

BW - Pleas

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14 ALAN-PATS
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Draft of Senate
Internal Committee
report 9/75

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I. PURPOSE

House Joint Resolution 549, as amended, would approve the text of the "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America" as agreed to by U.S. negotiators and the Northern Marianas Legislature, and ratified by plebiscite in the Northern Marianas.

The Covenant provides briefly, for the creation of a Commonwealth of the Northern Marianas under U.S. sovereignty, local self government including the adoption of a local constitution by the residents of the Commonwealth, granting of citizenship or national status to the residents of the Commonwealth, and the extension of the provisions of the United States Constitution, treaties, and statutes, with some limitations, to the Commonwealth.

II. SUMMARY

PROVISIONS OF COVENANT

The Character of the Relationship.—Although described as a commonwealth, the relationship is territorial in nature with full sovereignty vested in the United States, and plenary legislative authority vested in the United States Congress. The authority of the latter is limited in a few areas through US federal restraint, i.e. by approval of the Covenant, the US government will agree not to exercise its authority in certain areas.¹ The essential difference between the covenant

¹ Section 105.

and the usual territorial relationship (e.g. that with Guam) is the provision in the Covenant that the Marianas constitution and governmental structure will be a product of a Marianas constitutional convention, and not an organic act of the US Congress. Of particular significance, a Marianas commonwealth constitution, unlike that of Guam, cannot be amended or terminated unilaterally by the US Congress. The Marianas commonwealth relationship will be significantly closer to the Guam territorial relationship than to the Puerto Rican commonwealth arrangement in that complete US sovereignty over Puerto Rico is not clear, nor is the plenary authority of the US Government. These gray areas do not exist under the Marianas Covenant. The Marianas constitution must be consistent with applicable provisions of the US constitution, and with US treaties and laws applicable to the Marianas.

Other aspects of the relationship more closely resemble Puerto Rico than Guam. The fundamental provisions of the Covenant governing the basic character of the relationship may be modified only by mutual agreement between the US and Marianas governments. A provision of this character was insisted upon by the Marianas Political Status Commission from the outset of substantive negotiations in May, 1973. Considerable concern was expressed that the US could without such restraints terminate or otherwise radically alter the relationship.

Character of a Marianas Government.—Although Section 201 of the Covenant provides that the people of the Marianas may write, adopt, and subsequently amend their own constitution. Section 203 provides that the constitution must provide for a republican form of government with separate executive, legislative, and judicial branches, and for a bill of rights. The same section also provides that executive power will be vested in a popularly elected governor while legislative authority will be vested in a bicameral popularly elected legislature.

The provision for a bicameral legislature was a last-minute development in the negotiations. By requirement of the Covenant, each of those islands will have equal representation with Saipan in the upper house of a commonwealth legislature.²

² of Article II.

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15 ALAN—PATS

Citizenship and Nationality.—Article III of the Covenant provides that legal residents of the Marianas will become citizens of the US, except those who are citizens or nationals of a foreign state, or who elect to be US nationals rather than US citizens.

Immigration, Taxation and Customs.—Although the Marianas Political Status Commission sought authority for a Marianas Commonwealth to establish its own immigration laws which could be used to restrain and control entry into the Marianas, the Covenant provides that US immigration laws and controls will apply.³ The Marianas

³ Section 503.

concern flows from perceptions of a likely flood of residents from other districts, as well as Guamanians, Filipinos, and others seeking to take advantage of employment, business opportunities, and social service benefits under a future commonwealth arrangement. The Marianas Political Status Commission also opposed extension of the US income tax laws (partly because of their complexity), but the Covenant does provide for application of the US internal revenue code.⁴ Similar to

⁴ Article VI.

arrangements in Guam and Puerto Rico, the Covenant provides that most federal taxes collected in the Marianas will be rebated to the Marianas government. The Covenant additionally provides (again similar to Guam arrangements) that the Northern Marianas will not be included within the customs territory of the US, and may devise and impose their own duties on imports. There is provision for reciprocal free trade between the Marianas and the rest of the United States.⁵

⁵ Section 603.

Financial Relationships.—Aside from the rebate of federal revenues raised in the Marianas, the Covenant provides for the extension of federal programs designed to rapidly raise standards of living, to develop the Marianas governmental and capital infrastructure as soon as possible, and to encourage economic self-sufficiency.

