

# DEPARTMENT OF STATE

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B. Saipan A-11, May 13, 1975 -  
C. Saipan A-5, March 19, 1975

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Summary

Since our last report on the state of status (B), there have been several developments in the Trust Territory impacting on Micronesia's political future. Their cumulative effect has been to emphasize the division of opinion and to undermine further the confidence and sense of authority of those Micronesians especially in the Congress of Micronesia seeking to deal on a TT-wide basis with the territory's political future. The most important of these developments was the overwhelming majority accorded by the voters of the Marianas to the Covenant providing for a permanent political union with the United States. Although generally anticipated, in a political sense, the shock of the favorable vote (78.9%) which was widely interpreted as also being against the continued "domination" of the Marianas by the Congress of Micronesia, had a depressing effect on the supporters of unity. The special session of the Congress of Micronesia (June 23 - July 2)

Enclosures:

1. SB 6-212 (Proposed successor to JCFS)
2. Bessy's speech 6/30/75

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was the most subdued in recent memory. Its agenda did not initially include matters directly related to future negotiations, and it took no definitive action even when (on June 30) the High Commissioner authorized it to consider a bill to reorganize the Micronesian future status negotiating team and to consider amendments to the controversial future status referendum authorized by the first regular session of the present Congress.

#### COM Representations at the UN Trusteeship Council

At the UNTC's annual consideration of the Trust Territory of the Pacific Islands May 27 - June 7, the Congress of Micronesia was represented by Senator Wilfred Kendall (Marshalls) and Representative Raymond Setik (Truk) as special advisers to the U.S. delegation. Present also at various times were Senator Lazarus Salii (Palau) and American staff personnel working for the COM. Their presentations have been reported elsewhere; suffice it to say here that Senator Kendall's announcement that "the negotiations (for free association) have failed" and that Micronesia would have to consider commonwealth or independence (p. 76, Provisional Verbatim Record of 1435th UNTC meeting) was remarkably categorical. Interestingly, it was referred to only obliquely in the special session (by Senator Bossy--see below) and was not formally endorsed in any known fashion. Although Setik has spoken out on a variety of subjects, including a speech in the regular session on the economic aspects of the negotiations for a separate status for the Marianas (enclosure 3 to Saipan A-3, February 21, 1975), Kendall has said nothing publicly about future status before or since. Neither is a member of the Joint Committee on Future Status. It is generally assumed that Kendall spoke with Salii's approval, or at least concurrence; obviously he did not write his own speech.

#### Senator Salii's New Proposal

The June 23-July 2 special session was called by the High Commissioner to pass a new classification/pay bill to be effective July 1 (which it did), as the Congress' earlier effort had to be vetoed. In the course of this session Senator Salii introduced SB 6-212 (summarized in ref A) which the Congress was authorized, during the session, to consider. The Senate did so, and passed the bill on first reading. There were no hearings, and the House did not consider the bill. The text is attached as enclosure 1.

SB 6-212 was a modification of SJR 6-47 (discussed in ref C) which almost got through the first regular session of the present Congress.

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The new proposal cut the size of the proposed Micronesian Status Commission to seven full-time members, only one of whom would be chosen by the COM leadership, while five would represent the districts. The bill set forth as the first objective "to actively press for and seek an early termination of the Trusteeship Agreement" and the remaining "duties" of the Commission would have been quite comprehensive. Salii's proposal would authorize the Commission to "seek, negotiate and conclude agreements binding on Micronesia and its people" but makes no provision for approval or confirmation of such agreements by either the Congress of Micronesia or the populace. Finally, it would have abolished the JCFS when the new Commission "shall have been appointed and duly organized."

The lack of any procedure for ratification or popular endorsement would appear to make the Commission's work even less authoritative than has been the case with the JCFS. The bill, in fact, appears poorly thought out and it is doubtful that, had the Congress had time to consider it thoroughly, it would have been approved as drafted. Nonetheless, its introduction by JCFS Chairman Salii, and the fact that the Congress evidently did not want to consider it seriously, provides further indication of the state of disarray and dissatisfaction with present status negotiating arrangements which has been commented upon earlier (ref B).

