a resolution of the status of the rest of Micronesia. Thus, politically it was more desirable to administer the Marianas separately until agreement was reached with the larger Micronesian group and the entire Trusteeship Agreement could be terminated at once. Clearly, the Marianas - and perhaps the U.S. - wanted to implement the provisions of the new status without waiting for a formal and internationally approved change in status.

While each of the above issues would be dealt with separately, no one was misled about their interrelationship. As one American official put it in commenting on the relatively low level of economic support offered the larger Micronesian grouping, "the closer the relationship, the more money." The Marianas were to gain economically from the closeness of their relationship with the U.S., just as the larger Micronesian group was to pay for the right to "opt-out."

Initial U.S. Responses

Williams' remarks following Pangelinan's presentation touched on future status, finance, and land. Guam, American Samoa, and the Virgin Islands, he noted, all enjoyed certain basic rights, benefits, obligations, and guarantees under the U.S. Constitution. Continuing assistance could be given to the Marianas along the lines of federal grants to match locally collected revenues; budgetary support could be made available until an adequate tax base was developed; and there could be the full range of federal programs and services available to all U.S. states and territories for public workds, health and education, and housing.

Regarding land, the U.S. expected to transfer to the new government of the Marianas all remaining public lands in the Marianas once the "minimal" needs of the U.S. Government were met. Williams also noted the concern about land alienation under a new status, and although "any land safeguards must take into consideration the United States Constitution" he pledged to work to find ways to protect against land alientation or ownership of land by persons who were not of Marianas descent. Military land requirements, he said, would take into account U.S. military needs as well as the basic interests of the Marianas people, as the U.S. hoped to achieve its objectives with "maximum harmony and a minimum of trouble to the people." In order to avoid disruption, the U.S. hoped to consolidate its military activities on the island of Tinian, where a joint service Air Force, Navy Airfield/ Logistic Facility and rehabilitation of the harbor were planned. Limited facilities, said Williams, such as maintenance, communications, and logistics support facilities might be developed on Saipan at Isley Field and Tanapag Harbor, but these would not constitute major requirements.

But, in Williams' words, the first round of U.S.-Marianas talks was primarily organizational "to set forth basic procedures for the conduct of talks, and to discuss a timetable for future meetings," and as such, the United States did not offer concrete proposals.

The Nature of the Political Relationship

Following the organizational First Round, the Delegations could proceed to discuss principles of the future relationship at the second round of negotiations, held six months later, from May 4-June 15, 1973 in Saipan. According to the Joint Communique issued at the end of the session, the 2 Delegations had reached agreement on the following:

- -- The Marianas would become a "commonwealth" with sovereignty vested in the U.S. Government. The Marianas Government would exercise "a maximum amount of self-government consistent with relevant portions of the United States Constitution and federal law."
- -- Fundamental provisions of the agreeement would be subject to modification only by mutual consent.
- -- The Marianas would have its own locally drafted and locally approved constitution providing for a bill of rights, separation of powers, and a popularly elected chief executive. The Constitution would have to be consistent with relevant provisions of the United States Constitution, legislation establishing the "commonwealth" arrangement, and any other relevant federal legislation.
- -- The U.S. would have complete authority in the fields of foreign affairs and defense. The U.S. would support the membership of the Marianas in regional or other international organizations dealing with matters of concern to the Marianas, and the U.S. Government would consider advice of the Marianas on international matters directly affecting them.
- -- The U.S. Delegation would support the Marianas request for a non-voting delegate in the U.S. Congress.

The Marianas Political Status Commission concluded in their position paper of the Second Round that after studying the alternatives "the

commonwealth status possessed by Puerto Rico is superior to the status of an unincorporated territory," and "this political status affords the most freedom to the people of the Marianas to determine their own destiny within the American family." However, in addition to providing the most freedom, an advantage to this arrangement is that the Marianas would also be secure in the relationship. This is provided in the clause that fundamental provisions of the agreement can only be modified by mutual consent. This would be the first occasion the U.S. has explicitly agreed to this provision for a territory. According to a provision of the Joint Communique at the third round:

> It was agreed that specified fundamental provisions of the Status Agreement, including certain provisions designed to assure maximum self-government to the future Commonwealth of the Marianas may not be amended or repealed except by mutual consent of the parties. To this extent United States authority in the Marianas would not be plenary. The Status Agreement would be drafted so as to reflect clearly the intention of the United States and the Marianas Political Status Commission that this undertaking be enforceable in the federal courts. Specific recognition would also be made of the fact that approval of the Status Agreement by the people of the Marianas would constitute a sovereign act of self-determination.

Howard Willens, attorney for the Marianas, saw this language as, for example, protecting the Marianas from U.S. legislation which "reintegrates" the Marianas with Guam. The question of the constitutionality of the provision arose. Certainly it has been a long held position of the Interior Department that the U.S. Constitution gives Congress the right to do whatever it wished regarding territories. Interior held that one Congress can approve mutual consent provisions but a later Congress could legally, if not politically, alter the legislation.

It was precisely because of possible legal questions that the U.S. responded in its position paper at the second round that the U.S.-Marianas

relationship would be "territorial' as that term is used in the U.S. Constitution." The U.S. saw this as an "essential component" of the arrangement but never fully explained the meaning of the word "territorial." The term is not be found in the Joint Communique so this major point apparently has been avoided, perhaps because "territorial" in the sense of incorporated or unincorporated status was precisely what the Marianas did not want. However, the U.S. goes on to state in its position paper that "the Marianas would become a commonwealth with the right to write its own constitution and would have the maximum possible control over its affairs subject, of course, to the supremacy of the Federal Government."

Perhaps the U.S. used the term "territorial" to remind the Marianas that they do fall into a certain category that has limitations on rights. One official from the Office of Micronesian Status Negotiations admitted that the U.S. Government has had great difficulty making the Marianas understand they must remain within the territorial structure and not seek "more rights than states."

A more precise statement of the political relationship between the United States and the Northern Marianas would come in tentatively agreed language of the Draft Covenant of December 19, 1974. In the first place, what had earlier been referred to as an agreement was now called a "covenant," not a "compact" as being discussed in the U.S.-Micronesian negotiations or as used with regard to Puerto Rico.

The Covenant is described as being entered into in order "to establish a self-governing commonwealth" for the Northern Marianas within the American political system and to "define the future relationship" between the Northern Mariana Islands and United States. The Covenant is to be "mutually binding" when approved by the United States, the Marianas District

Legislature and by the people of the Northern Mariana Islands "in a plebiscite, constituting on their part a sovereign act of self-determination."

Among the provisions governing the political relationship are the following:

1. Upon termination of the Trusteeship Agreement, the Marianas would become the "Commonwealth of the Northern Mariana Islands, in political union with and under the sovereignty" of the United States.

2. The Covenant, the provisions of the Constitution, treaties and laws of the United States applicable to the Marianas would be the supreme law of the islands.

3. The Marianas would govern their internal affairs in accordance with a constitution of their own adoption.

4. The U.S. would have complete responsibility for defense and foreign affairs.

5. The United States could enact legislation applicable to the Marianas in accordance with U.S. constitutional processes. Subject to a resevation was a clause that this could be done "so long as the Northern Mariana Islands is specifically named in any legislation which could not also be made applicable to the states."

6. The fundamental provisions of the Covenant (those regarding the political relationship; the constitution of the Marianas; citizenship and nationality; the applicability of some provisions of the U.S. Constitution, and protection of alienation of land could not be changed except through mutual consent.

Nowhere in the Covenant is the "commonwealth of the Northern Marianas Islands"spoken of as a "territory" of the United States. By reserving its position on the "so long as " clause, the United States sought to leave vague the extent of Congress' right to legislate for the Marianas in accordance with Article IV, Section 3 of the Constitution. Just as strongly, the Marianas sought to explicitly limit U.S. Congressional legislation to those enactments applicable to all States and thus, to eliminate legislation specifically applicable only to the Northern Marianas.

In a sense, Puerto Rico provides some precedent for leaving vague the

question of possible future congressional legislation applicable to the Marianas. The intent of irrevocability without mutual consent is even clearer in the Covenant than in Puerto Rico's "Compact." A covenant is an agreement or contract between two parties and it could not be expected that provisions regarding sovereignty would be valid and limitations on Congress would be invalid, especially if Congress knowingly approved limitations on its actions.

As James Dobbs points out in an article in the New York Law Forum (XVIII, No. 1, Summer 1972), the Supreme Court has yet to accept a case dealing directly with the question of Puerto Rico's constitutional status and the concept of compact. However, he writes, lower federal courts, led by the District Court of Puerto Rico and the United States Court of Appeals for the First Circuit, have generally but not always accepted a special commonwealth status for Puerto Rico based upon an irrevocable compact between Congress and the people of Puerto Rico.

With regards to action by one Congress to bind or limit a succeeding Congress by a legislative act, Dobbs conceded that this usually cannot be done. However, he cites a Puerto Rican view that their compact is a "vested right," such as exist with compacts under which territories become states, homestead grants are made, war risk insurance is granted, contracts and bonds are made, redeemable only in gold.
Of particular applicability is Dobbs' notation of a recent Supreme Court decision that citizenship, (which the Marianas people would gain if they wished) could not be divested without the voluntary consent of the citizen.

There is some evidence that the Marianas were always willing in the final analysis to leave the applicability of Article IV, Section 3 vague,

relying on the willingness of the Congress to carry out the spirit of the Covenant and not legislate on matters internal to the Marianas. But the issue is ultimately of critical importance to the Marianas and their Counsel has stated his intention to take the issue to court if and when the need arises.

In two important areas regarding the political nature of the relationship, the Marianas' requests "overstepped their bounds": consultation regarding foreign affairs matters and representation in the U.S. Congress. In their position paper of the second round, the Marianas maintained that the Compact should provide for the "fullest possible consultation" regarding foreign matters affecting the Marianas. The U.S. responded, "... consultation as a matter of right would be inappropriate. No other state, Commonwealth or Territory has that right ... we would welcome the advice of the Commonwealth of the Marianas with respect to any international agreement the U.S. might enter into in the future which might affect the Marianas. However, we cannot agree to give the Mariana Islands a veto over such agreements."

In the draft Covenant, the United States stuck to its original position on consultation regarding foreign affairs matters. The U.S. agreed to give "sympathetic consideration" to the Marianas Government views on "matters directly" related to the Marianas and to provide opportunities for presentation of Marianas' views "to no less extent than such opportunities are provided to any other territory or possession under comparable circumstances." In addition the U.S. agreed to:

(a) assist and facilitate establishment of an office in the U.S. and aborad to promote local tourism and economic or cultural interests of the Marianas; and

(b) allow the Marianas, on request, to participate in regional and international organizations concerned with social, economic, education, scientific, technical and cultural matters' "when similar participation is authorized for any other United States territory or possession under comparable circumstances."

The Marianas also sought a non-voting delegate in the U.S. Congress and the U.S. Delegation originally agreed to support their request. However, in their positon paper, the Marianas Commission went even further by stating that their long term aspiration in this area was to have a voting representative in Congress "who will have all the rights and privileges of other members of the U.S. House of Representatives." The U.S. Government and the Trust Territory Administration presented a dim view of a non-voting delegate, however, and the U.S. position paper of the second round states, "... we are not overly optimistic that this can be arranged in the short run ... the U.S. Congress would be reluctant to do so because of the limited Marianas polulation." One State Department official admitted it was unrealistic to think only 15,000 people will get a special status. So in the draft covenant of December 19,1974, the Marianas settled for a "Resident Representative to the United States," who would be entitled to official recognition by all departments and agencies of the United States government. Nothing is said about a representative to the United States Congress.

On the nature of the political relationship, however, agreement came relatively easily and nearly all the principle aspects were adopted at the second round. Only minor issues required further discussion or clarification. The Marianas were of the opinion that specific provision should be made in the Compact regarding periodic review of all aspects of the status at five year intervals, if either party so requested. The U.S. response maintained that in the "close, sympathetic relationship"

being discussed there should be no explicit need for a review clause because communication would be such that either side could raise matters of nutual interest or concern at any time. Particularly regarding economic questions, the needs of the people of the Marianas would be kept under constant and continuing review "through normal workings of the annual U.S. budget cycle."

But the Marianas did not alter their original stance, and in the end, in the draft covenant of December 19, 1974, the United States agreed to the review clause, on the condition that the five year intervals be extended to not less frequently ten years, or at the request of either government. On recommendations regarding the multi-year financial assistance, the Marianas received the approval for representative meetings with the U.S. to discuss the subject prior to the expiration of each seven-year period of assistance.

Perhaps the area of most difficulty regarded citizenship. The Marianas Commission was of the opinion that each individual should be able to choose U.S. citizenship or U.S. national status. The Commission felt that no governmental entity has the legal authority to make this election on behalf of the citizens of the Marianas and that the people should be able to choose citizen or national status at the time thereferendum is placed before them.

Responding, the U.S. maintained "the acceptance of a citizen-national option would prove to be a serious administrative inconvenience" so it would prefer to omit this option. The U.S. assumption had been that everyone would have the opportunity to accept or reject U.S. citizenship, but those who rejected it would become resident aliens in the new commonwealth. However, at the third round of talks six months later, after this matter had been studied by legal advisors, the U.S. consented to the

Marianas wish that any person not wishing to becme a U.S. citizen could become a U.S. national. As written in the draft covenant, Northern Marianas citizens would have six months following the effective date of the Covenant or six months after reaching their eighteenth birthday to decline U.S. citizenship, in which case they would become U.S. nationals.

At the third round also, local self-government, applicability of federal laws, U.S. Federal income, estate and gift taxation, and custom duties were discussed.

Land

During the second round of negotiations in Saipan (May 15-June 4, 1973) Ambassador Williams gave the most detailed description to date of U.S. military land requirements in the Marianas. Although the U.S. and the Marianas had agreed in principle that the U.S. would have use over certain land, there had still been no discussion of the specifics of land requirements. Chairman Pangelinan noted in his opening statement that "Land - its use, sale, and development" was probably the most important and difficult problem proved correct.

On May 29, 1973, the U.S. Delegation presented its position paper on future land requirements to the Marianas Delegation and on June 3 gave a detailed oral presentation. ON May 30 Ambassador Williams described the U.S. military requirements to the public through a radio broadcast over Saipan radio which was also translated into Chamorro. Minimum U.S. military requirements included:

-- indefinite continued use of Farallon de Medinilla, an uninhabitable and unaccessible island of 229 acres used by the U.S. military since 1970 for target practice under a "use and occupancy" agreement from the Trust Territory Government.

-- retention of 320 acres in Tanapag Harbor (Saipan) for future contingency purposes. The U.S. already held 640 acres, 320 of which would be returned for civilian use and development. The U.S. did not have an immediate need for the area to be retained and was willing to lease tracts within the retained area for civilian development, as long as it would not interfere with any future military use.

-- joint use of Isley Airfield in Saipan. Currently located on so-called military retention land, the U.S. plans to release it. It is being developed as a civilian airfield.

-- retention of 500 acres south of Isley Field for the possible development of a maintenance and logistics area. The U.S. was willing to lease this area until it might be required.

-- the entire island of Tinian, the northern 2/3's to be used as a joint services military bases, and the southern 1/3 to be set aside for civilian use.

Although the Joint Communique of the second round stated that "Both sides agreed that it has been possible to develop meaningful understanding as to the significant principles involved," the Marianas had responded negatively to the U.S. requests. The Joint Communique was worded: "The Marianas Political Status Commission agreed in principle that a small; uninhabited and inaccessible island could be made available as a United States target area, as Farallon de Medinilla is now being used." But use of Farallon de Medinilla itself was not approved. Instead, the Marianas stated its definite preference that the U.S. choose a more distant northern island for target practice. However, in the third round, the Marianas agreed to continued U.S. use of Farallon de Medinilla as a target area and the agreement is incorporated in Section 802(a)(3) of the Covenant.

The Marianas Political Status Commission expressed the view that U.S. needs on Saipan were "unreasonable", that the contingency nature of the United States plans reflected an apparent lack of confidence that the

future Commonwealth of the Northern Marianas would honor its responsibilities "as a member of the American political family" should the need arise. The Marianas position papers from the second round also stated that before the Commission agreed to requests for land on Saipan, it would have to be persuaded the contingency needs could not possibly be met through use of land and facilities to be developed on Tinian. The Commission "strongly" objected to the U.S. request in Tanapag Harbor, Saipan. Likewise, the Commission took "a very strong negative view" to the request for 500 acres south of Isley Field, arguing that "this land is much too important for Saipan's future economic development to be burdened by restrictions arising from hypothetical needs of the United States in the future."

But the greatest reaction came over the U.S. request for the entire island of Tinian. Viewed from the United States, Tinian is a small island in the Pacific, one of thousands of islands. But to the Marianas District it is the second largest island, with a land area of about 40 square miles. According to initial plans, the United States hoped to build a joint service (Air Force, Navy, Marine) airfield and logistics facility on Tinian and to eventually station 2,600 military and civilian personnel (not including dependents). An article appearing in the January 29, 1973 issue of U.S. News and World Report maintains that "according to tentative plans, the Marianas -- along with Guam -- would become American's main outpost in the Western Pacific." As early as the third round of Micronesian negotiations in October 1971 it was announced that the U.S. wished to concentrate any military facilities it might establish in the Marianas on Tinian. This island was the military choice for a new base because it would disrupt few people (its population is less than 900),

the island was of sufficient size, and in addition, there were runways, roads, and harbors left over from WW II.

U.S. hopes for acquiring Tinian included taking over the port for military supply purposes. Williams advanced several reasons why San Jose Harbor was necessary: it is located at the only site on the island suitable for harbor development; the property is protected from prevailing easterly winds; the piers are within the only protected reef area on the west coast large enough for deep draft ships; and the area is extensive enough to provide adequate anchorage. According to U.S. information, no other location on the island possesses these characteristics, and a suitable alternative site to construct a harbor is not available.

But acquiring the port would require the relocation of Tinian's only village of San Jose. In Ambassador Williams' words, "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." But Tinian residents depend on San Jose's location and harbor for their livelihood, and relocation would mean moving to the worst section of the island, Marpo Valley. This area, although good for farming, is largely swampy and bordered by rocky hills. There is no harbor and the beach is small and rocky. According to the Pacific Daily News the area could not support Tinian's entire population, for only 120 acres were available for government leasing -- the remainder of the 500 acres is government farm area of private property. Approximately 170 houses from San Jose would have to be built in a new location and essential community operations such as public utilities, roads, schools, and churches would have to be built. What Tinian islanders would receive in return would be U.S. citizenship

status, and according to Williams, "a potentially dramatic increase in revenues."

According to the U.S. position paper, the U.S. desired to purchase but not use the remaining southern 1/3 of Tinian "in order to prevent undesirable conditions and consequences which could possibly result from the presence of a major military base and which would not be in the interests of either the local residents or of the U.S. military." Williams assured the Marianas Commission that the Tinian people would participate in the planning for the southern one-third of the island.

The Marianas Political Status Commission was clearly taken aback by the magnitude of the U.S. proposals. The requests made by the United States for land on Tinian were so overwhelming said the Marianas representative that they are "difficult to comprehend in only three days." Earlier they had stated in their position paper "the Commission strongly believes that the use of land for these (military) purposes should be kept at the absolute minimum possible," so the Commission was not inclined to agree to selling the entire island with a sublease back of 1/3 for the civilian community. The Commission noted it is "especially concerned" by the dislocation and loss of land which would result from the inclusion of San Jose Harbor in the U.S. request, and understood that other harbor locations were studied but rejected on cost grounds. It asked for information from the U.S. regarding cost differences between rehabilitation of the present harbor facilities and construction at other locations.

A significant number of people on Tinian opposed the amount of land requested by the United States, its purchase, and the need to move San Jose village. Although some were impressed by the new homes

and facilities to be made available, they repeatedly pressed their own minimum demands: lease as opposed to sale of 1/3 as opposed to 2/3 of the island without relocation of San Jose village. At a number of public meetings the issue of Tinian was hotly debated, and during one mass meeting on Tinian where the negotiations were sharply criticized, placards read "Land for Ranchers, not for Bombers." As if to reassure the Tinian population that they will have a voice in the determination of their future, the two delegates from Tinian to the Marianas Status Commission have issued statements such as "Ambassador Williams has said himself that he will go along with what the people decide" (Hocog), and "The commission members will not approve any military project unless the Tinian people give their approval... No decision of any kind will be made without the people's approval" (Manglona). To ensure that this would be the case, the Tinian Municipal Council considered a draft bill calling for a referendum to be held September 14, 1973, so that the people of Tinian could vote on the following 3 questions:

1. "Shall the people of Tinian Municipality allow the United States Armed Forces to make use of Tinian Island for military purposes?"
2. "Shall the people of Tinian Municipality allow the United States Armed Forces to use certain parts of Tinain Island for military purposes?"
3. "Shall the United States Armed Forces be allowed to relocate the present village site and the people so that the present village may be used for military installations and facilities?"

This bill was not passed. However, on February 14, 1974, the Council did pass an ordinance calling for a referendum which was scheduled for

April 7. The proposed ballot contained 2 questions:

-- "Do you agree to the relocation (moving) of the Village of San Jose from its present site to another area of the Island of Tinian?"

-- "In your opinion, how much of the Island of Tinian in terms of land area should the U.S. military be permitted to occupy? None? One-third? Two-thirds? Other (specify)."

However, on March 8 the Marianas District Administrator Francisco C. Ada vetoed the proposed referendum and advanced the following reasons for his action:

-- the timing is inappropriate because no concrete proposals for military use have been presented yet. "... Such requirements are extremely general in nature serving as a point of departure for purpose of negotiation."

-- it would be an "attempt to undermine" future negotiations.

Ironically in light of the independent action of the Marianas, Ada argued: "To permit one municipality to even attempt to influence the negotiations will, in my opinion, be the beginning of fragmentation that will lead to no appreciable conclusion in our collective efforts to achieve a political status."