Financial assistance arrangements provide mandatory annual adjustments of assistance levels for inflation to be based on a FY 1975 constant dollar commitment. Article VII of the Covenant provides for seven years of \$14 million annually in grants (\$12,250,000) and loans (\$1,750,000), and federal services estimated at between \$3-6 million annually. Additionally, there will be a one-time lump-sum payment of \$19.5 million for land leased for US defense purposes, if authorized, on Tinian, Saipan, and Farallon de Medinilla islands. As with the grant and loan assistance, the land lease payment is calculated in fiscal year 1975 dollars, with the actual amount to be adjusted (at time of payment) against an automatic inflation factor. Tentative planning is for this assistance (and the land lease payment) to begin after adoption of a Marianas constitution and establishment of a Marianas government, hopefully in mid-1976. Assistance levels after the initial seven-year program would continue at the same levels, unless otherwise adjusted by the US Congress.

BACKGROUND

The separation of the Mariana Islands District (the Northern Marianas) of the Trust Territory from Guam (the southernmost island of the Marianas Chain) is an accident of modern colonial history. They had been governed for nearly 300 years as a single unit by the Spanish until the U.S. annexed Guam in 1898 at the conclusion of the Spanish American War. Germany in 1899 purchased the remainder of the Marianas (and the Carolines) from Spain. Japan seized these German possessions in 1914 at the outset of World War I.

Throughout the 20th century political separation of Guam and the Northern Marianas, the Chamorro people of these islands retained their common culture and language, and their close kin ties. No such relationships ever existed with the other islands and districts of Micronesia.

16 ALAN—PATS

Unlike the Marianas, the other islands of Micronesia were largely untouched by the outside world until the mid-19th century. The Spanish established a weak administrative and religious presence in some of the Caroline islands only at that time, while the Marshalls received a foreign (German) administrative presence only in 1885. Significant resident Western influence came to these islands only with the German, Japanese, and American administrations of the 20th century, and with the arrival of American missionaries in the Marshalls in the mid-19th century.

History deprived the Chamorros of much of their Oceanic culture, and replaced it at an early date with many essentially Western political, economic, and social values and institutions. History assured to the other Micronesians retention of the essential characteristics of their original cultures.

Today the Marianas have a wholly monetized economy as against the mixed subsistence/monetized economies of the other districts. United Nations Visiting Missions have noted that all of these factors have encouraged a "feeling of separateness from the rest of the Trust Territory".

The Congress of Micronesia began preparations for negotiations by appointing a Future Political Status Commission in 1967 to examine various status alternatives. The Commission submitted its interim report in 1968 with the most favorable response given to the Puerto Rico relation with the U.S. and the Cook Islands relation with New Zealand. The Commission in its final report, in 1969, addressed the question of the wishes of the Marianas for a closer relation with the United States. The Commission gave full recognition to the "freely-expressed wish of many Marianas residents to immediately unite with the United States Territory of Guam," and that the "call for Marianas integration includes a powerful emotional component as well as some specific practical motives." It concluded that "unless the projected harm to minorities in the Marianas or to Micronesia at large is intolerable, it will not oppose a political union which reflects the freely-expressed desire of a majority of the residents of the district," and that "ultimately the question of reintegration must be resolved by the United States and the United Nations for it was they, not the Political Status Commission, which brought the districts of Micronesia together."

Since 1950 (when the first United Nations Visiting Mission toured Micronesia) Mariana Islanders at every opportunity had sought a close political relationship with the United States.

With the establishment of municipal councils in the Marianas in the late 1940's and a district legislature in 1963, the U.S. and the United Nations have been deluged with petitions and resolutions directed at political association with the U.S. These have been backed up by plebiscites from time to time, the earliest in 1961 and the most recent in 1969—not including the June 17, 1975 plebiscite to approve the Commonwealth. Some resolutions sought political association with the United States as part of a larger Micronesian U.S. territory. Most envisaged secession from Micronesia. From the early 1960's through 1969 U.S. territorial status generally was sought through "reintegration" of Guam and the Northern Mariana Islands. This apparently was seen as the most logical and direct route to U.S. citizenship and political association.