#### Congressional Comments on Future Status

The two most forceful presentations with respect to future status made on the floor of Congress were by new members, Senator Nick Bossy in the Senate and Representative Lambert Aafin in the House. (The text of the former is enclosure 2.) Senator Bossy in introducing SJR 6-56 (which was not passed) proclaimed that "If we are for unity, then let us be honest with ourselves and with our people." Congress should, the senator said, take a position with respect to the unity of Micronesia and communicate it to the people. He recommended that the Congress do so before the referendum (July 8)--which it did not do. He pointed out that the Congress of Micronesia had rejected commonwealth in 1970, yet it was on the referendum ballot in 1975. He also criticized the refusal of members of the JCFS, despite their positions of leadership, to make recommendations to the people about future status. Bossy's draft resolution would have made it the position of the COM to endorse the unity of the five districts and the draft Compact of Free Association.

Representative Aafin's somewhat longer address paid tribute to the courage of the Marianas people and recognized the decisiveness of their choice,

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although he regretted the separation. He spoke of the problems involved in separating the Marianas. Advocating a positive approach by the U.S. Government, Aafin, who is something of a maverick and remarkably outspoken for a freshman congressman, recommended revitalization of the Education for Self-Government program involving both legislative and executive branches of the TT government. He closed his address with a strong plea for unity, maintaining that charting a course toward this objective was up to the Congress.

#### Other Actions in Congress--Insufficient Support for Washington Office

One of the supplementary appropriation bills introduced would have provided an additional \$198,300 for the COM Legal Counsel's office, including some \$80,000 for a Washington office. This provision was roundly criticized in the Senate on both functional and budgetary grounds, and was eventually sent back to committee from which it failed to re-emerge. According to the Standing Committee Report, the purpose of the office would have been to lobby with the U.S. Government and to expand contact with the United Nations. One question raised on the floor was whether such an office would represent the Legal Counsel, or the COM, or the TT government; the JCFS already has a legal adviser (Paul Warnke) in Washington concerned with the status negotiations, as was noted in the debate. Although the proposal was held to be inadequately justified, it may appear again next year, when Marianas Senators Borja and Tenorio (who were the most outspoken critics) may no longer be members. There was also criticism of the proposed hiring of more (expatriate, i.e., mainland U.S.) lawyers for the Congress.

#### A New problem--Absenteeism in the COM

The absence from the Senate for all but one session of Senator Iehsi (Ponape), the floor leader, because of illness was, I believe, the reason why nothing was done about the referendum, as Iehsi had sponsored it in the first regular session and it would have been regarded as discourteous to change "his" bill in his absence. Salii filled in as floor leader; he was active and generally on top of the job but this, together with his responsibility as Chairman of the Senate Committee on Judiciary and Governmental Operations, left him with little time for future status. Senator Tmetuchl was absent for much of the session; Senator Kabua did not appear at all, having explained to the Senate President (on the letterhead of the Political Status Commission of the Marshall Islands!) that health reasons--his own and his daughter's--necessitated a leave of absence. Without the Marianas delegates the

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Senate would not have had a quorum after the first few days. Thus although both Bossy and Aafin are new members, with the absence and/or lack of contribution by the more senior members, the freshmen's remarks assumed somewhat more weight. It is noteworthy that both represent Truk district where pro-independence sentiment is said to run high, although neither of them is personally identified with that sentiment.

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SIXTH CONGRESS OF MICRONESIA  
S. B. NO. 6-212  
FIRST SPECIAL SESSION, 1975

A BILL FOR AN ACT

To create a Micronesian Status Commission; to prescribe its duties, functions, and responsibilities; to provide funds therefor; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF MICRONESIA:

1 Section 1. There is created a commission to be known as the  
2 "Micronesian Status Commission", which shall consist of seven members  
3 all of whom shall be Trust Territory citizens to be appointed and  
4 removable as follows:

5 (1) One member to be nominated jointly by the Senate  
6 President and House Speaker and appointed by joint resolution of  
7 the Congress of Micronesia;

8 (2) One member to be appointed by the Executive Branch  
9 of the Trust Territory Government by a majority vote of the members  
10 of the cabinet of the High Commissioner;