According to a high level official in the Trust Territory Government and an official from the Office of Micronesian Status Negotiations, the decision was entirely Ada's own. The U.S. Status Office did not become involved, he said, until after the decision was made. On second thought, the U.S. felt that maybe a referendum should have been held.

Felipe Q. Atalig, Tinian's representative to the Congress of Micronesia, believed the Congress should give priority to the referendum

in a special session of the Congress in 1974. Earlier, Atalig stated that a referendum was "the only way to officially determine what the people want."

The Office of Micronesian Status Negotiations admits that there will be no referendum on Tinian. The reasons advanced are several -- the Tinian population is not indigenous and really comes from the Carolines; the land belongs to people who do not live on Tinian; and a small group of less that 900 should not be able to affect the destiny of all the Marianas. This attitude is certainly much different from the statement from both Delegations that they were "committed to undertake full consultation with the people of Tinian before any final decisions or agreements are made regarding the use of land on Tinian for military purposes." When asked if denying the right of a referendum was not inconsistent with the United States' position on self-determination, the same official said with a smile that the United States was being consistent in following its own best interests. Another U.S. official speculated that the reason the first draft bill was not passed was because Tinian residents were overwhelmingly in favor of the military. Navy officials visiting Tinian in the spring of 1973 were also convinced this was the case. So, the U.S. official reasoned, to draw attention to this fact even further in a public referendum would only be putting the Marianas in a bad negotiating position. Besides, consultation could be achieved by public meetings. These were less rigid than a referendum.

Tinian residents were quick to respond to the radio broadcast by Haydn Williams in which he described plans for acquiring the entire island. The reaction was not positive. On June 5, 1973, just 5 days

following the broadcast, a petition was drawn up by the Office of the Speaker of the Tinian Municipal Government stating that their "expressed willingness to accomodate the needs of the administering authority military has been misinterpreted by representatives of the administering authority as our being willing to unrestricted and uncontrolled use of Tinian." The petition was sent to all those involved in the decision-making process, from the Marianas District Legislature to the President of the United States. It noted that the U.S. "has a moral obligation to give due consideration to the wishes of the people concerned." U.S. military forces, the petition continued, would be welcome only under the following terms and conditions:

1. Existing military retention lands of approximately 9,000 acres on Tinian should be adequate to develop the proposed combined military complex. If justified, perhaps an additional 2,000 to 3,000 acres adjacent to the existing area could be made available, but no more.

2. The existing San Jose Village would not be moved under any circumstances.

3. The existing harbor would remain under civilian control, but could be used jointly.

4. If an ammunition dock was needed or desired, then a new dock should be constructed in the Unai Babui or Chulu (Marine beach) area on the Northwestern shore of Tinian.

5. Government would remain in the hands of the people without any restrictions on the growth and development activities within the civilian community.

6. That the civilian community be accorded free use of and access to west field (the present airfield) to board scheduled approved commerical aircraft.

7. That the current ongoing homestead program be continued without interruption.

In addition to this, the Guam law firm of Arriola, Cushnie and Stevens prepared a position paper at the request of several Tinian legislators criticizing U.S. military plans for Tinian, and demanding the U.S. be limited to 1/3 of their island. This paper was not anticipated until during or

after the fourth round of negotiations in May 1974 however.

At the second round also the question of how the U.S. would obtain Tinian and other land was raised. The U.S. presented its argument for purchasing Tinian in its position paper: "The U.S. Government historically purchases, not leases, land when it requires land for the public good and for uses involving substantial investment over a long period of years... The U.S. Congress is reluctant to commit large sums to projects with only the protection of a lease." But the Marianas Commission replied that it would not agree to the sale of land on Tinian for military purposes -- land would only be available on a lease basis. "Prevailing practice in the United States," they argued, "has little relevance to the Mariana Islands, where land is scarce and has a special cultural significance to the people." The Commission could not possibly justify to the people of the Marianas the permanent sale of so much of the Marianas limited land to the U.S. for military purposes.

The means for determining value of land on Tinian was another matter which would have to be resolved. The Marianas suggested that standard procedures for determining land values in Micronesia, particularly those previously used by the U.S. military would not apply. Land value should take into consideration the future growth potential of the Marianas and the relationship between the amount of developed and undeveloped land. The Commission, therefore, suggested use of land values equivalent to those on Guam or Hawaii. But the United States referred to this as "rather unconventional criteria" and stated that "By law and regulation the U.S. cannot employ any other standard than current 'fair market value' to pay for land."

But while advocating use of "fair market value," the U.S. was also considering steps to freeze the value of land on Tinian. There were strong indications of rapidly rising land values on Tinian in light of anticipated

military acquisition. In 1973 the High Commissioner, at the direction of the Office of Micronesian Status Negotiations, announced that no new applications for homesteads on Tinian would be processed. This action wasimmediately labeled as "moratorium" by the people of the Marianas, many of whom vigorously and vocally opposed the action as high-handed and unilateral. Ambassador Williams in a play on words denied that a "moratorium" was imposed, pointing out that applications continued to be processed. Only when pressed did he acknowledge that no new applications would be accepted or processed. Other U.S.officials are more candid.
acknowledged that at least three
U.S.officials of the most prominent members from the Marianas Political Status Commission including Pangelinan are said to be involved in speculative land dealings on Tinian. (In one case the land was purchased through an uncle.) A high trust territory official told of how a member of the Marianas commission from Tinian bought property for $850, had it notarized by a fellow Commission member, and within 10 minutes sold the same parcel
of the Washington Post
for $10,000 to the notarizer. Dan Oberdorfer wrote in February 1975, that xeroxed copies of a handwritten message, purportedly passed by two Marianas negotiators during an official session, are in circulation on Saipan. Oberdorfer continued:

> The note concerns the price which might be asked for land which the note passers obtained on Tinian ... The authenticity of the handwritten paper could not be established but informed sources confirmed that at least three members of the Marianas Commission purchased Tinian lands in recent months.

Clearly both the amount of land and its value were sharp points at issue from the beginning. Yet communiques constantly underplayed the differences.

The only mention of Tinian in the Joint Communique of the second round was: "It was the understanding of both delegations that the Marianas

Political Status Commission would be prepared to negotiate with respect to that portion of Tinian required by the United States for military purposes. In this connection, means would have to be found to assure that social and economic condition evolve in a manner compatible with the mutual interests of both the civilian and military communities."

The Joint Communique of the third round mentioned that regarding lease versus purchase, the Marianas proposed a combination of long term leases for 50 years renewable at the end of that period. The U.S. continued to favor purchasing.

At the 3rd Round the Marianas Political Status Commission proposed the following:

-- Farallon de Medinilla could be used by the U.S. as a target area, provided the U.S. military forces filed an environmental impact statement.

-- Tanapag: the U.S. would be able to use the harbor jointly under civilian control, but all 640 acres should be returned to the public domain. The 320 acres requested by the U.S. could be available later if needed. (The U.S. continued to want 320 acres immediately, and for the first time indicated that it wanted to use most of this portion of Micronesia's scarcest commodity, to develop as an American memorial park for WW II dead.)

-- Isley Field: this could be available to the U.S. on a joint use basis. 250 acres could be leased to the U.S., but the remaining 250 acres the U.S. desires would be made subject to restrictive covenants. (The U.S. said it continued to to need 500 acres.)

-- Tinian: Negotiations will continue for a lease. (The U.S. indicated it still needed approximately 2/3 of the land area including the harbor and adjacent safety zone.)

In the Joint Communique the U.S. no longer demanded control and owenership of the entire island of Tinian, but agreed that the people of Tinian would control and own 1/3 of the island. In the U.S. view, the issue remaining was which third of the island would be locally owned and

controlled; in other words, whether San Jose village would have to be relocated. On the other hand the statement of the Marianas position continued to speak only of their willingness to lease land needed by the U.S. military. Carefully omitted from the communique was the full extent of U.S.-Marianas disagreement. The people of Tinian insisted through their representatives that at least 2/3 of the island be locally owned and controlled. The issue of 1/3 or 2/3 was sufficiently contested that 1/3 - 2/3 became a standing, but substantively serious, joke among the two delegations.

No further progress was possible without major U.S. concessions regarding U.S. land requirements, particularly on Tinian. Some of these concessions came at the fourth round of negotiations held from May 15-31, 1974 in Saipan. This session consisted of several working meetings on Saipan as well as public meetings on Tinian and Rota.

-- The U.S. backed down from its desire for 320 acres in Tanapag Harbor and agreed to 197 acres for future contingency use. Most of this land was for the development of an American Memorial Park and recreation area for the people of the Marianas. Since none of the 197 acres was for immediate use, the U.S. agreed to allow the Marianas to sub-lease the remaining land for civilian harbor-related activities.

-- Isley Field: The U.S. agreed to approximately 482 acres, although it had requested 500 acres, and this land would also be made available for use or lease for industrial or agricultural purposes "compatible with possible future military use."

-- Tinian: The U.S. backed away from its proposal of acquiring the entire island to obtaining 2/3's of it (approximately 17,475 acres). The desired acreage was further reduced by approximately 1,200 acres. The US. conceded that San Jose Village need not be moved, and a new

dock would be built on Tinian, although in the past the U.S. position was that no suitable site was available. In addition the U.S. agreed to again re-evaluate its military needs in order to make as much land as possible available "for agricultural and other purposes compatible with planned military activities." The U.S. also agreed that land within the base itself would be made available for agricultural, fishing, recreation, and other purposes.

In the draft covenant, agreement was reached on a land package markedly different from the original U.S. request. In his opening statement, Williams continued to speak of U.S. need for land south of Isley Field on Saipan. However, the U.S. finally withdrew its Isley request. Only a portion of Tinian (17,799 acres, excluding a portion of land at San Jose Harbor), approximately 177 acres on Saipan at Tanapag Harbor (much of it for a memorial park), and Farallon de Medinilla Island were made available. Most of the request for land at Tanapag Harbor and all of the land at Isley Field were dropped.

Remaining Land Issues

The Joint Communique merely mentioned that the delegations discussed whether land should be leased or purchased, and what methods would determine fair market value. Although these topics had been discussed at the second and third rounds, agreement could still not be reached at the fourth round. A Joint Land Committee would further consider these questions.

The question of lease versus purchase of land was settled at the fifth round. At the opening of the round, Pangelinan repeated the Marianas opposition to the "permanent alienation" of so much of the islands' scarce land. The Marianas proposed, and the U.S. ultimately accepted, a 50 year lease with a 50 year renewal option. Such a lease, said Pangelinan, fully protected U.S. security interests.

By the opening of the fifth round, no agreement had been reached on the price to be paid for the lease or purchase of land. Conflicting appraisals of land values had been made by experts hired by each side and these had been discussed informally. Once agreement was reached on the lease of land, agreement was then reached on price. The final agreement called for the following. A total payment for up to 100 years was as follows:

1) Tinian $17,500,000;

2) Tanapag $2,000,000; and

3) Farallon de Medinilla $20,600.

In addition, the U.S. would place $2 million in perpetual trust to be used for development and maintenance of the memorial park at Tanapag Harbor.

Additionally, agreement had been reached in the second round of negotiations regarding the limitation of land ownership to people of Marianas ancestry. The U.S. had agreed to land alienation provisions:

-- Article IV, section 2, clause 1 of the U.S. Constitution relating to "privileges and immunities" will apply to the Marianas so that "the ability of the future Marianas Government to preserve control of the land... in the lands of Marianas citizens will not be compromised."

Yet by the fourth round, no progress had been made toward the implementation of this policy. It was then agreed that a Joint Drafting Committee would consider questions regarding alienation of land as well as the development of appropriate safeguards in the area of eminent domain.

The draft covenant tentatively approved at the fifth round provided for protection of ownership of land for the peoples of the Marianas. The covenant gave the Northern Marianas the right to "regulate the alienation of permanent and long term interests in real property so as to restrict the acquisition of such interests to persons of Northern Mariana Islands

descent," and to "regulate the extent to which a person may own or hold land which is now public land." The provision extends to "twenty-five years after termination of the Trusteeship Agreement" and could continue thereafter. Reduced to English, the Marianas are given a permanent right to control alienation of land.

The covenant also outlines the procedures the United States must follow to acquire land. The U.S. would seek only the minimum area necessary. The U.S. would seek to rent or lease land, would look at public property before acquiring private property, and purchase land only if no other means was satisfactory. Prior written notice must be given to the Government of the Marianas before acquisition of land and the United States agreed to acquire no interest in land "unless duly authorized by the Congress of the United States and appropriations are available therefor." Immediately following a statement of its military requirements, the U.S. affirmed that it had "no present need for or present intention to acquire any additional property, or any greater interest in the property leased by the United States in accord with the Covenant than that which is granted to it thereby, in order to carry out its defense responsibilities."

In the final analysis, however, the United States reserved for itself the right to "exercise within the Commonwealth the power of eminent domain to the same extent and in the same manner as it has and can exercise the power of eminent domain in a State of the Union."

Economics and Finance

The area of economics and finance was to prove as difficult, if not more so, than land negotiations. In the land negotiations, the solution lay in scaling down the size of inflated U.S. land requirements

and allowing interim civilian use of land which would be set aside indefinitely for contingent military use. In the area of economics, the question was how much more money than the U.S. was then spending was it willing to spend and to what extent was it willing to relinquish controls on finances. Unlike the Micronesian negotiators the Marianas group had devoted considerable attention to economic questions from the beginning. They had also hired an economic planning consultant to work along side their principal attorney.

As early as the second round the Marianas group had indicated their immediate and long term economic goals as well as specific dollar figures which might be needed. They would need sufficient economic resources to enable them to

a) facilitate an orderly transition to the new political status;
b) build toward an adequate social and economic infrastructure;
c) provide necessary public services and programs; and
d) encourage and to promote the future economic development ofthe Marianas

The Marianas presented the U.S. with very specific proposals -- complete with charts of capital investment requirements, budget projections for the fiscal years 1973-79, and projections of the Marianas Islands government expenditures and revenue requirements from 1975 to 1981. In great detail, their paper pictured their development in 3 phases of transition:

-- phase 1 to last 1 year requiring $4.5 million
-- phase 2 to last 7 years (1975-81) and requiring $47.7 million, broken down into the following amounts per year:

1975	19.2
1976	22.4
1977	23.9
1978	28.3
1979	27.5
1980	21.6
1981	19.9

-- phase 3 "extending to the year 2000 and perhaps beyond," for which no projections were made

The U.S. response totally ignored the Marianas estimates and provided no budgetary figures of its own. James Wilson, Deputy to Ambassador Williams, replied: "We will need to explore with you further the nature of these requirements," and "We are by no means clear about the basis on which your total figure of $47.7 million was reached." Instead, the U.S. sought to explore "general principles leading to general understandings rather than concentrating on budgetary details and precise figures and estimates..."

Looking at the examples of Guam, the Virgin Islands, and Puerto Rico as prototypes, the U.S. suggested two forms of annual financial assistance for a period until the Marianas were able to meet their own financial needs: 1) direct financial grants in support of the costs of government operation and capital improvement programs, and 2) the extension and provision of federal programs and services to the Marianas. Williams was careful to add, "I must always caveat my remarks when talking about money by adding the familiar 'subject to the approval of Congress' clause." In obvious effort to scale down Marianas estimates, the U.S. pointed out that the impact of military facilities and expenditures in the Marianas must be considered -- probably $10-12 million for the years of construction, and approximately $15 million per year after that. Summarizing, the U.S. position paper states:

> Statements regarding the mechanics of a financial relationship are not enough nor is an impersonal rundown of current and potential sources of revenue and support. We should add that quite aside from forms and figures (my emphasis) we do agree with your goals and aspirations and with you understandable desire to raise the standards of living of your people.

A description of initial discussions of economic issues in the Joint Communique was replete with phrases such as "agreed in principle,"

"prepared to agree," "have agreed to exlore," "special attention will be paid," and "will require...planning." The U.S. did agree to provide start-up costs and planning assistance. Most important, although clearly indicating the U.S. desire to maintain control of the purse strings, the U.S. representative agreed to a provision whereby, subject to the approval of the U.S. Congress, the U.S. would "provide financial support over an initial period of years at guaranteed fixed levels."

That the Marianas were disappointed is clear. For it was in the area of economics that Pangelinan made his most pointed criticism of the U.S. Commenting on a joint press release, Pangelinan said:

> The Commission wants the United States delegation to know that the Commission is of the unanimous view that the commitments made by the United States in the area of economic and financial support in this release are <u>not</u> as <u>specific</u>, <u>definite</u> or <u>generous</u> as the Commission believes appropriate. The Commission intends to press its views on this matter vigorously in the future at every possible occasion until the United States is prepared to make the financial commitments necessary for the future growth and development of the Marianas.

At the third round the U.S. came with figures, but they fell far short of the Marianas' expectations. The U.S. proposed approximately $14.5 million of direct assistance annually for the first five years,to be broken into the following:

a) $7.5 million for budgetary support for government operations;
b) $3 million for Capital Improvement Projects;
c) $1 million to a Marianas Development Loan Fund; and
d) an estimated $3 million in Federal Government programs and services

This did not include payment for the use of land for public purposes, including military uses or an amount estimated after 5 years to reach $4.5 million annually from customs duties, excise taxes, and federal income taxes which would be generated from within the Marianas. In addition, the U.S. continued to cite the indirect benefits accruing from

the establishment of a U.S. military base. However, the Joint Communique of the third round stated:

> "... no attempt was made to reach definitive agreements on United States financial assistance to the future commonwealth government. The Marianas Political Status Commission noted that its own detailed studies to date indicate that a higher hevel of external assistance than that provided by the U.S. proposals would be required during the first 5 years under the commonwealth arrangement."

The fourth round saw U.S. land requirements significantly scaled down and a corresponding willingness by the Marianas to agree to new U.S. proposals of economic assistance. The agreed amount differed from the initial U.S. offer in three respects:

-- the guaranteed assistance level would cover 7 years instead of 5 years.

-- the package would total $16.5 million instead of $14.5 million (operational up $0.5 million to $8 million; capital improvement increased by $1 million to $4 million; loan fund increased by $0.5 million to $1.5 million; and approximately $3 million in federal services.)

-- Up to $1.5 million would be provided to cover the costs of transition.

Other indirect benefits such as taxes would remain the same.

One aspect of the agreement on economic and financial issues is indicative of internal Marianas politics. The people of Rota have never been overly enthusiastic about their fate at the hands of Saipan. And some on Tinian have felt that their island provides the major commodity for which the U.S. is paying. It is thus not surprising that the agreement specifically designates money for each area: $500,000 annually each in development funds for Rota and Tinian "because of the urgent development needs on those islands." *

At the fifth round in December 1974, final agreement was reached on the economic package and for the first time agreement was reached on the amount of money the U.S. would pay for use of land in the Marianas. Agreement was not

*For similar reasons, Rota and Tinian insisted at the last round that a bicameral legislature, where in one house their representation would be equal to Saipan's, be made a part of the Covenant.

reached, however, before the United States offically confirmed what had been whispered around Guam since the earlier visit of Deputy Secretary of Defense Clements. Clements had stated privately that the United States would not proceed immediately with construction of the base on Tinian. His statements were consistent, with an earlier warning by House Appropriations Committee that a new base on Tinian could not be justified so long as the United States continued to maintain bases elsewhere in the Far East. Finally, an anticipated U.S. budget deficit in excess of $40 billion dollars exerted extensive pressure on the funds available to Defense and thus forced the Pentagon to choose its priorities even more carefully. The result was a decision not to proceed with the immediate construction of a base which Clements himself had said all alone was not needed until the "outback" years, meaning 15 to 20 years hence.

The Marianas were not the only ones surprised by the decision not to proceed immediately with the building of the Tinian facility. Williams is said to have been uninformed about the decision even though he had heard rumors. Though he surely knew by then of the base change, Williams made no hint of the change at the opening of the fifth round. The cancellation of the base undercut the U.S. position in the financial negotiations, for one of the reasons advanced by the U.S. for a smaller financial package was the economic advantages the Marianas would receive as a direct by-product of immediate military base construction and operation over a period of seven years. Though they could and probably did ask for more money as a result of the base cancellation, Marianas had never fully accepted the U.S. contention that part of their compensation should be a by-product of the base. Even before the base cancellation, Pangelinan told an interviewer that the Marianas had to protect themselves against the distinct possibility

that the base either would not be built or would be delayed.

The Joint Communique of the fifth round stated that in view of reduced revenues and employment levels as a result of the decision not to proceed with construction of the Tinian base, the U.S. would increase its compensation by $500,000 for each of the seven years of the initial financial agreement. (Two hundred-fifty thousand would be provided yearly for low income home construction loans; and $250,000 would be provided for such things as retraining workers, school curriculum development, and training of civil servants). This would bring the total direct U.S. payment (excluding land) in each of the first seven years to $14,000,000. Not stated is a previous agreement under which the U.S. would provide $1.5 million in "transition" expenses. Also not mentioned is the estimated $50 million cost of moving the Micronesian capital from Saipan to somewhere in the other five districts. Thus, the total financial package is as follows:

Land Lease	
Tinian	$17,500,000
Farallon de Medinilla	20,600
Tanapag	2,000,000
Total	$19,520,600
Move of Capital	50,000,000
Transition Expenses	1,500,000
Government Support	57,750,000
Capital Improvements	28,000,000
Economic Development Loan Fund	12,250,000
Federal Programs and Services	21,000,000
Total Cost of Marianas Package	$190,020,600 *

As indicated earlier the U.S. agreed to guarantee annual payments. Section 702 of the Covenant states that approval of the Covenant constitutes "a commitment and a pledge of the full faith and credit of the United States

* In constant U.S. dollars. The Marianas would also benefit from the five-year development program announced in late 1974. These costs undoubtedly figured in the willingness of the Marianas to accept a smaller financial package.

for the payment, as well as an authorization for the appropriation" for guaranteed annual levels of expenditures. Thus, the legislative process for appropriations is shortened. Congress would go through the formality of appropriation, but the amount (subject dollar fluctuation) is already fixed.