A United Nations Visiting Mission in early 1961 reported that on February 5, 1961, a plebiscite was held on Saipan and Tinian Islands in which 2,404 out of the 2,817 registered voters had participated. 1,642 voters favored reintegration with Guam, 875 favored separate territorial status for the Northern Marianas, 27 favored the status quo (the then Navy administration), and 8 votes were declared invalid. The Mission subsequently reported to the United Nations Trusteeship Council that "there is an almost unanimous desire among the people in regard to seeking U.S. citizenship".

In an October, 1963, plebiscite slightly less than half of Saipan's 3,015 registered voters participated: 1,231 favored reintegration with Guam, 9 independence, and 32 separate territorial status.

In another plebiscite on November 9, 1969, (held throughout the Mariana Islands District, 3,233 out of 4,954 registered voters participated. 1,942 favored reintegration with Guam, 1,116 free association, 107 a separate territorial relationship, 19 independence, and 9 "other" forms of status. (This plebiscite was conducted only a few months after the publication and distribution of the Congress of Micronesia Political Status Commission's final report recommending a free association relationship for all of Micronesia and prior to any discussion of termination.)

17 ALAN—PATS

Each of the plebiscites was organized by either Marianas municipal councils or the District Legislature. None were encouraged or sanctioned by the U.S. administration; U.S. policy remained opposed to fragmentation of Micronesia and a separate status for the Mariana Islands through late 1971. This position was made known by U.S. administrators to Marianas leaders throughout the 1950s and 1960s and was acknowledged by United Nations Visiting Missions and the Trusteeship Council throughout the same period. Several United Nations Visiting Missions did note that the U.S. administration had unintentionally fostered separatist attitudes in the Marianas through the Navy's separate administration in the 1950s, and throughout the trusteeship by the inadequacy of political education programs and political institutions which might have stimulated a greater interest in Micronesian unity.

Aside from the U.S. position in opposition to "secession", Guam rebuffed the reintegration concept in a plebiscite on November 4, 1969. Of the approximately 18,000 registered voters on Guam, only 6,408 cast ballots. Of these, 3,700 rejected reintegration while 2,688 voted in favor of such political action. Guamanian politicians (including a Governor of Guam) later explained that the Guam plebiscite was poorly organized and inadequately publicized with the result that the issues were not for the most part understood. Most Guamanian political leaders now maintain that a properly staged plebiscite would result in a significant majority vote for reintegration.

The publication of the Future Political Status Delegation's Report in July, 1970, which rejected U.S. Commonwealth in favor of a unilaterally terminable "Free Association" relationship, created new concerns and possibilities. Those in the Marianas favoring close political association with the United States were especially concerned by one aspect of the proposed free association relationship. Free association with the remainder of Micronesia could someday (in their view) result in a break from the United States even should the people of the Marianas be overwhelmingly against such action. (The Marianas have only 10 percent of Micronesia's population.)

In the same weeks the Congress of Micronesia was by resolution rejecting commonwealth status and endorsing free association and the four "non-negotiable" principles, the Mariana Islands District Legislature also was in session and adopted resolutions offering precisely opposite conclusions.

Resolution No. 11-1970, adopted on August 21, 1970, endorsed the U.S. commonwealth proposal and urged that the U.S. submit that proposal to the people of the Mariana Islands District for approval, and "to proceed with its implementation in the Marianas until the people of the other districts are ready to decide their future political status".

Resolution No. 13-1970, adopted on August 24, 1970, asked the United Nations to recognize the cultural differences between the districts of the Trust Territory and to allow each district to choose its own political future.

Indicative of the mood of the Northern Marianas were the results of the November, 1970, Congress of Micronesia elections. Political status was a key campaign issue on the Marianas. The incumbents (all from the Territorial Party) were accused of misrepresenting or inadequately representing their district's desires and interests in the Congress. All but one were defeated by Popular Party candidates advocating early and separate commonwealth status for the Mariana Islands. Local political observers interpreted the election results as a popular mandate not only for commonwealth status, but also for early "secession".

By late 1970, the political leadership of the Marianas was feeling frustrated and concerned. The High Commissioner (acting on existing U.S. policy) was openly discouraging Marianas separatist initiatives.

Despite burgeoning separatist sentiment in the Marianas, there may have remained in late 1970 and into early 1971 some preparedness on the part of key Marianas leaders to consider remaining with the rest of Micronesia provided common political status arrangements could be promptly arrived at which would: (a) assure a high level of political and economic autonomy to each of the districts; (b) provide for U.S. citizenship or nationality; and, (c) assure that the Marianas at some future date would not have their ties with the U.S. severed by the actions of the other districts. The prospects for arrangements along these lines were sharply reduced in the first half of 1971.