11 (3) One member each from Yap, Palau, Ponape, Truk, and  
12 Marshall Islands Districts to be appointed by the district  
13 legislature concerned. In the event any district legislature fails  
14 to make any appointment pursuant to this act within 120 calendar days  
15 from the effective date of this act, the district administrator  
16 of the administrative district concerned shall appoint a Commission  
17 member from that district. The names of the members of the Commission

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18 so appointed shall be submitted in writing to the President of the  
19 Senate of the Congress of Micronesia. Vacancies shall be filled in the  
20 same manner as the original appointments. No member of the Commission  
21 shall receive any compensation, other than that provided for in this  
22 act, from the Trust Territory Government or any political subdivision  
23 thereof. Any member of the Congress of Micronesia, district  
24 legislature, municipal council, or employee of the Trust Territory  
25 Government who shall be appointed and who shall accept the appointment  
1 to the Commission shall be required to resign from his incumbent  
2 position in order to qualify as a member of the Commission.

3 Section 2. Each member of the Commission shall be entitled  
4 to receive a salary of \$12,000 per annum payable from funds  
5 appropriated to carry out the purposes of this act. Each member  
6 shall also be entitled to receive transportation cost and per diem at  
7 the standard Trust Territory rates for each day the member is in a  
8 travel status and engaged in the business of the Commission.

9 Section 3. The Commission shall continue in existence until  
10 March 30, 1977, unless the Congress of Micronesia shall by law  
11 provide otherwise. The Senate President of the Congress of  
12 Micronesia shall act as temporary chairman of the Commission until  
13 the Commission shall select from among its membership a chairman  
14 and such additional officers as it may deem necessary or appropriate.  
15 The Commission shall adopt its own rules of procedure not inconsistent

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16 with this act and shall, without regard to the Trust Territory Merit  
17 System Law, appoint such technical, administrative, clerical and  
18 stenographic assistants as may be necessary and as shall be provided  
19 for under the appropriation made for the Commission.

20 Section 4. It shall be the duty of the Commission:

21 (1) To actively press for and seek an early termination  
22 of the Trusteeship Agreement governing Micronesia, and the termination  
23 of the trusteeship status of Micronesia, and the obtaining of a new  
24 political status for Micronesia;

25 (2) To establish contracts and carry out talks on the

1 future political status of Micronesia with appropriate persons and  
2 organizations within the United States and in the United Nations, and  
3 solicit understanding and support of the position to terminate  
4 the Trusteeship Agreement governing Micronesia;

5 (3) To seek, negotiate and conclude agreements binding  
6 on Micronesia and its people relative to the early termination of  
7 the Trusteeship Agreement in the light most favorable to the best  
8 public interest of the people of Micronesia and their islands;

9 (4) To advocate and support the rights and claims of  
10 Micronesia and its people before any tribunal, organizations or  
11 forums;

12 (5) To oppose and attempt to defeat or prevent any  
13 discriminatory act or matters inimical to the well-being, best

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14 interest and unity of Micronesia and its people;

15 (6) To correct, prevent or refute such misinformation  
16 or false statements regarding Micronesia and its people as may be  
17 disseminated, broadcast or published within and without Micronesia;

18 (7) To assist and cooperate with any bona fide citizens'  
19 organizations formed for the purpose of accomplishing any of the  
20 objectives embodied in the duties of this Commission;

21 (8) To perform such other duties as the Commission may,  
22 in its discretion, believe necessary or advisable in the promotion  
23 of the interest and welfare of Micronesia and the inhabitants  
24 thereof; and

25 (9) To prepare an annual report and submit the same to the  
1 Congress of Micronesia at its regular sessions.

2 Section 5. The officers and employees of the Trust Territory  
3 Government and each district government shall cooperate with the  
4 Commission by furnishing such information as may be called for in  
5 connection with research activities of the Commission.

6 Section 6. The Commission shall be vested with all those  
7 powers specified in Title 2 of the Trust Territory Code, as amended, ~~as~~  
8 belonging to joint committees of the Congress of Micronesia.