Tension in the Marianas

One issue which lay in the background in the Marianas negotiations and which may cause problems later was disagreement among the Mariana islands, i.e., disagreement between Rota, Tinian and Saipan. The people of Tinian objected to the apparent ease with which Saipan was willing to negotiate land on Tinian; Rota, which had continued to be administered by Interior while Saipan was administered by Navy, objected to the dominant role of Saipan. In addition, a group of Carolineans on Saipan objected to the dominant role of the Chamorro majority. Some of these differences manifested themselves in election returns. In 1974, the people of Tinian elected a new mayor who opposed military base plans; and in November 1974, the people of the Marianas defeated the dominant Territorial Party and elected representatives of the Popular Party. The status negotiations, particularly objections to their secrecy and haste, were a major issue. Included among those defeated was Edward Pangelinan, head of the Marianas negotiating team. Included among the newly elected was Oscar Rasa, an outspoken American-educated Marxist critic of the negotiations.

Some of the differences within the Marianas are smoothed over in the Covenant. Specific money is set aside for use on Tinian and Rota. There also seems to be an informal agreement that a percentage of money paid for lease of Tinian land will be controlled by Tinian. By far the major protection for Tinian and Rota is a Covenant provision that the Marianas legislature be bi-cameral with one house of equal representation. There is no doubt, however, that Rota and Tinian will be locked into the new Northern Marianas political entity. For, according to the Negotiating History, the provision which ensures that union with

Guam is not foisted on the Marianas also serves to ensure that there will be no separation from the Marianas.

Not until the eve of the signing of the Marianas Covenant did pressure build up to stop the Covenant. The issue was not the status of association with the United States but the terms of the association. Two members of the Marianas Political Status Commission, among them Oscar Rasa, spoke out strongly against the "haste" with which the Covenant was being signed. Rasa's newspaper accused the U.S. of buying off Marianas' representatives by promising $24,000 for work on transition matters. In the end, two members (Rasa and Felix Rabauliman, a Carolinean) of the 15-member Marianas Commission refused to sign the Covenant.

Transition

With agreement behind on several major issues, the last round of Marianas negotiations began to look ahead to transitional measures and actual implementation of a new government. At the fourth round, a joint committee was appointed to draft a Marianas status agreement for consideration at the next round of negotiations. The Marianas repeated their request for early transitional self-government and separate administration. In what must have been a burst of patriotism, the negotiators set July 1976 as a possible early date for installation of the new Government of the Northern Marianas. At the fifth round, the Marianas again reiterated their desire for separate administration from the remainder of Micronesia as promptly as possible after approval of the Covenant. The U.S. Representative responded that he would "strongly recommend" that the Secretary of the Interior "take all necessary action" to meet the Marianas' request. In the agreed document on negotiating history and in a press conference held after the signing of the Covenant, the U.S. went further. It stated its intention to administer the Marianas separately as soon as the Covenant had been approved in a plebiscite and before approval of the Covenant by the U.S. Congress. In fact, the Covenant allows for implementation of some of its provisions prior to termination of the Trusteeship Agreement. Separate administration is consistent with the Trusteeship Agreement, and, as already noted, had once been in effect for the Northern Marianas except Rota. All that is needed is an order from the Secretary of the Interior, an order which he would presumably issue in spite of the opposition of the Congress of Micronesia.

If the projected 198[illegible] date for free association of the rest of Micronesia holds, the American centennial would see no change in the international status of the Northern Marianas, only their separate administration under the Trusteeship Agreement. The significance of transition prior to termination of the Trusteeship Agreement is substantial and might have been suggested by the U.S. side even if the Micronesians had not done so. The amount of opposition which fragmentation would face in the United Nations or in the U.S. Congress would be substantially less if separate units were already functioning.

<u>What the Marianas Got</u>

It is premature for a definitive assessment of what the Marianas got. Among other things, many uncertainities lie ahead before the Covenant takes complete effect. These include:

a) approval by 55% of the people of the Marianas voting in a plebiscite;

b) approval of the covenant without major change by the United States Congress and by the President;

c) failure of the Congress of Micronesia to find legal and/or political means to effectively block the Marianas separation;

d) United Nations Security Council approval of termination of the Trusteeship Agreement.

What did the Marianas get, assuming no changes are made in the Covenant in the approval process? First and foremost, they got an identity separate from both Guam and the rest of Micronesia. Secondly, they got substantially greater autonomy than Guam and the Virgin Islands, and, of course, more than American Samoa. Specifically, the Marianas have:

--protection against changes in their status without their prior consent;

--negotiated military land requirements and procedures governing civilian/military relations;

--protection of land from purchase by non-Micronesian citizens;

--the right to write, adopt and amend their own constitution, and the right to write, adopt and amend their own legislation;*

--guaranteed financial payments;*

--internal autonomy except in agreed areas;

--the right to select or reject U.S. citizenship; and

--exemption from the obligation to submit annual reports to the Secretary of the Interior for submission to the Congress;*

On the other hand, the Marianas did <u>not</u> get:

--exemption from eminent domain;

--exemption from the U.S. appropriations process and the implicit authority of the U.S. Congress to decide on how U.S. funds are to be spent;

--exemption from financial oversight by a federal comptroller;

--a voting or non-voting representative in the Congress;

--the right to vote in U.S. national elections; or

--any significant voice in international affairs.

Of these, the non-voting representative, guaranteed appropriations, and some level of participation in international affairs were the Marianas' objectives.

There are other factors which might derail the Marianas Commonwealth even after it comes into being. American tradition is that once a part of the United States, always a part of the United States--unless, of course, the United States decides otherwise, as in the case of the Philippines. But the Civil War which established that principle ended more than a hundred years ago. The United States might react differently in the very different political climate of the seventies, especially where geographical separation and

*In these areas, the Marianas got more than the District of Columbia, whose budget and finances are still subject to Congressional whims and whose legislation is still subject to disapproval by the Congress.

cultural distinction might bolster secession. Certainly, the United States would be faced with problems not dissimilar to those of France in Algeria should significant nationalist sentiment in the Marianas and its people conclude that the commonwealth is not sufficient to fulfill their aspirations.

There may be a tendency to dismiss the possibility of serious dissidence in the Marianas--and surely time and the fulfillment of mutual needs will lessen that possibility. On the other hand, it should not be forgotten that the language of the Covenant is still subject to dispute as to meaning. Some ambiguities seem to have been deliberately built in, in the give-and-take of negotiations. Moreover, even in the Marianas, knowledge of worldly political developments remains limited and will remain limited even if the United States succeeds in the preparation and implementation of a political education program prior to a plebiscite. Rhetoric to the contrary, the people and their leaders are now largely motivated by pressing economic objectives which they believe cannot be resolved except by bartering their strategic location. The time may come when economic objectives loom less large--although no one now sees such a time. The people of the Marianas may then wish to re-evaluate their relationship with the United States, perhaps to seek improvements in that relationship within the terms of an association with the United States, or to seek a new relationship with Guam or the other islands of Micronesia, or something totally different. Thus, American military officials who look upon the Marianas relationship as a permanent solution may find themselves faced with the problem in new and more difficult dimensions.

MICRONESIA, GUAM, AND OTHER U.S. TERRITORIES

Just as Micronesians closely examined the status of other United States territories (Guam, the Virgin Islands, and American Samoa) in determining their status preferences, so the other territories closely followed the U.S.-Micronesian and the separate U.S.-Marianas negotiations. The U.S. territories looked particularly for precedents which they might use to improve their own status.

Guam, particularly, followed the tactic of encouraging the Marianas to hold out for more extensive U.S. concessions; at the same time, Guamanians criticized the United States for offering the Marianas a better status than that enjoyed by Guam. In 1973, Jose Cabranes, then a Professor of Law at Rutgers University, and now Administrator of the Office of the Commonwealth of Puerto Rico and Counsel to Puerto Rico's Governor, saw by analogy new alternatives open to Puerto Rico as a result of the Micronesian negotiations, for free association.

Both Congress and the Executive branch had always been aware of the implications of Micronesia's future status for other territories of the United States. In the Kennedy and Johnson years, those implications, repeatedly put forth by the Department of the Interior with the strong backing of Congressman Aspinall, had effectively blocked policy decisions which might have led earlier to a resolution of Micronesia's status. Yet Guamanians especially would argue in the 70's that initial United States positions in the negotiations with the Marianas were taken with little regard for the implications for other U.S. territories.

Hawaii and Alaska may have been the last territories of the United States to follow the traditional pattern of progress

toward statehood. Compared with the forty-ninth and fiftieth states, the remaining territories are even more geographically, demographically, culturally and historically distinct. These factors seem to limit their expectations, if not aspirations. If their people cannot hope to achieve equality within the American system, they seek to determine how close they can come or how much autonomy they can exercise. Guamanian Delegate Won Pat told a Congressional committee, "All aspire to be fully American. In other words, in all ways Americans." But, some Guamanians have begun to discuss independence, just as many Puerto Ricans have done for decades. The Virgin Islands also seek some changes in their status. On the other hand, the people of American Samoa recently again voted down a proposal to elect their own governor.

The amount of political restlessness varies from one territory to another, but the pursuit of a satisfying status remains the major preoccupation of all territorial politics. Pressures for changes in status, in fact, are sometimes welcomed as indicators of social and economic advancement. Congressmen returning from a trip to Micronesia and American Samoa in 1974 complained that Samoans had not, in their longer association with the United States, developed the political maturity and assertiveness which the Micronesians had.

Territories are the responsibility of Congress, as set down in Article IV, Section 3, Clause 2 of the United States Constitution. All activity in territorial areas is subject to the scrutiny and approval of Congress, and all territorial political efforts must be conducted, at some point, in Washington. Congress has delegated some responsibility to the Department of Interior for administration of American Samoa, Guam, the Virgin Islands.

Only with Puerto Rico has Congress not designated a responsible federal agency.

All status changes must be brought to Congress. Congress retains the right to pass legislation regarding territories at any time. This is true even with regard to Puerto Rico--at least some in Congress thought so. "No one need have any apprehensions," said Representative Barlett in 1950 as Congress approved Puerto Rico's commonwealth status, "about a grant of undue powers under this act to the people of Puerto Rico. Congress retains all essential powers set forth under our consitutional system, and it will be Congress and Congress alone which ultimately will determine the changes, if any, in the political status of the island."

Similarly, in 1960, Senator Henry Jackson, Chairman of the Senate Committee on the Interior, is quoted as saying that for Puerto Rico to govern its own affairs "does not change the fact that Congress, under our constitutional system retains the right to pass legislation from time to time in the best interests of all citizens which could, in effect, alter aspects of the relationship."

Thus, territorial politicians must in many instances appeal to Congress for benefits for territorial citizens, and often it is difficult, if not impossible, to get Congress to devote adequate and objective attention to the territories. Guam Senator Richard F. Taitano, reflecting on three years as Director of Territorial Affairs in the Department of the Interior, emphatically stated the problem:

> "Too often during my three-year assignment in Washington I heard remarks to the effect that local politicans had axes to grind whenever proposals were submitted to the Federal establishment. That these proposals in the main are the sincere aspirations of a growing territory was of secondary importance."

Despite the fact that a clear pattern emerged in the political evolution of territories which eventually became states, no such pattern exists for current territories of the United States. The difference seems to be in the extent to which Congress allows the territories to govern themselves. In its analysis of legal constitutional factors regarding the status of Guam, the Guam Status Commission cited three general roles given the Department of the Interior by Congress in governing United States territories:

(1) a representative role before the Congress and elsewhere in the Executive Branch;

(2) a review function over expenditures in the territory; and

(3) a direct administrative and supervisory role in specific areas.

The extent to which the Interior Department fulfills these roles varies. On one end of the spectrum is the "commonwealth" of Puerto Rico where neither the Interior Department nor any other United States government agency exercises a representative, review, administrative, or supervisory role. On the other end of the spectrum is the "unincorporated" and "unorganized" territory of American Samoa, which is governed under a constitution approved by the Secretary of the Interior and by a Governor appointed by the President. In the middle are Guam and the Virgin Islands, which are "unincorporated" and "organized" territories and are

governed under laws passed by Congress. Since 1971, Guam and the Virgin Islands have elected their own governor. According to Deputy Assistant Secretary of the Interior Stanley Carpenter, Interior's current role in Guam and the Virgin Islands is limited to five statutory areas: the audit function of the Federal Comptrollers of each territory; responsibility for submerged lands; the Virgin Islands Conservation Fund; the Virgin Islands Matching Fund; and the Guam Rehabilitation Act.

The Guam Status Commission Report argues that the extent of federal control, i.e., including the role of Congress and other agencies such as Defense, is more pervasive in Guam and the Virgin Islands than Deputy Assistant Secretary Carpenter implies. The analysis concludes:

1) The basic instrument of government, the Organic Act, stems from Congressional action and does not even in theory take its powers from the people of Guam. "The extent of the power granted . . . depends entirely upon the Organic Act of Congress in each case, and is at all times subject to such alterations as Congress may see fit to adopt."

2) The Organic Act contains "a number of legal reservations on the exercise of local governmental authority and institutionalizes a review of Federal bureaucratic intrusions within the local structure." Among others, Guam and the Virgin Islands are limited as follows:

   a. The Governor is given authority to appoint and remove all officers and employees of the Executive Branch of the Government of Guam except as otherwise provided in this or in any other act of Congress.

   b. The Governor is to make a report to the Secretary of the Interior for the submission by the Secretary to the Congress and he is to make other reports at such other times which may be required by the Congress.

a. There is appointed by the Secretary of the Interior in the Department of the Interior a Government Comptroller who is to review the operations of the government and bring them to the attention of the Secretary of the Interior and the Governor. He may communicate directly with any person or with any departmental officer and he may even summon witnesses and administer oaths.

b. The laws of the Guam Legislature may be annulled by the Congress of the United States.

c. Judges in the District Court of Guam are appointed for a term of years rather than life as in other District Courts throughout the States and Puerto Rico."

3) Finally, in Guam, particularly, the Organic Act established "a special sanction for the military presence on the island which may permit an expansion of military authority more readily than elsewhere in the United States."

Thus, the present limitations on territories can be used as a yardstick in measuring the status which results from the Micronesian and Marianas negotiations. All U.S. territories may have some basis for complaint if fewer limitations are placed on new U.S. territories as the result of negotiations with the United States. Technically, the only new U.S. territory currently under consideration is the Northern Mariana Islands and a comparison of that territory's perrogatives is most relevant. On the other hand, despite the fact that Micronesia would not become U.S. territory but a "freely associated state", there is already a comparison between Micronesia's perrogatives and those of Puerto Rico. The comparison results from Puerto Rico's belief that it too is a "free associated state", notwithstanding legislation that it is a "teritory" of the United States. A comparative measurement of the status being negotiated by Micronesia and the Northern Marianas and the status of other U.S. territories can be found in Chapter However, due to the particular importance of Guam to the Micronesian islands, a discussion of its relationship to the status negotiations follows

Guam

Guam would be included in an analysis of Micronesia's status even if it were not directly affected by precedents which might be established. Guam is geographically but not politically part of Micronesia or "the area of little islands." However, Guam is, and is likely to remain, an integral part of Micronesia, especially of the Mariana Islands chain, of which Guam is the southern-most island. The question of Guam's future status would have been important even if the Marianas had not decided to break away from the rest of Micronesia and seek a separate relationship with the United States; however, the separate negotiations and the substance of agreements reached, spurred Guam's interest in Micronesian developments and caused Guam to question anew its own relationship with the United States.

In five significant areas, Guam and Micronesia are interrelated:

--Geographically, economically, and strategically, Guam is part of Micronesia. In addition, Guam has historical and cultural links to the Marianas.

--Guam is a territory of the United States and its people are U.S. citizens. Guam aspires to a more advanced political status and is critical of any political status which gives Micronesia or any of its parts a better political status than Guam.

--Differing political statuses for Guam, the Marianas, and the rest of Micronesia would bring to five the total number of types of status in the American territorial system. Congress may wish to look more closely at the territorial system and try to rationalize the U.S. territorial structure, or to combine some part of Micronesia with Guam. Proposals by the Marshall Islands, and perhaps by Palau for their own separate negotiations with the United States, might exascerbate this problem.

--Guam's experience with the military provides some insight for Micronesians as to what they could expect from further military development in Micronesia.

--A judgment of the strategic importance of Micronesia and the need for additional facilities to meet defense requirements cannot be made without analyzing the military role of Guam and the capacity of the island to meet foreseeable defense needs.

Guam and the Marianas Have Common Roots

Guam has similar cultural, ethnic, and linguistic roots with the rest of the Mariana Islands. However, Guam developed separately after it was severed from the other Mariana Islands and ceded to the United States by Spain following the Spanish-American War. The Mariana Islands had been quite densely populated until the Spanish converted the population to Christianity. Continual native resistance, however, culminated in uprisings which the Spanish quelled by moving the entire Chamorro population to Guam and killing off a large percentage of them. In one sense there are no Chamorros. Those who survived intermarried with Filipinos, Spanish, Chinese and others to form the basis of the present population of Guam and of the Northern Marianas.

When Guam was ceded to the United States, the United States did not bother to "purchase" all of the Marianas and even at the time of Pearl Harbor, little was known about the rest of Micronesia. The Navy administered Guam but with little credence given to any strategic value. Before the Japanese invasion, Guam was determined "temporarily dispensable" and all American personnel and dependents were evacuated. It is a sore point with some older and younger Guamanians that the United States left Guam to the mercy of the Japanese. On the other hand, probably

a larger number of Guamanians are grateful to the United States for recapturing the island.

When Guam was liberated on July 21, 1944, a Guamanian spokesman revealed Guamanians' patriotism: "We have never subscribed to any foreign ideologies or influences; we pledge allegiance to no flag except that of the Stars and Stripes; we have proven our loyalty, have demonstrated our valor, and have sacrificed for a common cause..."

Guamanians are still quite proud of their association with the United States -- "Where America's Day Begins" reads a newspaper banner. "The people of Guam are without a doubt among the most loyal Americans on the face of the earth," said the President of the Guam Junior Chamber of Commerce before a congressional subcommittee. "Everyone knows," said another observer, "that Guamanians will sing 'God Bless America' at the drop of a hat."

The war changed Guam in highly visible ways. The island is approximately 200 square miles and over 33% of the land, much of it agricultural, is controlled by the military. Guam remained a military base after the war. The island was placed under strict naval security clearance regulations, which had a severely adverse effect on economic development. Tourism,for example, could not be developed because of restrictions on entry.

Guam changed again in 1950 with the passage of an Organic Act. A civilian, Carlton Skinner, was appointed Governor and administration of the island was placed under a civilian agency, the Department of the Interior . Guam first elected its governor in 1971,and in April 1972 a bill was approved under which Guam would elect a non-voting delegate to the U.S. Congress. It was

not until nature, in the form of Typhoon Karen, devastated the island in 1962 that Guam came alive economically. Congress passed the Guam Rehabilitation Act and new facilities were built. The island is still largely dependent on the contribution of the military to its economy. However, since 1962, Guam has developed a booming tourist industry which attracts large numbers of Japanese, especially young couples who go to Guam for their honeymoons.

Micronesia is heavily dependent on Guam. Virtually all Trust Territory commerce goes through Guam. Even goods shipped from the U.S. west coast and destined for the Marshalls, go first to Guam; in other words, cargo travels approximately 6800 miles in order to reach a destination only 4800 miles away. (This is true except for goods destined for the U.S. military facility on Kwajalein; these goods are handled under a separate shipping arrangement and go directly to Kwajalein.) Guam once served as the seat of Government for Micronesia. And the University of Guam serves as the institution of higher education for Micronesia.

On the other hand, Guam depends on Micronesia for a substantial amount of agricultural products, a support function which is likely to grow if plans materialize for improved agricultural development on Tinian and Rota. A Guamanian entrepreneur, from Texas, already has a meat and dairy ranch and a slaughter house on Tinian. Most of these products are shipped to Guam. Similarly, some Guamanians have quietly expressed concern about the adverse impact on the University of Guam if Micronesian students were not present in large numbers.

Thus, in every aspect except political, the relationship between Guam and Micronesia seems to point to unification. This is particularly true of the relationship between Guam and the Northern Marianas.

But the political barriers are substantial, perhaps impenetrable. As early as 1961, the people of the northern Marianas proposed their "reintegration" with Guam on grounds of ethnic, cultural, and linguistic similarities. And to the extent that Guam is American in its ways, the Northern Marianas are more similar to Guam than they are to any other area of Micronesia. There is undoubtedly an element of truth to the suggestion, prevalent in the early 60's, that the Marianas reintegration movement was initially promoted by the American Navy on Guam; but American citizenship and the higher wages paid by the military on Guam played a major role in "reintegration" efforts also. In any event, repeated overtures by the Marianas were met with solid opposition from the United Nations, and from the United States under pressure from the United Nations. In 1969, Guam itself joined the anti-integration side when a poorly publicized, low voter turn-out referendum on Guam resulted in the rejection, by a narrow margin, of "reintegration" with the Northern Marianas. Guamanians are said to harbor bitter feelings against the Saipanese because many Saipanese were used by the Japanese to guard Guamanians during the Japanese occupation of Guam. Guamanians speak condescendingly of their poor northern neighbors.

Guamanians may, however, be changing their attitudes about political integration with the Northern Marianas. In a recent but

unscientific poll conducted by Guam's Delegate to the U.S. Congress, Antonio Borja Won Pat, the results were strongly supportive of reunification with the Northern Marianas, with 86.2% voting in favor of it. Guam Governor Carlos Camacho feels strongly about an eventual union: "The link between Guam and the Northern Marianas...was broken only by a quirk of history. We all have so much in common and we should be working in a mutual partnership for the benefit of all the people in the islands." But Won Pat projects that the union of the Marianas and Guam is unrealistic for quite awhile -- at least 15-20 years, because resources, both human and material, do not warrant it.