18 ALAN—PATS

The Marianas District Legislature on February 19, 1971, passed Resolution Number 30 declaring that the Mariana Islands District would "secede from the Trust Territory, if necessary by force of arms, and with or without the consent of the United Nations" to achieve its goal of close association with the United States.

Due to mounting antipathy to the Congress of Micronesia a special session of the Congress of Micronesia was called for May, 1971, at Truk, the first to be held away from Saipan. The Marianas Popular Party leadership caucused and instructed the Marianas congressional delegation to boycott the special session as a demonstration of the Marianas' determination to seek a separate political arrangement with the United States. Several Marianas leaders had also gone to Washington in the interim where they presented within the U.S. Congress and the Interior Department their views on the future political status of the Mariana Islands. No commitments were entered into by U.S. officials other than that the Marianas representatives were assured their concerns and views would be taken into full account in negotiating a future political status for Micronesia. They were urged to continue to "work within the system" i.e., to participate in the work of the Congress of Micronesia, and its new Joint Committee on Future Status.

The Marianas congressional delegation apparently agreed to support fully the political status objectives of the other five districts of Micronesia, if the Congress in turn would accept and support a separate political relationship for the Mariana Islands during forthcoming status negotiations. There also appeared to be an agreement that the Marianas congressional delegation would work with the rest of the Congress in seeking increased congressional authority vis-a-vis the U.S. administration of the Territory. In short, a deal appears to have been struck which permitted the end of the boycott.

The new Joint Status Committee gave recognition to the special aspirations of the Mariana Islands at the next round of negotiations: "We recognize the aspiration of the people of the Marianas District to share in the benefits that independence bestows on your great country by becoming more closely affiliated with the United States. And we recognize that the people of the other districts will prefer to live in a Micronesian state."

The U.S. maintained its position that it was unwilling to consider separate status for the Marianas. This U.S. position was restated publicly and in more forceful form a month later during the annual meeting of the United Nations Trusteeship Council. The U.S. representative told the Council that the U.S. was "committed to discussions on a territory-wide basis at this time and could not contemplate separate discussions with the Marianas." He also urged the Marianas to participate in the overall discussions and to avoid "precipitate actions" which would make more difficult the attainment of a satisfactory agreement. The Council, in its own report to the Security Council, expressed the hope "that the course of separation would not be considered until all other possibilities for partnership had been explored, and urged all the people of the Mariana Islands District to cooperate with the Congress of Micronesia and the Administering Authority in the search for a mutually acceptable solution."

Unity within the Congress of Micronesia was itself becoming strained during the Truk Session. The main basis for territory-wide unity had been opposition to one aspect or another (usually land) of U.S. administration. Aside from the Marianas' boycott, floor statements, committee meetings, and backroom sessions were characterized by acrimonious debate over issues relating not only to the nature of Micronesia's future relationships (if any) with the United States, but also among the districts themselves.

The United States, now under Ambassador Williams and the Office of Micronesian States Negotiations, which was established as a result of the divided duties of the Assistant Secretary of the Interior, who had been responsible for representing the United States at earlier negotiating rounds, met the delegation from the Joint Committee on Future Status for a third round of negotiations on October 4-12, 1971, at Hana, Maui Island, Hawaii. Possibilities for progress were bleak.

19 ALAN—PATS

The prior two rounds had been characterized by a generally well prepared and unified Micronesian delegation and an uncertain U.S. delegation. At Hana, the United States now had a separate office working full time rather than an Assistant Secretary with other responsibilities including Indian Affairs and management of the public domain. The Joint Committee was, on the other hand, seriously divided. Secession movements in Palau and the Marshalls were growing, an independence movement from Truk was also being felt, and the Marianas had made clear their intention not to accept any status within the parameters of the Joint Committee's mandate.

Virtually no progress was made at the Hana round.

After the third round of negotiations at Hana, both House and Senate Interior Committees were formally briefed on the progress of the negotiations, including the certain request for separate status by the Marianas.

The fourth round of negotiations took place in Koror in April, 1972 and at that point the Marianas delegation, with the approval of the Joint Committee on Future Status, presented Ambassador Williams with a formal request for separate status negotiations.