9 Section 7. There is appropriated from the General Fund of  
10 the Congress of Micronesia the sum of \$100,000, or so much thereof  
11 as may be necessary, for the purpose of funding the activities of

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12 the Commission. Any sum remaining unexpended and unobligated on  
13 January 3, 1977, shall revert to the General Fund of the Congress  
14 of Micronesia.

15 Section 8. The Joint Committee on Future Status of the Congress  
16 of Micronesia as created by House Joint Resolution No. 102, S.D. 1,  
17 by the Third Congress of Micronesia, 1970, shall cease to exist  
18 when the Commission shall have been appointed and duly organized.

19 Section 9. This act shall take effect upon approval by the  
20 High Commissioner, or upon its becoming law without such approval.

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22 Date:

6-26-75

Introduced by:

Lazarus E. Salii

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Senator Nick Bossy - Remarks June 30, 1975, Senate, Congress of Micronesia

Senator Bossy: Thank you very much, Mr. President.

Mr. President and members of the Senate:

At the risk of being redundant, I wish to join those in this Senate and this Congress who have voiced their concern about unity and the future of Micronesia. It is a risk worth taking, I believe, because something as vital and positive as unity and status are worth discussing over and over, to explore all the various aspects.

First and foremost, I have a simple statement to make: If we are for unity, then let us be honest with ourselves and with our people. Let us find out from each other, and the Congress members in general, to see if we really do desire unity for Micronesia, and then let our people know where we stand, so they can make up their minds.

I suggest that this Congress take a position with regard to both of these questions before the advisory referendum is held, whenever that may be. And after the results are in, then I further suggest that we follow closely what the feelings of our people are.

In regard to the referendum, I strongly believe that it should be held. However, I am just as strongly in favor of postponing the vote until the people of Micronesia are adequately informed about the options listed in it and know what the consequences will be if they choose one of the other alternatives.

I believe this not only from my personal conviction, but as a result of my experience in discussing status matters with my constituents, and as a result of official positions adopted by both the Truk and Ponape District Legislatures.

Let me give you two examples illustrating why I think the referendum should be postponed, and why the Congress must take action now on a unity and status position.

The people of my district well understand that the Congress of Micronesia in 1970 rejected the offer of commonwealth made by the United States of America. They also understand that the Congress has been negotiating for the so-called free association status for the past several years. Now they are told there will be a referendum which includes choosing a status, and they find that "commonwealth" is listed as one of the choices. Consequently, many people are confused. They say, "If Congress is supposed to lead us, and if Congress rejected commonwealth, why then did they provide for a referendum which lists commonwealth as a choice?" Related to this, some people still don't understand what the "status quo" is, or have not had any information explaining to them what the status of statehood would be like. The latter confusion is partly because the current political education program has been emphasizing free association and not the other alternatives.

Here is another example. With all due respect to the Eastern Joint Committee on Future Status, during its visit to my district people asked the members, "What kind of status do you think we should have?" The general response was, "We are not here to tell you what you should have; that is for you to decide. We are only here to listen to what you want."

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This is confusing to many people because they expect this Congress to lead, not to follow. They have elected us to represent them, and to give them guidance on matters about which they may have neither the time nor the education to understand.

Therefore, Mr. President, in consideration of this evidence, and in consideration of the fact that the Marianas will soon be administratively separate from the rest of Micronesia, I have introduced a resolution this morning which will provide guidance to our people on both the questions of unity and future status. I believe that this is a simple, but necessary step which has to be taken, and which can be adopted very rapidly. In fact, Mr. President, I would suggest that even our colleagues in the Senate from the Marianas would be overwhelmingly in favor of voting for the adoption of this measure.

The Congress of Micronesia has adopted several resolutions related to these questions, but it has never come out in a straightforward fashion and told the people, "This is where we stand, and this is what we think is best for Micronesia."

This is a step which I feel is long overdue, and one which I believe is the very least we can do in order to help our people with regard to these very important issues.

Mr. President and fellow Senators, I am calling upon all of us of this Congress to stand up and face life here in Micronesia very realistically. Let us be honest with ourselves and with our own people.

Thank you very much, Mr. President.

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