Faced with rejection by Guam, the object of growing antipathy from the rest of Micronesia and the realization that the United States military was interested primarily in their islands -- not in the rest of Micronesia -- for military facilities, the Marianas formed a status group to begin their own negotiations with the United States. Guam was to play no part in their position; in fact, now the Marianas oppose reintegration. The United Nations Visiting Mission of 1973 reported that although there exists a feeling of kinship between Guam and the Northern Marianas, it is less talked about now than it used to be. James Leonard, a U.S.-based economic consultant to the Marianas, thinks that at this point the Marianas do not feel any great desire for "reintegration." With a population of only 13,381, the Marianas now see themselves over-powered by a Guam population of 84,996 (census of 1970) -- and experienced politicians. Moreover, Guam's

political status is considered inferior by the Marianas group, which feels that its negotiating position is sufficiently strong that it can drive a hard bargain with the United States. Guamanians agree. Delegate Won Pat states, "Micronesians are better off than Guam because they didn't have to go through the period of military control which Guam did." Governor Camacho agrees that the Marianas are in a better position than Guam was in 1950 (the year the Organic Act was passed), because Guam was not given the opportunity to negotiate with the United States about its political status.

One issue of particular concern to Guamanians in the last few years is the extent of the military presence in Guam. The life and economy of Guam have been dominated by the omnipresence of the American Naval and Air Force personnel and their dependents,who constitute about 30,000 temporary residents, more than 1/3 of the population. In addition, there are more than 5,000 semi-permanent Philippine residents who were brought in by the military to work on the military bases.

The American way of life has had a profound and far-reaching impact on Guam. Agana, the capital of Guam, has American television; it receives news from American sources; and it has adopted the American educational system. Chamorro customs are rapidly going the way of the Chamorro language - they are dying out, with the result that a growing group of Chamorro "nationalists" has started a campaign to reintroduce Chamorro into the schools.

The needs of the armed services have transformed the Guamanian economy and virtually eliminated agriculture. Guam has what is

essentially a service and wage economy. Until the recent growth of tourism, Guam's prosperity was to a large extent a by-product of heavy military expenditure on the island. The economy is still affected to a large extent by the build-up or cut-back in military expenditures.

Before World War II, most of the people of Guam earned their living from agriculture. The total value of imports was several times greater than exports, but the balance-of-payments was met by expenditures of the Naval Station. As a result of post-war developments, land previously used for agriculture was pre-empted in favor of military purposes.

Since 1898 (and continuing until about ten years ago), the island had been virtually isolated from social and commercial intercourse with the rest of the world because of the security restrictions imposed by the military, and consequently, it had a stagnating economy that resulted in an almost total dependence upon military activities. It was not until the summer of 1962 that the Naval security clearance was abolished by President Kennedy, over the objections of the Navy. When those restrictions were lifted, Guam experienced a massive economic boom -- with the assistance of Typhoon Karen.

However, more than 10,000 Guamanians now do government or government-related work.

Military and Land

A serious problem for Guam as well as the rest of the Marianas is land. Foreign land speculators are rapidly acquiring land, and because of the acutely limited availability of land, prices have skyrocketed. Young couples cannot afford house lots, and consequently are forced to live with parents or relatives. They drive to work on a military base every day and travel across vast acres of federally held land lying completely idle. Over 48,000 acres or 33% of the island, including some of the best agricultural and recreational land on Guam,is under military jurisdiction. The miliary actually use only 25% of its land holdings.

No one is really against the military presence on Guam, says Delegate Won Pat, but they question present use of the island and are opposed to further military acquisition. The Naval Air Station is utilized more by civilians (75% of the Naval Air Station area is civilian used) than by the military, yet the Department of Defense will not part with any of the land. The Naval Air Station is directly in the middle of a growing community and Governor Camacho pointed out, "It has become something of a sore point - to get from Barrigada to Tamuning you have to go all the way around the base instead of going right through. I'm not too happy at the way the military is utilizing the property it is holding. They always say they have future plans,but I have heard that comment for ten and twenty years." Guamanians,said Camacho, were starting to feel uncomfortable about the military,

mostly because of the land issue. "There is a growing resentment because the people have to look through the fences at all of those enclosed areas of the island which the military has," says Camacho. Senator Frank Lujan, Chairman of the Guam Political Status Commission, commented, "...We know that the military retention of 1/3 of our limited land area is hampering normal development of the economy. The very presence of the military constitutes a drain upon our human and natural resources."

The Navy has plans for a $100 million ammunition complex and dock to be constructed at Sella Bay, the last "unspoiled" area of Guam and one of the most beautiful -- perfect for tourism development. The Federal Government took advantage of the Guamanians'desperate need for a new airport and used the airport as "hostage" or "bait" to soften Guamanian opposition to giving up Sella Bay. The Guamanians had almost no choice but to comply and trade Sella Bay because the international airport is absolutely essential for the growing tourism. In 1974, members of the Guam Legislature and members of the Sierra Club and Friends of the Earth filed a suit in San Francisco's Federal District Court to stop construction of the complex. They charge that the Navy and the Guamanian Government engaged in an illegal land transfer and held no public hearings as required by the National Environmental Protection Act.

Land, in fact, is a major reason for new questioning of Guam's political status. As Senator Lujan put it: "We are keenly aware of the fact that the United States military wants to expand and intensify their activities on Guam,which means a Guamanian move toward self-determination is becoming an extremely sensitive

issue." In testimony before the House Subcommittee on Territories 1972 hearings, Bordallo noted that the United States was negotiating land questions with the Marianas and apparently was willing to enter into long-term leases. Bordallo questioned why the United States could not also be a tenant on Guam instead of an owner. One Guamanian teacher summed up what is perhaps a widespread and growing feeling among islanders: "Many of us want to become American (i.e. statehood) not because we want to be absorbed into American culture, but so that we can protect ourselves better against the military. This is more important than ever now that the Navy has its eyes set on Sella Bay, the last part of the island we can call our own."

The Guam Status Commission: "We Do Not Intend to Sit Idly By..."

Even prior to the separate negotiations with the Northern Mariana Islands, Guamanians had kept a wary eye on the Micronesian status negotiations. Delegate Won Pat expressed dismay that the United States was not encouraging "long overdue reunification." After the Mariana breakaway, Guam's Governor, on April 19, 1973, signed legislation which established a "special commission to review the political status of Guam." Specifically, the commission was instructed to study the following alternatives: statehood; independence; affiliation with another nation; commonwealth or associated free state*; and unincorporated territory.

The U.S.-Marianas communique of May, 1973, in which United States negotiators agreed to a "commonwealth" status for the Marianas, was a particularly hard pill for Guamanians to swallow.

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*Unlike the Micronesian Status Commission, the Guamanians apparently looked upon "commonwealth" as the same as "free associated state."

Governor Camacho, a supporter of political reunification, challenged the United States tentative agreement with the Marianas: "We do not intend to sit idly by while Micronesia (sic) negotiates itself a political status better than ours. Our status review is underway and when they present theirs, we will move to ensure that Guam is treated equally. Our long loyalty to the United States entitles us to nothing less." A steady stream of statements has come from Guam Status Commission members, mostly expressing dismay at the Marianas negotiations and Guam's "inferior" status as an unincorporated territory. Among other things, the Chairman of the Commission wrote a series of harshly critical articles in the Pacific Daily News, describing Guam's territorial status as a "nothing status" and a "political no-man's land."

Finally, on February 4, 1974, Guam Delegate Won Pat expressed Guam's outrage on the floor of the U.S. House of Representatives: "To accord these individuals a political status higher than that now accorded Americans in the U.S. Virgin Islands or Guam...is a grave trespass on the boundaries of the union which exists between territorial Americans and their counterparts in the 50 states." Won Pat went on to say that by promising the residents of the Northern Marianas "a degree of political autonomy far greater than that presently enjoyed by the American citizens of Guam, the United States may well have created an effective impediment to reunification for the foreseeable future."

Won Pat didn't see the Northern Marianas as wanting to even discuss reunification with Guam, since its level of political autonomy is far below that being offered the Marianas. He then

cited some shortcomings of the Organic Act of Guam: Guam's constitution was not drafted by Guamanians; Guamanians cannot determine or control Federal land use. On the other hand, the United States had agreed that in the Marianas all lands not needed for defense would be returned; a constitution would be drafted by the people of the Marianas' and extensive financial assistance for the first seven years of the commonwealth agreement was promised.

"It comes as no small shock to our people, " said Won Pat, "to see the United States readily, even eagerly, offer our neighbors to the north a host of privileges which we on Guam do not enjoy." He concluded that, "Whatever the needs -- whether real or imagined -- of the Pentagon in the western Pacific, the willingness of Washington to deal so generously with non-citizens while denying their fellow Americans equal treatment can only be viewed with suspicion and resentment by the people of Guam."

Guam is particularly disturbed because there was no official response to Guam's status initiatives. Won Pat asked President Nixon to set up a Status Commission for Guam, pointing out the Puerto Rican and Micronesian precedents, and stating that "as citizens of a free democracy, the people of Guam are only asking that their positions within the framework of this great country be reviewed and improved." But the White House took no action. Instead, Department of the Interior officials offered to meet with Guam representatives. Guamanians are apt to remark, bitterly: "The Micronesians got to negotiate with a Personal Representative of the President; all we got was

Stan Carpenter (Director of Interior's Office of Territories).

The concern felt by Guamanians on the treatment of their status was expressed in the report released by the Political Status Commission of the Twelfth Guam Legislature in September, 1974. The report is couched in more restrained language than the Lujan articles in the Pacific Daily News; however, the desire to change Guam's political relationship with the United States is unmistakable, particularly when conclusions are read in the context of the entire report. The report concludes:

1. The relationship between the U.S. and Guam should be based on self-determination and it is essential that decisions are undertaken with the wishes of the Guam people in mind.

2. The Organic Act does not permit the people of Guam to effectively manage their own affairs and is inadequate for Guam's needs. The Act does not delimit federal power, so local governing institutions remain weak. Federal law extends more broadly to Guam than to any State or Commonwealth because the presumption of the validity of the local statutory acts does not operate.

3. Various status alternatives from commonwealth to independence are within the power of the people of Guam and the Congress to establish under the Constitution.

4. The military has played an unduly large role in Guam in areas not affecting the national security but of critical importance to Guam, particularly in control of land.

5. Participation in such regional Pacific institutions as ECAFE and the Asian Development Bank would be desirable economically and politically to Guam, but the U.S. government has resisted this participation. The report complains that "instead of the U.S. government appearing ...to seek out and generously promote opportunities so that its ... citizens can benefit from participation in the world community, the people of Guam have seen almost the contrary to be the case...Although the people of Micronesia, who are not U.S. citizens, have gained the full endorsement by the State Department for their participation in these institutions, no such endorsement has as yet been forthcoming for Guam.

The report recommends the development by the people of Guam of a Constitution for the governing of Guam and a referendum in which the people of Guam could choose between a new Constitution or continuation of the Organic Act. This would be an interim position similar to the Commonwealth status granted Puerto Rico and being discussed for the Northern Marianas. The report noted that "the interim position is not necessarily the longer term status goal. It may be that the Commonwealth would continue to develop and grow, but it could also be the people of Guam would wish closer association with the United States through statehood or a more distant one similar to that being discussed with Micronesia at the present."

The report also recommends the return of land holdings not necessary to the national security interest. It further recommends that, as in the cases of Micronesia and the Marianas, administratively secured documents be made available to the planners of present and future military needs so as to aid them in a more effective planning for future developments on the island. Finally, the Commission recommended the creation of an ad hoc committee to review fully U.S. military presence on Guam.

The Guam Commission report, however, had little impact upon being released, even in Guam itself. Only 50 copies were distributed. Moreover, coming prior to the 1974 elections, the report was greeted cautiously by politicians. Future action on the report is uncertain, especially given the defeat of the Chairman of the Status Commission in the 1974 elections.

However, it appears unlikely that Guam will let the status question rest for very long. Within a month after his inauguration, the newly elected Governor of Guam (a brother of the defeated Guam Status Commission Chairman) raised Guam's status with Interior officials in Washington.

Other Territories

American negotiators do not believe the provisions of the Draft Compact
for Puerto Rico.
set precedents/ The argument is that the Compact does not apply to a territory over which the U.S. has sovereignty, while Puerto Rico is U.S. territory. Using this logic, only the Marianas Covenant could have precedential implications for Puerto Rico. On the other hand, Puerto Ricans, who already resent the provision of U.S. law that Puerto Rico is "a territory of the United States," see their "free association" status as the same as Micronesia's "free association status*, and have cited the draft Micronesian Compact in their effort to achieve improvements in Puerto Rico's status. Such improvements, they argue, are necessary if Puerto Rico's choice of neither statehood nor independence is to remain viable. If one takes the Puerto Rican point of view, at least three changes for Puerto Rico would result from the Micronesia Compact. They are:

1. Wider latitude in foreign affairs. This includes associate membership and, in some cases, full membership in U.N. agencies and other international organizations. It also includes specific consultation and approval of international agreements with major impact on Puerto Rico.

2. The right to unilaterally alter its relationship with the United States, even though there is no serious consideration currently being given such an action.

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*See W. Michael Riesman's book, Puerto Rico and the International Process: New Roles in Association. Washington: American Society of International Law, 1975.

See also statements by Jose Cabranes before the 1973 annual meeting of the American Society of International Law and before the University of Texas Law School, December 4, 1974; and the presentation of Puerto Rican Governor Hernandez-Colon on April 27, 1974, before the Ad Hoc Advisory Group on Puerto Rico.

3. Complete control over internal affairs, leaving only foreign affairs, defense, and other areas explicitly agreed on to the United States. This is not presently the case. Under Section 9 of the Federal Relations Act, "statutory laws of the United States not locally inapplicable...shall have the same force and effect in Puerto Rico as in the United States."

If, on the other hand, one takes the view of U.S. officials and looks upon Puerto Rico as a territory of the United States whose free association differs from the free association found in the Micronesian Compact, then only those precedents found in the Marianas Covenant are possible precedents for Puerto Rico. Of these, the most important is the clear necessity to amend Section 9 of the Puerto Rico Federal Relations Act so that laws passed by the United States Congress will be applicable to Puerto Rico only if Puerto Rico is specifically mentioned. Similarly, a commission with a Puerto Rican majority would review current U.S. laws and recommend those which should be applicable to Puerto Rico. Although Puerto Rico already has foreign ownership of land, they may wish to control future alienation of land. Other possible precedents of the Covenant are control over immigration, customs, excise taxes, and the opportunity to negotiate with the Federal Government, particularly the military, over the amount and cost of land used by the government.

The specific precedents for Guam, the Virgin Islands, and American Samoa are similar to those for Puerto Rico when Puerto Rico is looked upon as a territory of the United States. However, the precedents for these three territories are more far-reaching simply because they do not already have the relatively advanced status held by Puerto Rico. Some of the precedents for Guam, the Virgin Islands, and American Samoa are:

1. Protection against land alienation;
2. The ability to negotiate the nature of their relationship, if any, with the United States;
3. The right to write, adopt, and amend their own constitution;

4. The right to write, adopt, and amend their own laws, subject only to the provision governing the relationship;

5. The ability to negotiate land usage. This is particularly important to Guam. Guam will also wish to cut back the ease with which the military exercises eminent domain on the island.

6. Restrictions on the applicability of U.S. laws and a review of current U.S. laws to determine those which should or should not apply.

7. Control over such areas as customs, excise taxes, and immigration.

8. The right to establish a supreme court;

9. Deletion of the requirement to submit a report to the Secretary of the Interior or to the Congress;

10. Deletion of the right of Congress to annul legislation;

11. Long-term authorizations of a specific commitment of funds.

The suggestion is simply that the above are among the list of items which governments of U.S. territories might cite as being provided the Marianas and currently unavailable to already established territories. Not all of the above will be equally important in each territory. For example, Guamanians are clearly exercised about the amount of land controlled by the military and about the ease with which the military can assert authority. Nor does the listing suggest that each territory will wish to have changes in each of the areas listed.

On the whole, the necessity to entertain changes for U.S. territories as a result of the Marianas Covenant and the Micronesian Compact is an indication that the U.S. has yet to develop a long-term relationship with its offshore possessions. It seems strange that this would be so thirty years after the U.S. had championed "self-determination" in the United Nations Charter. The simple truth is that the United States has always been reluctant to admit that it has colonies, just as did Britain, France and Portugal. Those countries have largely succeeded in adjusting their relations with countries over which they ruled. In the long term they may have been fortunate that they recognized a colony as a colony and that the people put up resistance to continued foreign rule.

CONGRESS AND MICRONESIA:

International Trusteeship in the National Interest

Approval of the Trusteeship Agreement

Congress, on July 18, 1947, approved the agreement between the United States and the United Nations which obligated the United States to the trusteeship experiment in the Pacific. President Truman thought the Trusteeship Agreement between the United States and the United Nations Security Council was sufficiently important that approval should be sought in both the House and Senate, instead of by the Senate only, as required by the Constitution in the case of treaties. Yet, even in passing the legislation establishing the international arrangement, Congress proved itself incapable of viewing the trusteeship as an international experiment, and viewed it instead as territorial acquisition in the national interest. Throughout twenty-five years of involvement with Micronesia, Congress would assert its territorial imperative to Micronesia, would deal with the area as if it had no international significance except strategic, and would assign legislation regarding an international obligation to committees which dealt solely with domestic issues. For the most part, however, Congress as a whole would ignore Micronesia.

The Trusteeship Agreement had its roots in firmly-held anti-colonialist sentiments in the executive branch, particularly within the White House and the Department of State and of the Interior. But in Congress, as in the American military establishment, the American draft plan for trusteeship was viewed as a legitimization for territorial expansion rather than as a new approach to the development of dependent areas. Congressman F. Edward Hebert, who in 1974 would hold the powerful position of Chairman of the House Armed

Services Committee, told the American Forum of the Air in 1945: "We fought for them, we've got them, we should keep them. They are necessary to our safety. I see no other course." A short time later Hebert introduced a resolution declaring it the sense of the Congress that the United States retain "permanent possession" of all islands captured from Japan. In an August 1945 report, the House subcommittee on Pacific bases of the Committee on Naval Affairs stated that the United States "should take outright the Japanese mandated islands."

While Hebert, the Naval Affairs committee, and the military seemed to be primarily concerned about retention for strategic reasons, others in Congress had more grandiose ideas. Congressman James J. Delaney proposed an "American commonwealth of nations" consisting of the British Caribbean islands, the Galapagos, Baja California (which he felt could be taken from Mexico), and Micronesia. The delegate from the Territory of Hawaii, Joseph Farrington, whose elderly widow would become Director of Interior's Office of Territories in 1969, suggested that "the territorial formula which has proved so successful in the development of our country through more than 150 years can ... be readily adapted to the vast new areas of the Pacific." The views of Congress were consistent with public expressions at the time. If asked, most Americans today could not locate Micronesia on the map. In 1944, however, with the island-to-island battles fresh in their minds, 60% of Americans surveyed told the Gallup organization that the U.S. should retain possession of Micronesia.

When the Trusteeship Agreement was presented to Congress for approval, little was said about the United States' capability to assist Micronesian social, economic, and political development. Little was said which would allow any Congressman to think that the agreement gave the United States less than unquestioned control of the islands. Such was Congressional

opposition to any status short of outright control that emphasis on U.S. obligations was non-existent. Senator Byrd of Virginia, for example, said that it would be absurd to consider placing the Pacific bases under trusteeship when the USSR was extending its sovereignty over the Kurile islands. Thus, in trying to win approval of the Trusteeship Agreement, even Congressmen sympathetic to the developmental goals of trusteeship went out of their way to assert that the plan guaranteed unquestioned American control of Micronesia. Congressman Fulton, floor chairman of the bill, stated that the Trusteeship Agreement would "establish United States' control on a regular basis." Congressman Mike Mansfield, who had visited the area in 1946, encouraged approval of the Agreement on the grounds that it would "give us the kind of title to the new Territory of the Pacific that we should have and which we have earned." The American veto power over any change in Micronesia's status, along with provisions allowing military use of the islands and the right to restrict access, were seen as guarantors of American ownership.

The United Nations was believed to have had little choice but to approve any U.S. decision on disposition of the islands. An investigative report submitted by Mike Mansfield to the Congressional Record quoted John Foster Dulles as informing the United Nations Trusteeship Council that even if the American draft Trusteeship Agreement was rejected by the United Nations, the islands would remain under U.S. control. In less polite terms, it was a "take it or leave it" situation. It was amidst these circumstances that the Trusteeship Agreement was approved by the Congress--and then only after Admiral Nimitz testified that the agreement fully protected American defense interests.

Even prior to approval of the Trusteeship Agreement, some in the executive branch questioned the emphasis on U.S. security interests. This took the form of a bureaucratic struggle between State and Defense over whether Micronesia should be annexed or placed under the proposed Trusteeship system; and between the Interior Department and the Navy over which agency should administer the islands. On September 28, 1945, Acting Secretary of the Interior Abe Fortas wrote to President Truman outlining Interior's argument for civilian administration of all United States territories, including Micronesia:

> By maintaining naval administration of Samoa and Guam, the United States has had the dubious distinction of being the only Pacific power which governs an inhabited colonial area as a mere appurtenance of a military base. This is not, I believe, a distinction which the American people will justify at a time when enlightened opinion, at home and abroad, demands expert attention to the progress of dependent people.