The negotiations with the Marianas proceeded swiftly and the final Covenant was negotiated in slightly over two years. The Interior Committee held a formal hearing on the progress in the negotiations on September 29, 1973, and reviewed the details of the tentative agreements. A draft Covenant was prepared by mid 1974 and again the Interior Committee conducted a formal hearing on September 12, 1974, to review the details. The Covenant was finalized and signed in February, 1975.

The Covenant was approved by the Marianas District Legislature for submission to the people of the Marianas in the plebiscite on February 20, 1975. A plebiscite commissioner was appointed, the United Nations Trusteeship Council was formally requested to observe the plebiscite, and the plebiscite was scheduled for June 17, 1975.

During the plebiscite, 95 percent of the registered voters participated, approving the Covenant by a vote of 78.8 percent. The Covenant was then transmitted to the Congress by the President for approval.

H.J. Res. 549 was the subject of hearings by the House Interior Committee on July 14, 1975, and was ordered favorably by a vote of 30-0. The resolution passed the House under suspension of the rules on July 21, 1975.

The committee conducted a hearing on July 24, 1975.

III. BACKGROUND

The Covenant is the final product of United States obligations assumed pursuant to a trusteeship agreement with the United Nations to "foster the development of such political institutions as are suited to the trust territory and . . . 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".¹

¹ Trusteeship Agreement For the United States Trust Territory of the Pacific Islands, Article 6(1).

HISTORY AND DESCRIPTION OF THE AREA

The term "Micronesia" has been generally used as synonymous with the area encompassed by the trusteeship. Geographically the term is incorrect for the Trust Territory excludes Guam (a part of the Marianas and a territory of the United States since 1898), the Republic of Nauru, and the Gilbert Islands. Anthropologically it is also incorrect for on the islands of Kapingamarangi and Nukuoro (Ponape District) the Trust Territory includes peoples of polynesian rather than micronesia extraction. The use of the term "Micronesia" also has prompted an assumption that a homogenous micronesia people exist, while, in fact, the first *indigenous* association of the various trust territory peoples occurred only in 1965 with the creation by the United States of the Congress of Micronesia. Until the creation of the Congress in 1965, the only unifying factor had been the series of dominations by foreign powers. The fact that enormous areas of the Pacific had been controlled successively by Spain, Germany, Japan, and the United States provides the illusion of unity, but does not support the presumption of unity among the islands. Given these limitations, the term Micronesia will be used as synonymous with the area encompassed by the Trusteeship.

20 ALAN—PATS

Micronesian Geography.—In more than one sense "Micronesia" ("tiny islands") is a geographic expression. In the broadest sense it includes all of the islands of Oceania not embraced by Melanesia (e.g. New Guinea) or Polynesia (e.g. Samoa, Tahiti). It embraces the Trust Territory of the Pacific Islands, as well as the U.S. Territory of Guam, the Republic of Nauru, and the Gilbert Islands (the northern half of the British Gilbert and Ellice Islands Colony). The peoples of all of these islands are ethnically linked, and trace their ancestry to migrations from Asia.

Micronesia is at once enormous and miniscule. Its 2,100 islands are scattered over three million square miles of the North Pacific Ocean to the east of the Philippines and southwest of Hawaii, but have a land area of only 700 square miles—a total area only about ten times the size of the District of Columbia or a little more than half the size of Rhode Island. All the islands could easily fit into Chesapeake Bay, or into Lake Erie, or into Long Island Sound; yet the Carolines and the Marshalls are scattered over an area greater than the distance from Seattle to Boston. The Marianas stretch northward over a distance equal to that from Atlanta to Chicago.

The islands lie in three chains or archipelagoes: the Marianas, the Carolines, and the Marshalls. Only five islands are of significant size: Babelthuap in the Palau islands of the Western Carolines, Saipan and Tinian in the Mariana Islands immediately to the north of Guam, and Ponape and Kusaie in the Eastern Carolines.

All of the islands lie in the tropics just north of the equator; many are often devastated by typhoons with rainfall in some areas exceeding 200 inches per year. Geologically, the islands fall into three categories: high islands, atolls, and combinations of the two. The high islands are peaks of submerged mountains which rise thousands of feet from the ocean floor and jut fairly abruptly above the ocean surface. The atolls are submerged plateaus which form the tops of submerged mountains, around the fringes of which encircling coral reefs have grown up to form lagoons. Sometimes high islands rise within the lagoon area, but the normal atoll formation consists of low-lying islands scattered along the reef which fringes the lagoon. Some of the lagoons are large enough to be classified as huge mid-ocean seas. The Truk lagoon is approximately equal in size to the State of Rhode Island, and is larger than the total land area of all of Micronesia.

With very minor exceptions, all the Marshall Islands are atolls, all the Marianas are high islands, and throughout the Carolines there are atolls, high islands, and combinations of the two. Over half (about 1,150 atoll islets) of Micronesia's 2,100 islands are in the Marshalls, but have a land area of only 70 square miles.

Micronesia's geographic relationship to its Pacific environment is important, especially since all points in Micronesia are closer to Asia than to the United States. Saipan (the territorial capital) and Tinian in the Marianas are 1800 miles from Shanghai, 1260 miles from Tokyo, and 1480 miles from Manila, but are 3300 miles from Honolulu and 5400 miles from San Francisco. Palau, to the southwest of the Mariana Islands, lies only 500 miles due east of Mindanao Island in the Philippines, but about 4000 miles southwest of Honolulu.

The Peoples and their Cultures.—Micronesia's population of 114,973 inhabits only 97 of the Territory's 2,100 islands and is concentrated (about 50 percent) in and around the district centers of the six administrative districts: the Marianas, Palau, Yap, Truk, Ponape, and the Marshalls. The remaining Micronesians are scattered throughout "the outer islands," for the most part living much as did their ancestors. The population is young (over 50 percent under age 15), and population densities are high—350 persons per square mile on the inhabited islands (most are uninhabitable owing to lack of water and size). In the Marshall Islands, the population density is 750 persons per square mile. These data alone tend to explain the importance attached to land by Micronesians:

21 ALAN—PATS

DISTRICT, DISTRICT CENTER, AND DISTRICT POPULATION

Mariana Islands, Saipan Island, 14,335.
Palau, Koror Island, 12,674.
Yap, Yap Island, 7,869.
Truk, Moen Island, 31,600.
Ponape, Ponape Island, 23,251.²
Marshall Islands, Majuro Atoll, 25,044.

² Kusaie Island, presently part of Ponape District, will become a separate and seventh administrative district in 1977.

Speaking nine languages (some argue more), the Micronesians are not a homogenous people. In the past, distances between the islands and their differing physical environment assured isolation and the emergence of differing cultural patterns. Contact with Melanesia and Polynesia in some areas brought ethnic and cultural influences from other parts of Oceania. Successive Spanish, German, Japanese, and U.S. administrations added to the potpourri of race and culture, as did the presence of foreign missionaries and visiting whaling and trading ships in the 19th century.

The most extreme case is the Mariana Islands. The Chamorros of those islands are today a blend of the original Micronesian Chamorro, Mexican Indian, Filipino, and Spaniard. The end result is a race, language, and culture more Hispanic-Filipino than Oceanic in most respects. Aside from acculturation processes, contact with the west had another devastating impact; the introduction of firearms, measles, pneumonia, venereal disease, smallpox, and other "agents of western change" decimated the population, especially in the 18th and 19th centuries. Some small island populations literally were wiped out; almost all were reduced by over two-thirds. As one writer put it, "the major credit for smallpox is usually ceded to Spain, for leprosy to Germany, for dysentery to England, for venereal diseases to the United States, and for tuberculosis to Japan. Firearms constituted a joint effort."³ Micronesia's population today still does not approach pre-contact levels.

³ E. J. Kahn, Jr., *A Reporter in Micronesia*, (New York: W. W. Norton & Co., 1966) p. 20.

With the exception of the Marianas Chamorros, most Micronesians have managed to retain remarkably intact the essential elements of their traditional cultures and social values, especially their attachment to land and societies based on kin ties, complex class distinctions, and a strong (but declining) traditional leadership system. Beyond these common characteristics, cultures vary enormously within and between island groups, both in their traditional character and their degree of acculturation to foreign influences.

The older generation of Micronesians, for example, still reflects the influence of Japanese rule and employs Japanese as their *lingua franca*, while the younger generation has been influenced primarily by American education and values and employs English. The older generation also tends to look to the past for sources of authority and value, while the younger generation who have been educated in American schools are torn between the traditional past and western institutions and values. Economically, there is a significant difference between the outer islanders who live at a subsistence level outside the cash economy and the residents of the district centers who are dependent upon cash incomes.