In May of 1947, Secretary of Interior J.A. Krug returned from a trip to Micronesia and recommended to President Truman that at the conclusion of the Trusteeship Agreement then under consideration, the U.S. should ask Congress to "define the civil rights and political status of the islanders in their new relationship to the United States...It is vital that by act of Congress we guarantee these people the maximum degree practical of the civil liberties and basic freedoms enjoyed by U.S. citizens." In response to Krug's recommendation, Truman asked the Department of State to draw up an organic act for the Trust Territory.

Legislation to "define...the political status of Micronesia" reached Congress on May 21, 1948 (S.J. Res. 221) and was referred to the Senate Committee on Interior and Insular Affairs Committee and the House Sub-committee on Territorial and Insular Affairs, then a part of the House Public Lands Committee. On the same day, a special joint committee to study organic

legislation for U.S. territories was proposed. But while that special joint committee was established and proceeded to consider organic legislation for Guam and American Samoa, the organic legislation for Micronesia was left in the Interior committees, which gave it no consideration. This was a foretaste of the course which Congress would pursue on all legislation regarding Micronesia' status for the following twenty-five years.

"Congress," in the Micronesian situation, would come to mean the Interior committees. The House and Senate Interior committees are domestically-oriented, and since they deal with issues such as natural resources, parks, grazing lands and recreational areas, traditionally attract a predominantly western membership. Energy and environmental problems of the seventies have resulted in some membership changes. However, earlier Interior committee members tended to represent areas which obtained statehood in the western expansion of the United States, and were inclined toward annexation as a solution to territorial problems. Increasingly, Micronesia became the special interest of westerners. (Micronesia is an opportunity for western patronage. The last two High Commissioners, Norwood and Johnston, are Hawaiians.) These Western representatives often have at least a minimal amount of economic concern for Micronesia since companies in their districts have some chance of winning government contracts in Micronesia and since Pacific peoples immigrate, in substantial numbers, to their districts. Finally, many members of the Interior committees share a general distrust for, perhaps distaste of, the United Nations.

Exit Foreign Affairs

The direct involvement of the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs terminated with the approval of the Trusteeship Agreement, and was further removed by the subsequent decision to assign civilian responsibility for Micronesia to the Department of the Interior. The Senate Committee on Foreign Relations exercised responsibility only for the approval of American representatives to the United Nations Trusteeship Council

In fact, the involvement of the Senate Committee on Foreign Relations has been so minimal that during the confirmation hearing for Mrs. Eugenie Anderson as Ambassador to the United Nations Trusteeship Council in 1964, Senator Fulbright, long-time chairman of the committee, asked whether the U.S. had a full-time administrator in one of those trust territories. Still later, the Senate Committee on Foreign Relations passed up the opportunity to consider the Micronesian War Claims Agreement between the United States and Japan, leaving that task to the Senate Interior Committee. On the House side, the Committee on Foreign Affairs has shown similar lack of interest, although that committee did consider the war claims measure. The Foreign Affairs Committee action, however, is probably more attributable to the active interest of Congressman Donald Fraser, Chairman of the Subcommittee on International Organizations, than to a conscious effort to consider Micronesia as a foreign affairs rather than a domestic question.

It is an irony of history that in its policy toward dependent territories, the United States was one of the foremost advocates of decolonization and international oversight, except for areas of its own responsibility. The selection of the Interior Department to administer Micronesia emphasized the broad humanitarian, as opposed to the military aspects, of American presence. Yet, the conclusion of the Trusteeship Agreement and the change from military to civilian administration resulted in decreased concern for international oversight and decreased involvement by those responsible for international affairs: the Department of State and the legislative committees on foreign affairs.

Devotion to the ideas of civilian government was not apparent in Interior's early administration of the islands.

Among other things, naval administrators, many of whom were specially trained for the task, remained in civilian capacities and tended to grow stale on the job. Undoubtedly, many of them were also frustrated when the large resources, especially for transportation, medical care and Seabee-type construction, were no longer available.

There was little evidence of Congressional concern over the poor development in Micronesia. During the 50's, Congress appropriated less than six million dollars annually for administration and capital improvement in the far-flung territory. In Micronesia's schools, pencils had to be chopped in half to increase the supply, and during the entire decade there was only one qualified American teacher. Yet one former Congressman, even now, is inclined to think that the 50's were a golden age of American administration in Micronesia. "Del Nucker," said Congressman Wayne Aspinall, "was the best High Commissioner we ever had...he ran a better ship with four or five million dollars than we've done since."

In the absence of pressure from the Executive branch, from the American public, or from the international community, Congress took no initiative for action in Micronesia. However, territories over which the U.S. had sovereignty did receive attention, particularly in regards to their political status. Hawaii and Alaska approached and attained statehood; Puerto Rico made a pact with Congress establishing the first U.S. "commonwealth"; and Guam and the Virgin Islands were organized into largely autonomous political units. For most of these areas, economic development accompanied political development. Micronesia in the 50's rested in a state of economic and social stagnation.

"Considerable dissatisfaction and discontent" among the Micronesians, reported by a highly critical U.N. Visiting Mission in 1961, along with the acceleration of decolonization shook the executive branch and the Congress

from self-assured apathy. President Kennedy responded by requesting an appropriation of 17.5 million dollars in 1963 for the Trust Territory. In 1963, Wayne Aspinall, Representative from Colorado, who had become House Interior Committee chairman in 1959, introduced a bill calling for increased appropriations for the "economic and social development of the Trust Territory of the Pacific Islands." Michigan Congressman Gerald Ford responded to Aspinall's presentation, saying that: "The initiation of such a program at a relatively small amount per year is only the kick-off for an ever-expanding, never-ending program." But the bill passed since, as with most Micronesia bills referred by the committee, no significant floor opposition was encountered. Congress soon authorized first $15 million, increasing eventually to $60 million in 1972. With the impetus of an adverse U.N. report and pressure from a President responsive to international concerns, Congress was capable and willing to take an interest in the international territory, at least to the point of routinely approving larger appropriations.

The next U.N. Visiting Mission, in 1964, was to mention improvements in the Trust Territory made during the previous three years, and was to prod the United States government, and Congress in particular, toward further action. Senator Bartlett of the Senate Territorial and Insular Affairs subcommittee submitted the report of the chairman of the Visiting Mission to the Senate. "The Territory is now moving and the hum of activity can be heard throughout Micronesia," Visiting Mission chairman Frank Corner of New Zealand had said. "The territory is reaching the point of political breakthrough; and this makes it possible to face up to the question of the self-determination of Micronesia as a real rather than a hypothetical issue." The U.N. team had observed political restlessness among the Micronesians and perhaps realized that the United States had no internal mechanism for the

consideration of Micronesia's political status. The U.N. report went on to apply pressure directly to the Congress which, it said, "has immense power for good or ill over the evolution of Micronesia in the period immediately ahead." Congress had treated the question of the self-determination of Micronesia as a hypothetical rather than a real issue; now it was being warned to consider the issue in real terms.

But the Congress did not respond to the U.N. Visiting Mission suggestion, just as in 1963 it did not respond to the second major initiative of the Kennedy administration, the appointment of the Solomon Committee. More specifically, Interior Committee Chairman Aspinall looked upon the U.N. reports as meddling. Similarly, Aspinall saw the Solomon group as the first of a series of efforts to bypass--and criticize if it could not bypass--the Interior Department and his committee. The Solomon Report showed little concern for Congressional sensitivities; it did not deal with the practical problems likely to confront Congress. Aspinall, for example, had his own ideas about the evolutionary advancement of American territories, and the self-governing political status thought to have been recommended by Solomon did not set well with Aspinall. To Aspinall, status was determined by a long evolutionary process; Micronesia might be "ready" in 50 years. According to a State Department official, in a hearing on Micronesia held in executive session, Wayne Aspinall told State: "As far as status goes, the Trust Territory is on the bottom, American Samoa is next, Guam and the Virgin Islands are above it, and Puerto Rico is on top. What you guys at State want to do is take the botton one on the list and put it on top." Solomon, said Aspinall, "messed up things because he set up certain unapproachable goals and this has caused some difficulty." Interior's cautious reaction to Solomon's recommendations was in part a reflection of Congressional views, particularly those of Aspinall and other senior members of the Committee. Aspinall

believed that neither the Committee nor Interior needed to be told how to run Micronesia. Aspinall was to voice his views over the years at hearings of the House sub-committee chaired by others but dominated by Aspinall. Unfortunately, the full story may never be told; subcommittee hearings at which Micronesia's future was discussed were closed to the public, and records are unavailable.

Congressional Proposals

The movement of Congress from a period in which Micronesia was left unattended to a period in which questions about Micronesia were to be confronted was not an easy process. The process took from 1963 to 1970, seven very important years in the political development of Micronesia. Wayne Aspinall presided over these years, with virtually complete control over his Congress, but very little control over the forces at work in Micronesia.

Some in Congress noticed uneasiness in Micronesia, particularly those members from the new Pacific state, Hawaii. In 1965, Senator Hiram Fong of Hawaii proposed that Micronesia be incorporated into the state of Hawaii. He mentioned a dream held by Kalakaua, a Hawaiian monarch who ruled from 1874-1891, of a confederation including most of the islands in the Pacific. It was time, said Fong, for the United States to consider Micronesia's status since there had been significant progress toward "political maturity and development toward the goal of self-government." Fong warned: "If the U.S. fails to take the initiative in helping to determine the permanent political status of the Trust Territory of the Pacific Islands, the increasingly rapid liquidation of colonialism will heighten the mood of intolerance in the United Nations toward the remnants of anything even faintly resembling that practice." "It would be ironic," the Senator ventured, "in view of our self-proclaimed anti-colonial tradition, that as this final chapter is written

on the era of colonialism, our own policies should come under the harsh criticism of world opinion."

Statehood for such a scattered and small population was untenable, Fong thought, but in union with the state of Hawaii, the interests of the Micronesians, he said, "would be fully protected. They would be first-class American citizens, with all the rights, privileges, and immunities conferred upon them by the Constitution and the laws of the United States." Hawaii, Senator Fong added, "shares many of the cultural, ethnic, and historical traditions of the Micronesia territory." The bill failed in committee, but Fong is said to believe that his bill was successful in calling the attention of Congress to the issue of Micronesian status at a time when no one was sufficiently concerned.

Senator Fong soon came to realize that one of the major factors preventing Congressional action on Micronesia's future political status were the subcommittees which handled territories, particularly the House subcommittee. So, on April 27, 1967, the Hawaii Senator presented a resolution to establish a bipartisan Joint Committee of the Congress on Overseas Insular Areas to "make a full and complete study and investigation of the relationship, present and future, of island areas with the United States, and to report to Congress its findings and recommendations." The proposed committee, composed of six members of each house, was to consider political status questions in the American territories of Guam, American Samoa, the Virgin Islands, the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands. But Fong's proposal died a predictable death; it was referred to the Interior and Insular Affairs Committees.

After a 1968 visit to Micronesia, Congresswoman Patsy Mink of Hawaii introduced legislation providing an Organic Act for Micronesia. Convinced of the islands' strategic importance, Mink thought a plebiscite as early as 1972, as proposed by President Johnson, was too soon and would be a "serious error." The enactment of an Organic Act, she felt, would "assure that the determination of political status will be viewed with favor and will result overwhelmingly for a permanent association with the United States." No action was taken on Congresswoman Mink's legislation in 1968 nor in 1969, when she re-introduced it.

In 1969, a number of Congressmen expressed concern over the political status of Micronesia by supporting a bill drafted by the Johnson administration. On March 25, Clement J. Zablocki of Wisconsin told Congress that the Congress of Micronesia had passed and sent to the United Nations one resolution condemning U.S. stewardship of the islands and another asking the U.S.S.R. to "present" its form of government to the people of Micronesia. These resolutions, Zablocki asserted, "were intended to shock the U.S. into taking definite action on the status of the Pacific Islands." Introducing President Johnson's bill to establish a study commission, Zablocki said: "The people of that area are demanding to be heard. They wish to be released from the political limbo in which they now find themselves. If given a choice, I have no doubt that the great majority of Micronesians will choose close association with the United States."

In 1969, also, Jonathan Bingham of New York, whose interest in Micronesia stemmed from his term as United States Ambassador to the United Nations Trusteeship Council from 1960-1962 reintroduced the Administration bill he had first proposed in 1967, to set up a commission of Americans and Micronesians to give the Micronesians a chance to express their preferences on the status question. The bill was supported by a companion bill in the Senate

introduced by Senator Quentin Burdick, Chairman of the Senate Interior and Insular Affairs Subcommittee on Territories. In 1967 Bingham had said that there could be no guarantee that the islanders would reject separate independence in a plebiscite, but the urgency required taking such a risk. Now, Bingham looked back on two years of inaction on the status question and asserted that passage of his 1967 legislation "might have precluded the build-up of pressures." Still, Bingham thought there was a chance of establishing a close and permanent relationship between Micronesia and the United States and that the risks of a full range of choice on a plebiscite were worth taking. "Complete independence," said Bingham, "is not likely to be an appealing prospect for the Micronesians." An organic act, as proposed by Congresswoman Patsy Mink, would help Micronesia, Bingham acknowledged, but it was not enough by itself. The United States had to investigate the question of Micronesia's permanent political status.

On September 30, the House received a bill which offered both a Federal Relations (Organic) Act and a method for the self-determination of Micronesia's political status. Congressman Lloyd Meeds' legislation would have established a constitutional convention whose members were elected by Micronesians. Until the proposed convention produced a constitution acceptable to the Micronesian people, Micronesia would be an unincorporated territory of the U.S., with a bill of rights, an elected bi-cameral legislature, and a chief executive appointed by the President. In introducing the bill, Congressman Meeds stated, Micronesians do not want to be studied for another 25 years. They want and need action now."

We have already traced elsewhere the bureaucratic struggle which preceded President Johnson's 1967 request that a commission, including Congressional, Executive, and Micronesian representatives, be established to consider

Micronesia's future status so that a plebiscite could be held no later than June 30, 1972. Interior had attached particular importance to involving Congress in any status recommendations. According to a former Interior official, the Johnson commission proposal had been discussed with Congressman Aspinall prior to its submission and, although he had no love for commissions, Aspinall had agreed that a joint legislative-executive commission would be an appropriate way to approach the status question. But, when the bill finally reached Capitol Hill, Aspinall acted as if he had never heard of the commission proposal.

In the House, Lyndon Johnson's commission proposal never received a committee hearing. Wayne Aspinall, who chaired the full Interior and Insular Affairs committee, felt that no changes could be made in Micronesia's status and to promise the Micronesians that it could be changed to anything other than a status similar to that of Guam, or more probably to the lower level of American Samoa, was foolhardy. He had blocked all previous legislation on Micronesia's future political status and was not about to let this one pass, even though endorsed by President Johnson. Johnson's endorsement, Aspinall told an interviewer four years later, did not amount to much. "He didn't know anything about the Micronesian situation. He was just advised by some of his advisors that this would be a way to sweep it under the rug for awhile." No action was taken on the legislation in 1967, and when Johnson sent the same legislation to Congress in 1968, the wiley old Colorado representative argued that Lyndon Johnson was a lameduck and a new President should be given the opportunity to decide his own policy. In fact, however, Aspinall was unalterably opposed to the legislation.

Thus, the Interior Department's efforts to involve the Congress was itself frustrated. Although a former Director of Interior's Office of Territories believes the bill would have passed on the floor of the House, the House

structure and its beneficiary, Chairman Aspinall, blocked the House from considering the bill, and any bill like it. Throughout his chairmanship, Aspinall firmly held that the status question should never be considered, and he still feels that neither the Johnson administration nor the Nixon administration ever really intended that the status of the Micronesia should be worked out. Johnson, Aspinall said in late 1973, "understood that the decision couldn't be made. Therefore, the way to postpone it was...to study it. Nobody has ever done anything except study and survey. That's all Ambassador Haydn Williams has been doing for the last three years."

Exactly what Patsy Mink in 1968 and Lloyd Meeds in 1969 feared might happen was that the question of status would be merely studied. They hoped, in presenting proposals for Organic Acts and constitutional conventions that positive action would be taken and decisions would be made. Aspinall feels that Lloyd Meeds' "Federal Relations Act" was justifiably ignored, since Meeds was "a new Congressman...he'd only been in there two years, maybe." Actually, Meeds and Mink had been in Congress for about five years; it is a dramatic statement of the perils of the seniority system that one man could determine that so many proposals were forfeited.

Exemplary of the barriers to Congressional consideration of Micronesia's international significance was Aspinall's attitude toward foreign affairs. Aspinall was always unimpressed with the State Department and their concern for the United Nations. "I don't care about the State Department," he told an interviewer, "if I know the State Department, they don't give a damn either [about Micronesia]...There's more double talk that goes on in the State Department than anywhere else in government." On one occasion just prior to a hearing, he went up to the U.S. Representative to the Trusteeship Council and warned against alleged State Department efforts to "interfere" with Interior's administration of Micronesia. U.N. Visiting Missions did not move him either.

"I've seen the way the opposition gangs up on us...they take a team through there to look and see what we're doing. Then it always ends up that we do whatever we think is best. We always listen to their advice. But we always do whatever we think is best for those islands."

What Wayne Aspinall Thought Best

Actually, what was done was what Wayne Aspinall thought best. Other attempts by Congressmen interested in Micronesia were continually frustrated. And Aspinall himself made no attempt to satisfy pressures for the consideration of status. For thirteen years Aspinall exercised virtual dictatorial control over subcommittees of the Interior committee, including the territorial subcommittee. He had arrived in Congress immediately after the Trusteeship Agreement was passed and had watched Micronesia longer (1948-1972) than any member of the subcommittee, always insisting that the United States had to retain control over the islands. "I came to the conclusion," he told an interviewer, "that what is left open to them is the same status that we have had throughout all our history as far as areas such as that are concerned, and that's a territory--an unincorporated territory." Aspinall refused to consider factors which made Micronesia special. Until Aspinall's leadership was thwarted--in the committee in 1970 and in his district in 1972--Aspinall determined a foreign policy that was no less than colonial.

Since Aspinall espoused territorial annexation, he opposed any policy which tended toward self-determination for Micronesia. Self-determination, he argues, can only come "within the limits of practical politics." And in Micronesia, "practical politics" was limited by money and security. ("There is no such thing as independence unless you can support it," and "We've got to have those islands.")

He felt that United States educational programs in Micronesia failed because they produced political thinking which did not adhere to his plan: "There was too much emphasis placed on politics," he said. "People grew up with the idea that they must participate in politics." His attitude toward the Congress of Micronesia followed this reasoning: "I offered no objection at all, but I didn't expect it to go into the operations it's going into. Since it was established it has produced the political ambitions of leaders who are playing with another nation's money." Aspinall never saw the trusteeship as an experiment in funding a backward area while allowing it free expression of its political desires. Rather, he saw Micronesia as a territory won by the United States and never to be accorded sovereignty because it was economically backward. Aspinall felt that United Nations obligations should not even be considered; when others in government made commitments to such obligations, he felt that they were opening themselves to hypocrisy. "I don't object to spending money over there, but what I object to is the hypocrisy which this country has given in its relationship to Micronesia, making these people expect something which they can't have--independence."

When the executive branch began negotiations with Micronesia, Congress was still unable to make the distinctions that understanding Micronesia's unique status required. To Wayne Aspinall, who felt that everyone "strong" recognized Micronesia's inability for self-government, various status proposals were merely efforts to pacify the Micronesians. When asked by an interviewer whether he favored a free association proposal, Aspinall replied: "I don't know. This is what we've been doing under different nomenclature--and why? Why are we doing it? We haven't got the guts to come to a decision as to what we want to do, and why we can't let go." If the United States had guts, in Aspinall's view, it would realize the inevitability and necessity of a territorial status for Micronesia.

The Interior Department had taken over administration of the islands because it was felt a civilian agency would look out for the rights of the Micronesian people and civil improvements in a way unhampered by military intentions for the use of the islands. In the Interior Committee, it might have been thought that the rights and advantages of the Micronesian people would be the prime objective also, but observation reveals that at least on political status, primary concern for the islands in the Committee was based not on responsibility toward its people but rather on an interest in protecting the strategic value of the area. We cannot lead the Micronesians to believe that they can be self-governing, according to Aspinall, because "We've got to have these islands--for military purposes." During Aspinall's chairmanship, the Interior committee adhered, as did the Department of the Interior, to the advice of the Defense Department, at least on the status question. Aspinall himself echoed the fall-back theory from the Defense Department. When asked if South Korea, Thailand, Taiwan, and the Philippines could not support United States defense commitments, Aspinall replied, "If we're honest, we'll leave those other places." Asked why Micronesia should carry the weight of United States and other defense needs, he replied, "Because it's ours (his emphasis)." Micronesia, in his view, is ours because of our strategic interest, and strategic because it's ours.

Aspinall felt that it was practical that Micronesia could not have self-government if it did not have the economy to support it. But on another level, he felt that Micronesia could not have self-government because it was strategic. "We're just not about to give them up," he said. So, in his view, there were two reasons why our United Nations obligations were impracticable. Rhetoric which ignored these reasons was, he felt, misleading to the Micronesian people. "You don't continue to keep on fooling them--give one excuse or another when, in the background--and they're smart enough to figure it--if there's a war on

or otherwise, they're the buffer zone." In no other governmental figure did the conflict between our strategic interests and the stated goal of self-determination for the Micronesians manifest itself as clearly as in the Chairman of the House Interior and Insular Affairs Committee.

Ironically, though Wayne Aspinall wanted a territorial relationship between the Trust Territory and the United States, his actions made such a relationship impossible. He ignored the small but growing independence movement in Micronesia, the increasingly hostile, anti-colonial attitudes in the United Nations, the growing political sophistication of Micronesian leaders, the development of concern in the State Department, and the pressing desire for responsiveness among members of his committee. He positioned himself in such a way as to bring all these forces to an impasse, never understanding the importance of their momentum, and never really understanding that the only way the United States could protect its strategic interests was to deal with these forces rather than discount them. Growing discontent in Micronesia demanded action, and even Congressmen who often shared Aspinall's intentions on territorial status for the Micronesians were blocked by Aspinall in their efforts to take action.

Patsy Mink had always supported hopes that the Micronesians would request a close relationship with the United States. If the U.S. had acted sooner, she still feels, the Marianas could have carried all of Micronesia closer to the United States in a plebescite. We could have had "the entire package." Since 1971, Congresswoman Mink has given up hopes of a Micronesian territory and has supported independence instead, thinking that in giving the islands independence the United States can preserve what good relations still remain betweeen the United States and Micronesia.

Lloyd Meeds regrets that the United States took it for granted when the islanders wanted to be Americans. His bill would have come in time to guarantee that Micronesia would have stayed in the American political family. In the present situation, however, Meeds advocates free association, whereby the Micronesians would have an independent option at the end of about 20 years. "We have everything to gain and nothing to lose if we make them strong, independent nations. There is nothing to be gained if we are less than altruistic," Meeds asserts.

Jonathan Bingham acknowledged in 1967 that there was a risk inherent in determining the Micronesians' choices, but felt it was a worthwhile risk. His plan realized the urgency of the situation and recognized the increasing dissolution of the islanders' respect for Americans.

These three views were all lost in a committee directed by Wayne Aspinall. Aspinall belittled his colleagues' ideas as "premature." Aspinall remained in Congress long enough to see them proved correct, although he continues to think all present proposals are also "premature." Nevertheless, by the time the United States got around to offering Micronesia a status similar to Guam (mislabeled, however, a "commonwealth"), the Micronesians had already moved on to seek "free association." By 1972, the Congress of Micronesia passed a resolution to pursue independence. Barring an unforeseen change, the chance for a legitimate plebiscite, satisfactory to the United Nations, which might have resulted in a close relationship with Micronesia, had been lost.

Despite the very severe mistakes and setbacks caused by Chairman Aspinall's power, something must be said for the interest and commitment which he gave Micronesia. He devoted more of his personal concern to the area than any other committee chairman, most than most subcommittee chairmen.

Even after he lost his grip on the committee, he received, read and made lengthy notes on the negotiations within a day after the negotiators returned

to Washington. This type of intense interest is badly needed on Capitol Hill where few subcommittee members even find the time to attend their hearings on Micronesia. Few dispute or condemn his interest, even though they regret his power and complete control over Micronesia in that period. Congressman Lloyd Meeds put it most succinctly: "Wayne Aspinall is a man who is delightful in many respects--tough, honest, and hard; but I blame him as much as any person for the problems we've encountered in Micronesia."

The Downfall of Wayne Aspinall

Aspinall maintained control of his subcommittee in three ways. First, subcommittee chairmen could not schedule meetings which Chairman Aspinall could not attend. If the subcommittee chairman wanted to hold a meeting to discuss something which Aspinall opposed, Aspinall would say that he could not attend, and the meeting would be postponed or cancelled. Aspinall sat next to the subcommittee chairman when he attended the meetings and was dominant. One subcommittee chairman was recently asked if he enjoyed his position, and he replied, "At least now there isn't a full committee chairman sitting right next to you." Secondly, Aspinall picked the committee and subcommittee staffs himself and maintained control over staff work. Finally, Aspinall selected conferees for meetings to iron out differences in House and Senate legislation. Once, Lloyd Meeds fought for a "North Cascades bill" which he considered the biggest thing in his career at that point. It passed the House, and when it returned from the Senate, Aspinall did not choose Meeds as a conferee; people with little or no concern for the bill decided its final text. On another occasion, Philip Burton excused himself from a hearing to go to the rest room. While he was gone, Aspinall deleted Burton's amendments from a bill. Such punches made bruises, and members of the House Subcommittee on Territories began to consider rules changes which would reduce the powers of the Committee Chairman.

The revolt was led by Meeds, Burton, Mink, and O'Hara in 1970. Meeds, Mink, and O'Hara were veterans of another successful rules revolt, the one against House Education and Labor Committee Chairman Adam Clayton Powell over travel funds. They were also successful in the Interior Committee revolt. By the narrow margin of one vote, subcommittees were released from having to satisfy the Chairman's schedule as long as subcommittee chairmen agreed to try to prevent conflicts with the schedule of other subcommittee meetings; subcommittee chairmen were permitted to finance and choose their own staffs (the full committee budget is now an amalgam of the subcommittee budgets); and conferees were to be chosen by party caucus.

The rules changes marked a turning point in the history of United States relations with Micronesia. With Aspinall's decline, a group of Congressmen who had been attracted to the subcommittee in the 1960's, who had developed an interest in and understanding of the special significance of the Pacific trust, and who had spoken out on legislation responsive to Micronesians, assumed a larger role in Micronesian affairs. Some remnants of Aspinall's ideas would remain, but the subcommittee's involvement in Micronesia was significantly changed under the leadership of Philip Burton (D., California), a leader of the liberal Democratic Study Group.

Wayne Aspinall was no more successful in working with the urban voters suddenly included in his previously rural legislative region and went down to defeat at the polls in 1972. The new Chairman of the House Committee on Interior and Insular Affairs, James Haley (D., Florida), was less autocratic. He kept informed on the progress of United States-Micronesia negotiations, but left most matters to subcommittee chairman Philip Burton, who in turn exercises little control over the members of his subcommittee.

In the Senate, Henry Jackson of Washington is Chairman of the Interior and Insular Affairs Committee. Jackson has been a major figure on Puerto Rican status questions, and, given his interests in defense matters, can be expected to have a decisive voice on Micronesian status. There is no evidence that Jackson has been deeply involved in Micronesian status questions. The Chief U.S. negotiator, Hadyn Williams, is known to have repeatedly sought consultation meetings with Jackson. Most of these efforts were unsuccessful and, when successful, received but a few moments of the Senator's divided attention.

It is to the staff of the full Senate Interior and Insular Affairs Committee which subchairman J. Bennett Johnston turns to for information regarding Micronesia. Generally Senators, like J. Bennett Johnston himself, put Micronesia low on their list of priorities and spend only the first years of their Senate careers on Micronesia anyway. House predominance on the Micronesia scene is possibly a result of numbers. With 435 members and subcommittees, committee assignments and chairmanships are scarce and therefore more desired than in the Senate where there are only 100 members and freshmen Senators may instantly become chairmen of subcommittees.

The Subcommittee on Territories

Some of the members of the House Subcommittee on Territories have maintained an interest in Micronesia for the greater part of their careers. In fact, no other group of individuals in government has sustained such a long-term interest in the Trust Territory. State, Interior and Defense officials advance or move out, the concern of the United Nations fluctuates, and Senate Subcommittee members switch to other committees, but the House Subcommittee maintains a relatively permanent watch. It is an advantage that there is one institution which has the potential for long-range involvement. It takes time and experience to understand the complexities of the Micronesia situation. Long-range involvement, of course, can have disadvantages, but, especially now when the negotiations require expert Congressional scrutiny, the interest and experience of the House Subcommittee members is greatly needed.

The present interest developed under Wayne Aspinall, often out of frustration with Aspinall's policy. It developed among representatives of states which have a potential interest in good relations with the Pacific Islands: Washington, California, and Hawaii, namely among Congressmen Lloyd Meeds, Thomas Foley and Philip Burton, and Congresswoman Patsy Mink. In numerous interviews with Congressmen, these four were mentioned most often as being "Micronesia experts." They have a keen interest in the area, which manifests itself in their proposals for legislation, their willingness to travel to Micronesia, and to meet with Micronesians in Washington.

The House also has the benefit of the advice of two territorial delegates. House members mention Antonio B. Won Pat of Guam as a "Micronesia expert" because of Guam's "proximity" to Micronesia. Indeed, Won Pat often refers to his "fellow Micronesians." Both Won Pat and Ron de Lugo of the Virgin Islands have expressed concern about the effect of the negotiations on political destinies of their older, more populous territories. The United States-territorial relationship is discussed fully elsewhere, but it is important to note here that the territorial delegates who vote on matters before the committee are not without influence in the House subcommittee. Their impact in the Senate is at best minimal.

Interest in Micronesia on Capitol Hill

Interest in Micronesia is not widespread in Congress. In most cases, interest has developed only through rather unique personal circumstances. Hawaiians are expected to have an interest in Micronesia because of the popular Congressional conception that Hawaiians are the same "racial and cultural type" as the Micronesians. Another common Congressional conception is that Micronesians and Hawaiians are next-door neighbors. A southern Congressman

once asked Hawaii Representative Spark Matsunaga about Micronesia: "It is out around near you, isn't it?" Matsunaga reportedly replied, "It's only 4,000 miles away." (Actually, the Marshall Islands are only 2,070 miles from Honolulu.)

Some Congressmen developed an interest during the war. Senator Henry Bellmon served on Saipan and Tinian; Congressman William Ketchum served on Guam; and Congressman Don Fraser, Chairman of the International Organizations Subcommittee of the House Foreign Affairs, served in the Marshalls. Congressmen Sid Yates and Jonathan Bingham became interested during their experience as United States Representatives on the United Nations Trusteeship Council. Additionally, Jonathan Bingham grandparents were among the first American missionaries to the Pacific. With an issue like Micronesia, which does not attract widespread concern, obscure coincidences can make a Congressman an expert on Micronesia.

Such coincidences do not occur often and Micronesia attracts little attention. Even on the House Subcommittee on Territories, there are members who consider Micronesian questions unimportant. Subcommittee member Joseph P. Vigorito of Pennsylvania is the most dramatic example of this lack of concern. "How important is Micronesia to you?" he was asked. "It's at the very bottom of my list," he replied. During the interview, he asserted the islands "are merely specks in the Pacific." His involvement with the subcommittee is so peripheral that he does not even know his colleagues: "Patsy Mink isn't on that subcommittee, is she?" he asked.

In an interview, Democratic Senator J. Bennett Johnston, Chairman of the Senate's Territorial Subcommittee, expressed faith that the negotiations would result in agreements protective of United States interests. "If the Democrats were the minority and held the Presidency, this might not be the case," he said, "but Republicans are not likely to negotiate away our rights." The Republicans on the territories subcommittees seem to show the same faith in the administration and wait to see the proposals before they express opinions on the negotiations. Few Republicans would agree to be interviewed, explaining that they did not wish to comment on ongoing negotiations. The Republicans avoid confrontations with the Republican administration, quite naturally, but they also avoid advocacy of administration proposals. The ranking minority member of the House subcommittee on territories, Representative Don Claussen, in fact, reportedly says nothing in consultation sessions, which administration officials have dubbed "head-nodding sessions." The Republicans are probably not so much cautious as they are uninformed. Their lack of interest has meant that Ambassador Williams has had to deal with a liberal Congressional voice, and Williams has been encouraged to negotiate liberal benefits for the Micronesians. The danger is that the whole process will backfire if conservatives conclude that the administration has gone beyond what they assumed the administration's limitations would be.

Congressional Attitudes Toward Micronesia

In this context of general lack of interest and coincidental awareness, Micronesia's future status will be discussed by Congress. Those few who have devoted time to Micronesia expect to be listened to when the time comes to approve the final agreements. In fact, one of the most prominent U.S. Congressmen on Micronesia openly relies on Congress' general apathy to facilitate approval of the agreements and the large sums of money needed for the agreements. The

clear implication was that an open and detailed debate in Congress might very well result in rejection of current proposals.

Assuming no large scale and detailed debate, the views of those who are concerned about Micronesia are thus acutely important.

The Trust Territory as United States "Territory"

The last strong spokesman for making Micronesia into a "garden variety territory" was Wayne Aspinall. Yet, even now, the genuine inclination of Congress seems to be for a close and lasting relationship with Micronesia. The question is, what is the nature of the "close and lasting" relationship. Such a relationship is thought to be in the interest of Micronesia as well as in the interest of the United States. Some in Congress would like to hear Micronesians say that the United States has succeeded in an effort few other civilizations have accomplished: in the fair administration and incorporation, on an equal basis, of a foreign territory still inhabited by people possessing a distinctly different cultural tradition. This seems to be a guiding light of the committee which deals with Indian affairs as well as territorial affairs. Congressmen simply do not want to see the relationship with Micronesia, which developed somewhat accidentally, end quite purposefully in a demand for its termination.

So far, they see no overwhelming anti-American sentiment in Micronesia. Congressional visitors to Micronesia are treated with awe and respect. Many Micronesians genuinely aspired to be Americans. Former Congressman Nieman Crailey is quoted as saying in 1965 that all Micronesians wanted was for the United States to say, "We want you, we need you." Lloyd Meeds thinks that in the past the Micronesians would have welcomed the chance to become Americans.

But the Micronesian mood has changed, and some Congressmen knowledgeable on the area began to hope for a good relationship in the absence of a territorial one. Patsy Mink quickly became outspoken in her support of giving the Micronesians an independence option, on the grounds that "such a meritorious step would be the single thing most likely to inspire the Micronesians to choose partnership with our country."

Thus, the hope for a close relationship is expressed even by those who would allow the Micronesians to sever the relationship. On Capitol Hill, the original hope of a Micronesia closely associated with the United States remains, but Congress has changed its attitudes in significant ways.

Military Needs

Congress may no longer assert that Micronesia must become a United States territory because of United States strategic interests. Primary among the changes that have occurred since Aspinall is the change in attitude toward overseas military operations in general and toward the balance between United States and Micronesian interests, particularly. In part, the change is due to the Defense Department's first serious look at its need for Micronesia in the early rounds of negotiations. The Defense Department concluded that once its needs in the Mariana Islands were met, it did not need the remaining area so much as it needed options and denial of the area to other nations. Now many Congressmen express what Thomas S. Foley referred to as Defense's "negative" interest, and feel that a Monroe Doctrine or a neutralization pact, as Senator Lee Metcalf suggests has a precedent in Antarctica, could satisfy United States strategic objectives.

Congress clearly has had an interest in protecting United States security interests in the Pacific. Although this interest was most obvious in original legislation creating trusteeship, behind Congress' Micronesia policy there has always been a belief that United States presence in Micronesia was strategically essential. Under Aspinall, strategic interests were felt to be so crucial that Micronesians could not govern themselves. Micronesia was a colony in the name of international peace. Now there are many on the committee who openly challenge that traditionally accepted view. Congressman Robert Kastenmeier, for example, has said: "The United States shouldn't have an empire, especially a military empire. It's an accident of history that the United Nations gave us the right to militarize those islands, and in 1974 we should be able to recognize it as an accident of history." Congress will not try to preserve our strategic interest by limiting the Micronesians' options, yet it will continue to handle Micronesian affairs in ways conducive to our strategic interest.

Patsy Mink feels that maintaining good relations is basic to United States security interests in Micronesia: "It is to our advantage and theirs to make sure that they can get what they want from the current negotiations," she told an interviewer. "Our military needs," Mrs. Mink asserts, "can be worked out after status is determined." She is concerned that the Defense Department has presented an "ugly American" profile in the negotiations. House Foreign Affairs Committee member Lester Wolff also criticizes Defense's role: "I am against the military intrusion into the political elements of world-wide diplomacy, generally."

In the Senate, there is not so much faith in continued Micronesian friendship. Senators Johnston, Buckley, Bartlett, and McClure have all gone on record opposing the administration's method of insuring U.S. strategic interests after possible Micronesian independence. The Draft Compact calls for a mutual security pact to be negotiated when the Micronesians move toward independence. The Senators objected to leaving that pact undefined; they want it negotiated before the administration seeks approval of the negotiations on Capitol Hill.

Congress is left guessing about specific Defense needs. In the subcommittees on territories, general base plans are well-known and are accepted "if the Micronesians want the bases." In the Senate subcommittee, at least among the present, largely conservative membership, it is assumed that base construction is justified strategically. The Defense Department is supposed to have consulted the armed services committees about new Micronesian bases. However, in late 1974 Congressman F. Edward Hebert, then Chairman of the House Armed Services Committee, said that neither he nor any member of his committee had been consulted regarding plans for the multi-million dollar base on Tinian, a major part of the negotiations with the Mariana Islands. The Defense Subcommittee of the House Appropriations Committee in 1974 made an attempt to uncover military plans for Tinian, and, even though it had not been asked for funds, reported:

> The Committee wishes to advise the Department of Defense that its actions in this connection are being closely watched and that the Committee doubts that construction of a new base complex can be justified so long as the United States retains access to Japanese and Korean bases.

In the two territorial subcommittees, the base on Tinian was discussed as a _fait accompli_. Members assumed that base development would bring badly needed economic advantages; there was a general feeling that the Marianas want the base on Tinian so they can develop "like Guam." However, there are significant misgivings. Senator Daniel K. Inouye has watched Micronesian attitudes toward the military very closely. In 1969, he noticed that Micronesians were beginning to feel that if they were an independent nation, the U.S. would have to pay larger sums for the lease of military bases. "That the Micronesians seem to feel it is easier to get money from Congress for defense needs than for Department of the Interior projects," Senator Inouye concluded, "is a very sad commentary on our administration of the islands." "Military development," said Senator Lee Metcalf, former chairman of the Senate subcommittee on territories, "is an artificial thing that is forced on people. A Chamber of Commerce can make a choice between a fishing cannery, or watch factories, or things like that, but with military installations there is no choice whatsoever."

Even with some objections to military development and skepticism regarding defense needs in the Pacific, most Congressmen in the Interior committees think the base will be approved. The chairman of the Senate subcommittee on territories put it this way: "I don't know the figures for the Tinian base but getting Congressional approval for it is not going to be that big a problem. The Tinian base is important." Aides to Senator Henry Jackson, chairman of the full Interior Committee in the Senate, say that "military is his primary concern in Micronesia." The picture that develops is one in which the Senate Interior Committee places a high value on the strategic importance of Micronesia and feels that it

could approve or win approval of bases there while the House Committee emphasizes the Micronesians' economic interest in bases but leaves strategic questions to the defense committee which, in turn, have not been consulted about Micronesian bases and are highly skeptical of their worth. In a Congress cautious of expenditures, particularly military expenditures, approval of a massive base plan close to Guam would have great difficulty--unless the proposals are presented piecemeal or unless they are handled by the committees responsible for territories rather than by the committees responsible for foreign affairs and for Defense authorizations and appropriations.

Status Proposals

Some Congressmen were quicker to discuss status options than administrative or policy problems. Given the wide range of feelings on Micronesian status, it would appear that Congressional debate could be lengthy and thorough when the proposals reach Capitol Hill. The administration may avoid such debate, but the depth of opinion regarding Micronesian status warrants public expression.

- Independence

The idea of independence for Micronesia has been tossed around in Congress with varying degrees of seriousness and confusion, from the time that independence for the former C-mandate was considered laughable to the time that it was considered an important option to be recognized but not actualized. As a status proposal to be advocated, independence was taboo on Capitol Hill for a long time. But the first spokesman to break the taboo did so with eloquence: "What greater demonstration of our worth could there be," questioned Congreeman Patsy Mink in the January 1971 issue of the Texas International Law Form, "than an unconditional release of these people to pursue their own destiny?" The question was whether to give the Micronesians the option. Senator Lee Metcalf advocated it "to get the question out of the way." Patsy Mink advocated it hoping for close U.S.-Micronesian relations.

Congress does not want to find itself in the position of limiting the free expression of Micronesian aspirations. In a June, 1969, speech, Senator Inouye put it thus: "It is imperative that all discussion begin with the principal question: What do the Micronesians want? Do they want to be completely independent? If so, we should exert all efforts to ensure

that they achieve independence with all speed." Chairman Burton of the House territories subconmitte emphasizes that the final status must be "whatever they want, whether wise or stupid."

While it is doubtful that Congress would now oppose, as it did when Aspinall was Interior Committee chairman, the offer of an independence option to Micronesia, there are many Congressmen who oppose the thought of independence as an actuality. "I think there are a number of liberals who automatically assume that independence is a good thing," Congressman Thomas S. Foley told an interviewer, "but independence is always sought with enthusiasm and high expectations which are lost in normal, practical, governmental functioning. The U.S. has a responsibility to the people of Micronesia: we must not forget that."

Congressman Foley's concern goes beyond economic considerations, but there are many on Capitol Hill who argue against independence on economic grounds alone. "I can't see how they could be self-governing," Congressman Joseph Vigorito expressed in an interview. "If we withdrew our money, they would have to go back to subsistence, to living off the beaches." In a hearing before the House Appropriations Subcommittee on the Interior, Chairman Julia Butler Hansen and Congressman H. Gunn McKay warned Interior officials of the importance of finances in establishing a new type of government in the Trust Territory. "I don't care which way they go," said Mrs. Hansen, "as long as they don't get disillusioned by the fiscal problems." And Congressman McKay added something which is often heard on Capitol Hill: "It would be pretty hard to be politically independent if you're not fiscally independent." Interestingly enough, there is an inversion of the economic argument which is used by one Republican on the subcommittee who opposes a close relationship with the

islands: "There is no particular advantage to a closer relationship with the islands," he says. "Puerto Rico has failed to accomplish much except put more people on welfare in New York City; and I don't see much indication of Puerto Rican love for the relationship."

If the Micronesians pressed Congress, they might find some support for independence with strong misgivings. However, Congress will not encourage independence.

- Free Association

Congress would rather see an arrangement whereby Micronesians exercise self-government with some U.S. involvement. Congress would probably have proposed something akin to "free association" even if the U.S. had not developed the concept in negotiations with the Micronesians. In looking back at his 1969 Micronesian-Federal Relations Act, Congressman Lloyd Meeds told an interviewer, "They were to have total self-government. The U.S. would handle foreign affairs and defense; otherwise, they were like a state."

"I have suggested some kind of independence," Senator Inouye told interviewers. "A fair arrangement would be to give them control of all internal affairs, let them use American currency, assist them in providing security and diplomatic relations. All of these things would be done, realizing it would be too costly for the Micronesians to do them."

This arrangement satisfies most hesitancies about independence. Lloyd Meeds is probably the foremost advocate of free association. He has always concentrated on the development of economic infrastructure and political maturity in Micronesia and, in an early interview, charged that the Interior Department had "done a very poor job of educating middle level management, doctors, and mechanics." Later, after a trip to Micronesia in 1974, he noticed that some success had been achieved in these areas. He had talked to many Micronesians who held positions which were once filled only by Americans and who were justifiably proud of their effectiveness. Meeds also saw "vast improvements" in public works: airfields, colleges, hospitals, electricity, sewers, water catchments, ports, and highways. He feels we must encourage Micronesian participation of all aspects of life as we maintain a committed presence in Micronesia. In the period of free association, he says that we "should help the hell out of them." That help could come in the form of direct financial support, research into methods of developing capital and clarification of Micronesia's ocean boundaries.

While there are a significant number of Congressmen who believe that through the development of "ocean agriculture" Micronesia could become "the biggest pastureland in the world", many are not optimistic about Micronesia's potential for economic development. In a late 1974 hearing Congresswoman Mink reminded the Interior Department that proposed capital improvement projects were the same suggestions that she had heard ten years ago with little practical results. Others think that American money has been an unfortuante intrusion in Micronesia, and that Micronesians'

aspirations have increased in a way that makes close association with the U.S. mandatory. Senator James A. McClure observed that when he visited the Inter-Islands High School in Truk in 1969, "every student had a transistor radio attached to his ear. These kids long for the outside world and are very dissatisfied with life in the Trust Territory. They volunteer for the U.S. military service just to get away." McClure concludes: "Until there is a dollar economy the Micronesians will not be able to absorb dollars."

And there are other problems with "free association." Congressman Thomas S. Foley's primary concern is that the U.S. might be establishing a permanent hierarchy of Micronesians who are presently in power. Traditional chiefs have retained a great deal of power in modern Micronesia. Senator James A. McClure, traveling with Foley in 1969, tells of asking a Senator to the Congress of Micronesia whether he would run for re-election. The Micronesian replied that he did not know; he had not yet asked the Chief. "Traditional culture," says Foley, "violates almost every principle the American people have ever known. There is a small, able elite which would find themselves in control. Maybe they are not well-motivated to serve the interests of their people." Many Congressmen are hesitant to try to enforce democratic government in Micronesia, but there is the problem of the proper use of American money. "As long as the U.S. maintains responsibility for the islands," Foley says, "we must guarantee civil rights and the administration of justice, the protection of American citizens, and the proper conduct of their foreign affairs."

The third Congressional objection to free association is that it does not protect U.S. strategic interests. The proposed agreement allows the Micronesians to declare independence after signing a "mutual security pact"

with the United States. The Chairman of the Senate Subcommittee on Territories, J. Bennett Johnston, was startled when interviewers pointed out that the negotiations included an independence option. In his view, the area was too strategically important to allow Micronesian independence. Though there had been no objections at poorly attended Senate hearings, senators later expressed strong concern. Actually, as now proposed, the agreements protect U.S. interests, since independence could take place only after the conclusion of a mutual defense treaty.

- A Marianas "Commonwealth"

The U.S. is willing to negotiate with the Marianas for a close and lasting association and the Marianas are in a good bargaining position. But some of the bargains the Office of Micronesian Status Negotiations is willing to offer the Marianas may be unsaleable on Capitol Hill.

A type of commonwealth status might be approved for the Marianas, if only because, in Patsy Mink's words, "a group of people wanting to be Americans is an exciting phenomenon nowadays." However, there is a strong belief that the Marianas and Guam should form a single political entity and a hope that unification will eventually take place. Chairman Burton is said to have repeatedly emphasized union with Guam in his discussions with chief Marianas negotiator Edward Pangelinan. Patsy Mink told an interviewer that Guam's interest in statehood would be aided by union with other islands. At the same time, there is realization that the Marianas do not presently want union with Guam. "That would make them the tail of the dog," Congressman Manual Lujan pictured, "and they are going to have a hard time wagging that dog."

One item which Congress would definitely not give the Marianas is a non-voting delegate to Congress. Several sources have said that in talks with Marianas negotiators, House Subcommittee Chairman Burton came down against a non-voting delegate "like a ton of bricks" and such sentiment undoubtedly led to elimination of a non-voting delegate as an issue in the negotiations. It is a simple matter of demography. On the Committee, a delegate representing 50,000 people votes with the same power as a Congressman representing 450,000. "Perhaps a representative should be sent to Washington to appear before the agencies," a member of the House subcommittee told an interviewer, "but already there are on the subcommittee one delegate from the Virgin Islands and one from Guam--both of whom are very nice people--but I couldn't afford to have these people narrowing the significance of my vote."

The Marianas can expect sympathy for their desire to restrict land ownership to people of Mariana ancestry. Most subcommittee members share the views of Congressman Philip Ruppe of Michigan. "Some kind of land alienation measure is essential. People with little knowledge of business affairs will sell too quickly out of need. These are the people who scream later. We could do two things: prevent the sale of land to non-Americans or prevent the sale of land to anyone, but the people should not be unprotected from speculation." At the same time, Congressmen unfamiliar with the special role of land in territorial areas may object to giving American citizens (if indeed the people of the Marianas become citizens) privileges not shared by the people on the mainland. A precedent for such Congressional objections exists: At the time of passage of an Organic Act for Guam, Congress deleted a provision which would have limited land ownership to Guamanians. On the other hand, protection of land has

precedents in American Indian, Hawaiian, and Alaskan law. Thus, the question is political and not legal.

The proposed Marianas' tax system was initially under heavy fire, but the two Congressmen who objected most now feel that a fair tax system is being instituted. The Marianas had planned to create their own tax system with no application of federal laws. Congressman Burton and Foley advised that they use the American tax system at first and later amend it to fit their needs. Burton was irked that their plan included exemptions for Series E and H bonds, something which would benefit only millionaires and would be a red flag to Congress that something was wrong in the Marianas. He commented that he didn't see why the Marianas government should start out corrupt. The plans also called for #931 exemptions for income, allowing Marianas generated income to be treated as foreign earned income. This "tax-haven" idea met with strong opposition.

- Fragmentation

The divisive aspirations of the people of the Trust Territory have resulted in United States plans to assist in the separate development of the Marianas "commonwealth" and "free associated" Micronesia. The division of the Trust Territory when it is discussed evokes, with amazing repetitiveness, the word "regrettable." Every Congressman interviewed regrets the fragmentation, using the word "regret" in numerous ways. Fragmentation is regretted because it seems economically disadvantageous for all Micronesians, because a different policy could possibly have brought all of Micronesia into a relationship more conducive to United States strategic interests, and because as a policy it may encourage the separatist tendencies of other island groups in Micronesia. Congressional support of a separate status will put the United States Congress in direct conflict with the territory-wide Congress of Micronesia which has

opposed the separate negotiations and likened them to a U.S. policy of "divide and rule." Thus, at this point, Congress looks back on, looks at, and looks ahead to the implementation of a policy which it is uncomfortable with, but which it does not feel it has any power to change.

The strategy of U.S. and Micronesian negotiators is to make Congress (and the Micronesians and the U.N.) even more impotent. Even before the Marianas proposal was submitted for Congressional approval, Congress was asked for transition funds to bring the Marianas Commonwealth into being. In addition, the Administration has agreed to administratively separate the Marianas from the rest of Micronesia as soon as the Covenant is approved in a Marianas plebiscite, but before approval by the U.S. Congress.

- Other territories

If they succeed, the Marianas will have had a unique development in the history of the American territories. Guam is particularly watchful of the Marianas, and through its delegate to Congress has kept Congress mindful of its obligations to the older territories. In a speech to the House on February 4, 1974, Delegate Won Pat listed his objections to the Marianas negotiations and concluded: "To accord these individuals a political status higher than that now accorded Americans in the U.S. Virgin Islands or Guam...is a grave trespass on the boundaries of the union which exists between territorial Americans and their counterparts in the 50 States." Congressional reaction to objections from other territories ranges from the feeling that five different and unequal statuses demonstrate "correct flexibility" to the feeling that the new status will be an incentive to the older territories to press Congress for a better status for themselves.

- Attitudes toward the role of Congress and other agencies

Congressmen generally see their role as protective of the interests of the people of Micronesia, and think that they alone occupy the position which affords an overview of the situation. To some Congressmen, it appears that the State Department asserts its concern as if "diplomacy were the sport of princes." Interior is viewed as being bureaucratically inept and as having sent its "unfireables" to the Trust Territory. The Defense Department, it is felt, is concerned only with protecting its "negative" interests. The United Nations, most members think, is of no real concern and its expressions are seen as "gamesmanship." Members of the subcommittees on territorial affairs are confident that they will be able to assert their perception of what status the Micronesians should have. Unfortunately, Congress itself is not in the position to view Micronesia without prejudice. Congress is trapped by former commitments, by a predisposition toward a formula used in the past to annex territories, and by structural inadequacies to handle the Micronesian situation.

Congress and the Conduct of the Negotiations

Congress, though largely ignorant about Micronesia, has a significant membership which is deeply concerned about Micronesia and which is uncomfortable and frustrated by U.S. policy toward Micronesia. In the past, Congressional discomfort was taken out on the Department of the Interior. One Congressman returned from a trip to Micronesia and told an interviewer of his recommendations to an official in the Trust Territory Government. Asked how the official responded, the Congressman said, "Bureaucrats nod in agreement, but then you leave and they go back to their offices and nothing gets done." The feeling is widespread that American money produces insignificant results in Micronesia, largely because transportation and administration costs are phenomenally high.

In recent years, the negotiations as well as administrative problems have frustrated Congressmen concerned with Micronesia. Orders for the Office of Micronesian Status Negotiations supposedly come from the White House; they definitely do not come from Congress. Most Congressmen are in the dark about the substance of the negotiations; when there are subcommittee meetings with the negotiators present, discussion of the negotiations is avoided because Congress does not want to "meddle" in the business of the executive branch and because comments on ongoing negotiations are felt to be inappropriate. But when Congressmen finally learn the specifics of the negotiations, as in the closed hearing before the Senate Interior Committee on September 12, 1974, they react with, "The United States should have limited the options in the very beginning so that we wouldn't have to take an agreement which goes beyond what we want to do." In administration, Congress makes policy but cannot carry out its policies; in the negotiations, Congress cannot make policy but must approve it.

Initially, Aspinall tried to outline the limits of United States "flexibility." As he modestly put it, "They (U.S. negotiators Harrison Loesch, a Colorado neighbor and friend of Aspinall, and Haydn Williams, Loesch's successor in the negotiations) reported in: we talked it over; I told them what I thought would have to be acknowledged and recognized before they could get anything out of it." However, early in the negotiations, Aspinall's ability to influence the course of negotiations was diminished. In his own words:

> Well, of course, next thing I knew Philip Burton became chairman of the subcommittee. Next thing after that happened was that Phil Burton then decided that everything had to be cleared through him, and he still feels that way about it. And this is the reason why, as I understand it, these operations by Ambassador Williams have been pretty well under cover at the present time and nothing's been done, frankly, at the present time. (November 1973)*

*The negotiations with the Micronesians had just broken down in disagreement over finances.

One of the complications is the relationship between the principal actors. The Senate, once again, leaves the House in charge of overseeing the negotiations. Senate subcommittee chairman J. Bennett Johnston never saw chief United States negotiator Ambassador Haydn Williams for a one-to-one briefing. The Office of Micronesian Status Negotiations tried to set up such meetings, but Johnston was never able to fit them into his schedule. One indication of the problems faced by United States negotiators was Johnston's startlingly negative reaction to information that the draft agreement contained an opportunity for the Micronesians to unilaterally declare their independence. The independence option had been so crucial to the Micronesians that it had caused the breakaway of the Marianas, and it had been mentioned in every hearing before the Senate subcommittee. But Johnston first focused on the issue in an interview later in the negotiations.

The situation with House subcommittee chairman Burton is reverse: some believe Williams avoided meetings with the Congressman.

House territories subcommittee chairman Burton and Ambassador Haydn Williams had their differences, and these differences had an indirect effect on the negotiations with the Micronesians. Ambassador Williams is a quiet, reticent individual who was once described as having "one major fault--a complete inability to relate to human beings." Micronesians find it difficult to relate to him and particularly resent his use of his title as "the President's representative." On the other hand, "burly, beefy Philip Burton," to use a Ralph Nader Congressional profile description, "has a voice like a sonic boom, the charge of a bull in a Congressional committee room," and an "emphasis on the one-to-one relationship." The two Californians come from very different backgrounds: Philip Burton considers himself a spokesman for San Francisco's poor; Ambassador Williams is a resident of the rich San Francisco suburb of Hillsborough. Burton hopes that the Micronesians see him as a friend and thinks that the subcommittee is comprised of people "sensitive to social justice."

The contrasting personalities and ideologies of Burton and the head of the United States negotiating team for many months appeared to be a major obstacle in the negotiations. The contrast came into sharp focus at a State Department reception for Micronesian negotiators, November 12, 1973. Burton is quoted by several sources as having called Williams a "fascist" and "colonialist." He told Lazarus Salii, Chairman of the Micronesian negotiators, that Williams "would lead him down the garden path," but that "Congress will take care of you." Williams was shocked by the Congressman's actions, and relations between the two were strained for the following two months.

During those months, Congressmen often expressed resentment that the Office of Micronesian Status Negotiations was not keeping them fully informed; it was as if communcations between Congress and the Office of Micronesian Status

Negotiations had broken down completely. In late December, 1973, however, Ambassador Williams made a special effort to meet with Congressman Burton--Williams had just flown in from talks in Hawaii and Burton was going to leave that night for a trip to Micronesia--and relations between the two improved markedly. Two weeks later, in Micronesia, Congressman Foley expressed the often-heard view that Williams was not keeping Congress informed. Burton came to Williams' defense and said that he may have been to blame himself because he had done a poor job of passing information on to the subcommittee. Burton was even quoted as saying, "I have deep respect for the Ambassador."

Senator McClure complained that he and Congressman Foley had tried for 3½ years to get someone from the Executive branch to come up and talk to them about Micronesia; no one did. State Department officials repeatedly expressed concern that Congressional consultations were infrequent, limited to Interior and perhaps the armed services committees, and excluded the foreign affairs committees. Among the committee members, consultation has largely been limited to committee and sub-committee chairmen and ranking members, although the then head of the House Armed Services Committee told interviewers he knew nothing of Tinian base plans.

Congress is not without blame for inadequate consultations. Communiques from the negotiations are regularly sent to Congress, and the Office of Micronesian Status Negotiations offered to send its public affairs officers to Capitol Hill to provide briefings and to set up interviews with principal officials of the Office in a genuine attempt to open information channels.

But the results of efforts to keep Congress informed were, unfortunately, predictable. Staff members did not attend or forgot briefings and thus continued to complain that the Office of Micronesian Status Negotiations had made no attempts to talk with them. Others complained that briefings were inadequate and did not go beyond information which was not already public.

A former director of the Office of Micronesian Status Negotiations noted that Congressmen would often talk <u>only</u> to the chief United States negotiator. Such rank consciousness complicated consultations with Congress since the chief United States negotiator, San Francisco-based Haydn Williams, had a full-time

position as head of the Asia Foundation and thus was in Washington infrequently. Moreover, jurisdictional jealousies and seniority within Congress itself are partially responsible for limiting briefings to senior members of committees concerned with Interior and Defense. Thus, it may be that observance of Congressional sensitivities resulted in the injunction that the State Department not consult with foreign affairs committees, that defense committees be left to the Defense Department.

An uninformed Congress presents numerous problems in negotiations. The subcommittees have travelled officially to Micronesia on inspection tours, and Congressional assertions there sometimes undermine or embarrass the United States negotiating position. Meetings with Micronesians in Washington present the same possibilities. But most importantly, concerned Congressmen have not shown great faith in the negotiators, and assume that negotiated agreements would be changed. The Office of Micronesian Status Negotiations chose to tolerate Congress' uninformed lethargy until the final stages of the negotiations. With increased Congressional briefings in 1974, the folly of this approach became clear, and Senators who were years behind in their understanding of the negotiations balked at the status proposals.

The Constitution leaves the conduct of foreign affairs and the negotiations of treaties to the executive branch subject to the advice and consent of the Senate in the case of treaties. Over and over, Congressmen stated that they had no views but would wait for executive proposals. In some instances, this position covered ignorance; in others (Republican House members) it was a way of postponing discussion or taking a position on known issues.

The important point, of course, is that a wait-and-see attitude is impractical and may be a continuation of the refusal by Congress to fulfill its responsibilities. In the first place, it is late in the day for Congress to suddenly discover that it is in disagreement with agreements tortuously

negotiated in good faith by both the Micronesians and by the Executive. Secondly, the very content of the U.S. negotiating position depends upon the extent to which Congress is willing to follow-up with funds, legislative restraints, etc.

Yet it has been impossible for Congress not to have an effect on the negotiations.

In at least three instances, this overlap between Congressional and Executive interest has become important to the Micronesians.

One example regards the Mariana Islands which are negotiating for a close territorial status under U.S. sovereignty. The U.S. wants to build a major base on the Mariana's second largest island, Tinian. In conceding to this U.S. demand, the Marianas wished to attain and retain control of their internal affairs and their tax system. U.S. negotiators had no reason to discourage the Marianas from thinking that they might win these concessions. But during a visit to Micronesia, subcommittee chairman Burton made it clear that tax questions and some status matters might have difficulty in Congress, whether or not the Marianas permitted the development of the base at Tinian. Congress will make its judgement on its view of the workable merit of elements of the final proposals; it has no concern for winning concessions from the Micronesians.

Another example occurred in the 7th round of negotiations (November 13-21, 1973). The Micronesians had requested $100 million annually for the duration of a "free association" status. The U.S. epresentative rejected this proposal on the ground that it would be unreasonable to give more money to the area after trusteeship than was given during trusteeship. The Micronesians are apparently willing to decrease the amount requested in return for a

looser association agreement. But a number of Congressmen, including Subcommittee Chairman Burton, were apparently willing to meet the $100 million request.

On one occasion the U.S. negotiating position was completely undermined by significant Congressional sentiment. In the second round of negotiations with the Marianas, the U.S. representative presented plans for the purchase of Tinian on the grounds that "the U.S. Congress is reluctant to commit large sums to projects with only the protection of a lease." In 1974, in a three hour meeting on Saipan, several members of the House Subcommittee on Territories suggested to Marianas negotiators that they lease rather than sell land to the Federal Government. Defense, they said, would require a long-term lease, perhaps as long as 99 years, but leasing itself was not objectionable to Congress.

Congressional Approval of Final Status Arrangements

Congress is given responsibility over "Territory of the United States" by the Constitution (Article IV, Section 2). Foreign relations, of course, are largely the responsibility of the Senate and the Executive branch; but President Truman specifically requested action on Micronesia to be handled by both Houses of the Congress. Some eighteen months after the talks at Hana, chief negotiator Haydn Williams gave Congress a "Progress Report on Trust Territory Status Negotiations." He said:

> At Hana the United States also put forward its position on the progressive procedural steps to be taken in reaching an agreement and termination of the trusteeship. First an agreement would have to be worked out between the two delegations. Second this agreement would have to be referred to both the Congress of Micronesia and the U.S. Congress, and third the agreement in the end would have to be submitted to the people of Micronesia for their approval as an open and free act of self-determination.

Committee. At that briefing, Senate misgivings about the status proposals became clear. In the words of staff members of the Office of Micronesian Status Negotiations, "Senator McClure wanted to rewrite the whole Draft Compact." McClure, Buckley, and Johnston reportedly objected to the entire direction of the negotiations. Interviewed soon after the briefing, Senator McClure said that Congress should have stated guidelines prior to the negotiations.

At the September 25, 1974, open hearing of the Senate Subcommittee on Territories, Chairman J. Bennett Johnston began by warning: "I think that there is a substantial chance that at least some provisions of the tentative agreements will be recommended against by the committee." He added, "I thought I would mention that because I think as much time as you can get - as the Ambassador can get - in his negotiations, as much notice of that fact, the better off we are."

Mr. Fred Radewagen, speaking for Interior's Office of Territories, stated:

> Since 1969, the United States and Micronesia have been negotiating the future political status of the territory's six districts and termination of the trusteeship.
>
> Public Law 93-111 currently authorizes the appropriation of $60 million for fiscal year 1965, a level which has been maintained since 1971.
>
> The Administration's proposal would authorize a total annual appropriation of $75 million for fiscal year 1975 and the 1975 constant dollar equivalent of $80 million for 1976.
>
> Additionally, in section two, we are asking for a separate authorization of $1.5 million for a special program to aid transition of the Mariana Islands District to a new commonwealth status as a territory of the United States.
>
> These proposals are a direct result of the future political status negotiations.

The money for the Marianas was particularly connected to the future political status, the merits and drawbacks of which Congress had neither formally considered nor debated up to that point. But even the badly needed capital improvement funds called for in the other sections of the bill were connected to future political status, by administration officials: "tentative agreement as to levels of accelerated capital improvement program funding was reached in the Carmel talks in March of this year between Ambassador Franklin Haydn Williams, the President's Personal Representative for Micronesian Status Negotiations, and Senator Lazarus Salii, Chairman of the Joint Committee on Future Status of the Congress of Micronesia. Deputy chief negotiator Wilson, however, pointed out that the provisions for Micronesia's future political status "are subject to the approval of the United States Congress in the process of approving the compact."

But such was not the case with the Marianas. They would, the Administration candidly admitted, go into effect as soon as the Marianas and United States negotiators signed the final agreement. The Executive branch did not propose to return for Congressional approval before beginning transition to the Marianas Commonwealth.

Yet the Marianas Commonwealth proposals are hardly uncontroversial. They contained perplexing problems such as the construction of new major multi-million dollar military base so close to Guam, the integrity and equality of the United States' treatment of all its territories, and the fragmentation of a U.N.trust. Approval of the Marianas transition funds would also have put the United States Congress in direct conflict with the

Congress of Micronesia which had opposed separate negotiations with the Marianas and likened them to a U.S. policy of divide and rule. To make matters more complicated, before Congressmen acted on the bills, the people of the Marianas voted their negotiators out of office, replacing them with representatives who advocated a slower pace in the negotiations and, in one instance, opposed the negotiations completely. Thus Congressional approval might also go against the implied wishes of the Marianas people themselves.

Inclusion of aspects of the status negotiations in a bill which needed only to deal with acknowledged fiscal needs in Micronesia, was perplexing to many people on Capitol Hill. Senator Johnston commented, "This funding seems a little inconsistent to me. Here you have the Micronesians negotiating for the whole of Micronesia and getting a budget for the whole of Micronesia and the Marianas wanting a million and a half to make the transition to a separate status. Is that inconsistency not rather plain and why do we have to have that?" Senator Johnston, who was undereducated on the negotiations to begin with, received this response from deputy chief negotiator Wilson: "I think there may be some confusion here due to the fact, Mr. Chairman, that we are faced with the proposition, almost, of trying to point a moving train. We do have the problem of having to fund current administration, the current administration of all six districts at once under the present system while we are, at the same time, trying to devise a new system." Unfortunately, no Congressman asked the administration spokesman why a new system had to be funded before it was Congressionally approved.

In the Senate, there were problems with the proposals based on the Micronesian arrangements. Chairman Johnston stated the problem this way:

> Our one real gut interest in Micronesia is a strategic interest. Here we are going to enter into a compact that would say, unilaterally, you can rescind that agreement. I think that is just insane.
>
> It seems to me that we had better get some more sentiment from the committee and I will try to do that for you. In the meantime, I just doubt the wisdom of increasing the budget, really, as more or less of a quid pro quo to enter those negotiations -- I mean, to enter that compact before we have an acceptable compact.

Senator Bartlett followed up on the chairman's comments and expressed the views of many Senate subcommittee members (Senator Abourezk is a notable exception):

> Mr. Wilson, I share the concern that has been expressed by Senator Buckley and Senator Johnston and perhaps others on the termination by mutual consent of the compact in the first 15 years.
>
> I attended the last hearing [the closed briefing held September 12, 1974] but I was unable to stay long enough to express myself.
>
> In addition, I have concern about the provision that, thereafter, it would be terminated by unilateral action on two years' notice but only after a satisfactory security agreement has been concluded embodying the United States' base rights and denying the area to third parties.
>
> It would seem to me that, rather than leaving that final condition up in the air for negotiation at that time, the satisfactory security agreements embodying the United States' base rights and the denial of the area to third parties should be clearly understood prior to the negotiation of the contract.
>
> Having that up in the air, which would be the most important thing, should be clearly worked out in advance so that there are no doubts.

Faced with problems in both Houses, the Administration developed strategies which would lessen their plight. To a House subcommittee concerned with the Marianas commonwealth, but largely content with Micronesian plans, the Administration presented the Micronesian plans first. To the Senate Subcommittee eager for closer military ties, the Administration began with

the Marianas proposals. The official explanation was that it was done for "variety," but one staffman agreed that the "variety" was not without political intention.

More importantly, however, officials at the Department of Interior began to discuss alternative processes for Congressional approval of the agreements. The Director of the Office of Territories as well as the Director of the Office of Micronesian Status Negotiations openly discussed whether the Interior committees, as opposed to committees responsible for foreign affairs, should deal with the "international agreement" which would be made with the Micronesians. Under this approach, the Draft Compact, which the Senate Interior Committee seemed to want to block, would go to the more liberal Senate Foreign Relations Committee. The Interior Committees, according to the Administration officials, really only had jurisdiction over a Marianas commonwealth. Whether intentional or not, according to this plan Congress would never have been able to deal with the question of the fragmentation of the Trust Territory, one of the most controversial political issues.

One of the problems in the development of Congress' relationship with Micronesia is that Micronesia has no lobbyist. Micronesia sends no official representative to Washington. No Representatives or Senators have a Micronesian constituency. Hawaiian Congressmen, and lately the territorial delegates, have championed Micronesian problems, but they must be guided by the same conscience which motivates other Congressmen on the Interior Committees to go out of their way to investigate the Micronesian situation.

Working for Micronesia as a member of Congress offers few rewards. Membership on the full Interior Committee is often sought in hopes that it will provide the opportunity for Congressmen to influence legislation

important to constituents (the Interior Committee authorizes water conservation programs, dams, parks, and recreational areas.) But no bills referred to the Subcommittee on Territories offer any benefits for Congressmen's home districts. The singular and minor exception, of course, is in the potential for benefits for states in the Pacific area.

Moreover, since territorial affairs do not often raise issues which catch the public's eye, an assignment on a subcommittee responsible for territories is not very popular. Assignments generally go to freshmen Congressmen. This has had an adverse effect on the conduct of territorial affairs, not so much because freshmen Congressmen are incapable, but rather because of the lack of political advantage the subcommittee assignment gives them. An assignment on a subcommittee responsible for territories does not help at election time. Thus, Micronesia's interests suffer from high turnover rate, since new members constantly need to be educated concerning Micronesian affairs.

In the Senate, the situation is particularly bad. Former Staff Consultant to the Senate Interior and Insular Affairs Committee, James Gamble, put it this way: "With each new Congress there is a turnover of Chairmen, and if a new committee is reduced in size and senior members are promoted elsewhere, a newly elected Senator without any experience becomes chairman. And it is this inexperienced person who is looked to for guidance." The Senate Territorial Subcommittee gets a new chairman every few years. Freshman Senator J. Bennett Johnston became Chairman in January, 1973, and in the first hearing held on territorial matters revealed that he had no idea what the Trust Territory was. "Do I understand that American Samoa is not included as a trust territory?" Johnston asked Interior Director of the Office of Territories, Stanley Carpenter. The Senator's ignorance is understandable, but it is indicative of a structural flaw in the government of

the country responsible for Micronesia.

Freshmen who are genuinely interested in territorial issues often must be careful about carrying out their subcommittee duties. A trip to Micronesia is a worthwhile journey, essential for an understanding of the Trust Territory. Congressman William Ketchum, in a hearing on submerged lands, urged that members of the committee visit Micronesia in order to fully understand the issue, but freshmen Congressmen must particularly consider the impression a Pacific trip leaves back home. During the 1968 trip, a cartoon in Lloyd Meeds' district portrayed him lying in a hammock watching a hula dancer. In 1974, editorials denounced "junkets" to Micronesia.

But trips to Micronesia are not luxurious or unnecessary. Conditions in the Trust Territory are often arduous and more exotic than luxurious. One Congressman complained that he had to diplomatically partake in a feast which featured rancid lobster and roast pig which had been sitting in the weather; this is an unusual view, and perhaps is itself a comment on the ethnocentrism of the Congressman, since Micronesians are famous for their roast pig banquets. But more objectively, the local political situation is always ready to present a few surprises: in 1968, the Congressmen were attacked because of their business suit appearance on one island and when they decided to change, they were chided for their sloppy attire on the next island. The trips are exhaustive and often unpleasant, but freshmen Congressman Ralph Regula told an interviewer, "I doubt that argument would be convincing in my district in Ohio."

A very dramatic case of a freshman Congressman's dilemma is that of former Pennsylvania Congressman Neiman Craley. Elected in the Johnson landslide of 1964, Craley found the House Subcommittee on Territories intellectually stimulating, if not politically strengthening, and devoted a

great deal of time to the issue. Craley lost his bid for re-election in Pennsylvania. Afterwards, he followed his interests and moved to Micronesia where he has served as legislative liaison officer for the Trust Territory Administration. Many members of the present subcommittee hold him in high regard.

Perhaps more important than the position of the people charged with Micronesia, however, is the method by which Congress deals with multi-faceted issues. Micronesia should probably have been dealt with by a special committee organized to investigate the peculiarities of this special situation. Micronesia involves substantial foreign affairs issues and international agreements, multi-million dollar defense investments, and annual appropriations for development of an impoverished area, as well as the civil administration of an Interior Department ward. The issue could have been handled by the Foreign Relations, Armed Services, Appropriations, or Interior committees equally ineffectively. But it should have been dealt with by all of them. It is a flaw of Congress that issues and jurisdiction are particularized rather than co-ordinated. In the final phases and resolutions of Micronesia's political status, all of the areas of concern will rear their heads for a glimpse at the past's unfortunate policies.

The assignment of jurisdiction to the Interior committees may not have been worse than assignment to any other particular committee. But it had its faults. Outside of the Armed Services committee, no other committee welcomed trusteeship instead of annexation less than the Interior committees. The Interior committees had a predisposition toward territorial annexation. Throughout the 19th century, western expansion and population growth made the annexation of territories easy, if not just. The pattern of acquisition and development, territory-to-state seemed natural. Interior Committee members thought that the same pattern could be repeated in the Pacific.

But Congress has had difficulty producing satisfactory relationships with any of the U.S. possessions since the statehood of Hawaii and Alaska. Revisions of the pattern have brought Guam and the Virgin Islands to some degree of satisfaction, but these areas, the Trust Territory of the Pacific Islands, Puerto Rico, and American Samoa are caught in a netherland of status between independence and statehood. The problems raised by territories are perplexing in an anti-colonialist world. Congressman Thomas Foley expressed the sentiments of many members of Congress when he said,"It's too bad the U.S. ever got involved in the colonial/territorial business in the late 19th century; it is a constant source of problems."

But if the problem was not complex enough, a new element was introduced into this system: the Trusteeship Agreement with its commitment to economic and social and political development toward the goal of self-determination. From the beginning, the U.S. had committed itself to a more altruistic involvement in Micronesia than it had in the other territories. From the beginning, the Trust Territory had a better status because its sovereignty was reserved. Assuming that somehow Micronesia's status could be handled in the traditional pattern by the traditional subcommittees was unrealisitc.

SUMMARY AND CONCLUSIONS

This study concludes with the signing of the Covenant for a Commonwealth of the Northern Marianas. The Marianas Covenant must still pass a complicated series of hurdles, including a plebiscite and if that is successful the approval of the U.S. Congress. Legally the Marianas may be administered separately prior to the termination of the trusteeship agreement. Most of the provisions in the Covenant, particularly the provision for self-government, will take effect as soon as the Covenant and Constitution are approved in the Marianas and by the U.S. Congress.

Legally also, however, the Marianas will remain a part of the Trust Territory of the Pacific Islands until negotiations are concluded with the rest of Micronesia. Negotiations on a U.S.-Micronesian Compact are at an impasse over, among other things, U.S. land policies. Even if the impasse is broken and an agreement is concluded at an early date, the United States does not plan to seek United Nations Security Council approval of termination of the Trusteeship Agreement until 1980 or 1981.

The delay for the Marianas is political rather than legal. The United States could seek U.N. Security Council approval of an amendment to the Trusteeship Agreement whereby trusteeship would no longer apply to the Marianas but would continue to apply to the remainder of Micronesia. However, to do so would raise in its most acute form some of the major criticisms of American policy, and the proposal might therefore fail to achieve Security Council approval. The delay for the remainder of Micronesia is also primarily political, but the political problem is domestic rather than international. The United States

does not believe it can get the U.S. Congress to approve a larger financial package for Micronesia and thus has decided to complete needed capital improvement programs under its own aegis rather than provide funds for the Micronesians to spend themselves for the same capital improvements. The irony is that U.S. administration of capital improvement programs in Micronesia has come under sharp criticism from the U.S. Congress.

The delay and the uncertainty of future developments make it difficult to reach conclusions on the advantages and disadvantages of either the Covenant or the Compact. Even after termination of the Trusteeship Agreement, it will be some time before hard conclusions can be drawn. Perspective, particularly the perspective of time, will allow differentiation between those issues in the negotiations which were truly important and have enduring implications and those issues which, while profoundly influencing immediate decisions and especially the negotiating atmosphere, have no long term effect on actual developments. More important, perspective and experience will tell whether the unique relationships which the United States seeks to build with both the Marianas and Micronesians are sufficiently strong and flexible to accommodate changing needs and aspirations. Such changes are likely in developed areas; they are inevitable in a developing area such as Micronesia. Just as Micronesia outgrew the rigidities of a status as a non-self-governing U.S. territory (even before it was offered), they may be expected to outgrow some of the provisions of its new status, if not the statuses themselves. Thus, despite the effort of the U.S. to develop a permanent relationship with Micronesia and Micronesian efforts to be able to freely change the relationship, the length as well as the warmth of the new relationships can only be determined by the extent to which they are and remain mutually beneficial.

Despite the uncertainties ahead, it is important to draw conclusions regarding the development and implementation of U.S. policy at this turning point in the continuing relationship between the United States and the Pacific Islands. In order to judge the merits of the present status proposals, it may be impossible to guess how they will survive the future, we can make some judgement on the attitudes and assumptions upon which they were founded.

The basic assumption of U.S. policy--that Micronesia is "essential to the United States for security reasons"--is highly questionable. Such a judgement can not be made outside political, economic, technical, and above all, human considerations. Considered against these factors, initial U.S. military plans for land acquisition and military base construction in Micronesia were clearly extravagant. The plans affected Micronesian life and aspirations. The military should never have been permitted to proceed so far with base preparations without a firm decision that the area was of such strategic importance that the Pentagon's budget would include the necessary financial support.

There is no doubt that Micronesia is useful. Nor is there any doubt that it is to the advantage of the United States, Micronesia and the international community to ensure that the area is never again used for aggressive purposes. But a judgement that Micronesia is useful and must be denied potential to enemies raises very different policy questions than a conclusion that the area is "essential." A more realistic assessment of Micronesia's strategic importance might have resulted in more rapid and less contentious negotiations, if not more serious consideration of such options as international neutralization, a bilateral treaty, and/or long-term base agreements. The last two options, particularly, could have accommodated U.S. military interests without unnecessarily restricting Micronesian options.

Resolution of Micronesia's status was needlessly delayed by the failure of the Executive Branch to reconcil conflicts between Interior, State, and Defense. In the Johnson Administration, continued bureaucratic infighting made it possible for a single Congressman to exercise almost complete control over U.S. policy objectives. Even when a coordinated approach was initiated by the Nixon Administration, attainment of policy objectives was jeopardized by the Administration's dismissal of the experiences of its predecessor, by its initial refusal to restrain military demands and by its insensitivity to Micronesian rights and aspirations.

The Micronesians have not been presented with a free choice on their future status. Rather they have a free choice within the limited range of options made available to them. The choice was limited by two factors: The primary factor was U.S. military strategic policy which precluded independence and allowed internal autonomy only if the United States continued to control defense and foreign affairs. A second limiting factor was economic. U.S. economic development of Micronesia was a dismal failure. Political, social and educational programs bore no relationship to economic realities and potential. The result is a Micronesia which is considerably beyond a subsistence economy but which is unable to advance further or even to maintain current standards without considerable outside assistance. No pledge of continued U.S. assistance at sufficient levels would be forthcoming for an independent Micronesia. On the contrary, the U.S. made it clear that the closeness of the relationship and not Micronesian needs would determine the level of U.S. economic assistance.

The military and economic factors which limited Micronesian choice were not unconnected. Theoretically Micronesia could have auctioned off its strategic location, but because of firmly established U.S. military interests, it in actuality was not in a position to do so. A more economically independent Micronesia, particularly a Micronesia not dependent solely on military attractiveness, would have been able to attract domestic and international political support for a wider range of status options.

Although it professed to be following a policy of territorial unity, other U.S. policies, particularly economic and military policies, reinforced cultural, geographic and other causes for disunity in Micronesia. Separation of the Marianas from the rest of Micronesia in 1951, location of the capital in Saipan far away from the geographic center of the territory, and clear economic and educational advantages for the Marianas reinforced and encouraged separatist tendencies in the Marianas. The movement was also encouraged by frequent expressions by the military of their desire for bases in the Marianas. The final decision to negotiate with the Marianas appears to have been made primarily for military reasons.

Separate negotiations with the Marianas provide a precedent for other Micronesian districts and for other individual islands. The U.S. explanation that it could not deny the people of the Marianas their right of self-determination provides the philosophical justification for further separatism. A similar argument can be advanced on behalf of Palau or the Marshalls. If it is too late to prevent Marianas separation but the U.S. and the remaining Micronesian group would do well to plan and implement a program to promote the unification of the remainder of Micronesia.

Congress is poorly organized to handle questions relating to issues like Micronesia. The rigidity of the committee system, excesses of the seniority system, dictatorial powers of committee chairmen, and general Congressional disinterest has resulted in inadequate attention given to the interrelationship of the international, political, economic and military factors involved in fulfillment of U.S. trusteeship obligations. Some of these shortcomings, particularly the antiquated committee structure, will continue to adversely affect U.S. policy in Micronesia and the Marianas after they gain their new status.

The Nixon and Ford Administrations took advantage of Congressional shortcomings. Congress was not encouraged to address in a coherent manner the policy questions involved in termination of Micronesia's Trusteeship status. Instead, the Administration took steps which at best would have resulted in piecemeal consideration and at worst narrowed the scope of Congressional action. Authorization of funds for transition of the Marianas to Commonwealth status was requested long before the Marianas Covenent was completed or submitted for Congressional approval, before Congress had a chance to look at the implications for or hear the views of the rest of Micronesia, and before Congress was able to consider the implication of military plans. In addition, the Administration announced plans to hold a plebiscite and, if approved, to begin separate administration of the Marianas prior to Congressional approval of a separate status for the Marianas. The Administration can rightly argue that it took these steps openly, after consultation with a few key members of Congress, and that Congress could have halted all Micronesian activities until Congress was satisfied with the entire status question. But Congress doesn't work that way and the Executive knows it. Besides risking more distrust of the Executive by Congress, the Administration's procedure jeopardizes the agreements themselves. For it will be unfortunate for the Micronesians if Congress later discovers that it can not live with agreements whose partial implementation it has already approved.

With the exception of the Marianas breakaway, the Micronesians probably ended up with the best agreement they could expect given political and economic realities. It is also an agreement which serves their current economic and political interests. They will have maximum internal autonomy, assured economic assistance, and protection against third country encroachment. They will also have an option to unilaterally declare their complete independence at some future date when the political and economic realities which dictated the present arrangement may have changed significantly. What is unfortunate was the necessity to bring the United States "screaming and kicking" to an arrangement which the United States could have and should have offered graciously years earlier.

The Marianas separation and suggestions of similar actions by other islands suggests a major task for Micronesia: How to design a government which provides the strength through unity and yet is sufficiently flexible to meet diverse needs among the islands. A Free Associated State of Micronesia cannot escape the shortcomings of previous American mistakes, but it will have the opportunity and responsibility for corrective actions.

Congress, the Micronesians and the U.N. should consider both the Marianas question and Micronesia at the same time. This would undoubtedly result in a delay for the Marianas. However, as a practical matter, the Marianas question cannot be decided without also deciding major aspects of the incomplete U.S.-Micronesian negotiations. Given the impasse in the latter, it may be that the only way of forcing a resolution of those negotiations would be through detailed consideration of the Marianas question.

The Marianas Commonwealth and the Free Associated State of Micronesia will bring to five the kinds of territories associated with the United States, i.e. in addition to Guam and the Virgin Islands; American Samoa; and the Commonwealth of Puerto Rico. The United States should immediately move to ensure that the statuses of the other territories, particularly Guam and the Virgin Islands, are similarly improved. The objective is not to create a rigid formula for all territories or to withhold Micronesia's privileges until other territories achieve a similar status. There is virtue in a flexible approach which tailors political status to the particular requirements of each area. Rather, it is to recognize that other territories have legitimate concerns which were present even before the Micronesia negotiations. They should not be handicapped because, unlike Micronesia, they came under American sovereignty in another era and thus were unable to negotiate their entry into the American polical family.

Judged against U.N. criteria, the Marianas are neither integrated into the U.S. (as a state) nor a free associated state (as will be Micronesia). That does not negate the fact that the Marianas have virtually complete control over their internal affairs and that they knowingly and voluntarily entered into the arrangement. It does, however, mean that the United States can expect the Marianas in the future to seek greater participation in national affairs through representation in the Congress and participation in Presidential elections. If the United States fails to meet these wishes or if the U.S. uses its authority in the Marianas insensitively, the U.S. can expect future citizens of the Marianas to seek a change in the relationship.

If they are to avoid continued dependence on American economic support, particularly support based on uncertain military justifications, Micronesians will have to move swiftly to develop their own economy. It is a political necessity if conflicts with Congress over expenditures are to be avoided.

The United States must be cautious to avoid charges of interference, but the United States cannot avoid a responsibility to assist in the development of a firmer economic base, especially in light of the failure of the U.S. to fulfill that obligation under trusteeship.

Up to the signing of the Marianas Covenent, the U.S. demonstrated little or no concern for the role of the United Nations. This is seen in the initial U.S. proposal for Commonwealth, the movement of Micronesian matters from the Bureau of International Organization Affairs, the discontinuation of State Department participation in the Marianas negotiations and the failure to consult the foreign affairs committees of Congress. Reference to the role of the U.N. is not included in either the Covenant, or the Compact or any communique or in the U.S. itemized list of the 10 steps remaining before finalization of the Covenant. Only at annual sessions of the U.N. was that organization involved in Micronesian status questions. Even the U.N.'s participation as observers of the plebiscite was requested rather late.

As a participant in the status negotiations and as a party whose interests are directly and indirectly affected by the results, the U.S. may have brought into question its ability to objectively conduct either a political education program or needed plebiscites. At a minimum, the conduct of plebiscites should not be the responsibility of U.S. negotiators but the responsibility of a neutral and impartial body or individual. Similarly and perhaps alternatively, United Nations participation should be expanded beyond mere observation.