In sum, Micronesians are being subjected to traumatic transitional change of modernization and resultant crises in identity and role conflicts. Some older Micronesians can remember all four alien administrations, and speak some of the languages of each. Yet, compared to other developing nations, Micronesia has remarkably high literacy rates, and a high enrollment in schools at all levels.

In 1973 more than a third of Micronesia's population (about 39,000 students) was in school within the territory and outside of it, including some 1,000 engaged in post-secondary studies. At least several thousand Micronesians have completed post-secondary studies, and many have received university degrees.⁴

⁴ Department of State, *Trust Territory of the Pacific Islands, 1973* (Washington, D.C.: Government Printing Office, 1974).

22 ALAN—PATS

History of area.—Micronesia has the dubious distinction of being the first of the Pacific islands to be colonized and was among the first colonies in the modern world. The islands now have the longest history of unbroken foreign domination. One authority on Micronesia recently wrote that the U. S. (in considering its relationships with Micronesia) "would do well to remember . . . that the Marshall Islands were explored by the British, mapped by the Russians, influenced by the Spanish, annexed by the Germans, seized by the Japanese, and conquered by the Americans." At the present rate of progress toward resolution of Micronesia's future political status, it may be among the last dependent areas to achieve self-government or independence.

The early Western history of the Pacific area begins in 1493 when Pope Alexander VI settled the dispute between Spain and Portugal to ownership of newly discovered lands. All lands to the west of the Meridian 100 leagues west of the Cape Verde Islands were granted to Spain. This left India, Africa and Malaysia to Portugal, which controlled passage around Africa, and all of the New World and the Pacific to Spain (except Brazil). The general principals of the Papal Bull were followed in the Treaty of Tordesillas in 1494 between Spain and Portugal.

The Spanish period began with Magellan's discovery of the Mariana Islands in 1521. Spanish settlement and governance followed in the mid-1500's. During the same period the Philippines were subjugated and by 1592 the most important islands in the Philippines had been brought under effective control. The conquest of the Philippines opened important galleon trade between Manila and Acapulco.

The Spanish developed Agana, Guam as a major port to provide a stopping place for the Acapulco-Manila galleons, but aside from the other islands on the Marianas, paid little attention to the other islands in the region.

The Carolines were known to the Spanish as a scattered group of islands to the south of the Marianas, but were not extensively explored during the early period of Spanish rule. The galleons proceeding from Agana to Manila generally avoided them due to the dangerous navigational hazards of the area. Spain was not represented by civil government in the Carolines until 1886 when the Carolines were incorporated into the Philippine colonial administration.

Except for the Marianas where Spanish ethnic, cultural, and linguistic influences remain dominant today, the Spanish islands were lightly governed. The primary Spanish activities in the Carolines were the conversion of the heathen to Catholicism and the maintenance of small garrisons to protect the missionaries.

During the eighteenth and nineteenth century the entire Caroline Islands area was largely unsettled and lawless. Japanese traders arrived from the major Japanese port of Nagasaki, Chinese junks were frequent callers in the western portion of the Carolines; and as early as 1842 New England whalers had arrived. During the Civil War, a Confederate cruiser, the *Shenandoah* caught several Yankee whalers in Ponape harbor and burned them. In the late nineteenth century, David O'Keefe ("His Majesty O'Keefe") built a large copra empire based out of Yap.

Spanish interest in the islands increased as Germany began to expand its commercial bases in the Marshalls and Gilberts.

German influence in Micronesia began in the mid-19th century with the arrival of missionaries on the Marshalls. The primary emphasis of Germany was, like that of Spain, commercial and a coaling station was secured at Jaluit in 1878. Friction developed between Germany and Spain which climaxed in 1885 when Germany took possession of Yap in the Western Carolines despite the presence of two Spanish men-of-war. Spain relied on the 1493 Treaty of Tordesillas and claimed suzerainty over not only the Carolines, but also over the Marshalls where German claims were supported by Great Britain. The dispute was referred to Pope Leo XIII or arbitration. The Pope confirmed Spanish rights to the Carolines and Palau and Germany was accorded freedom of trade and fishing, a naval and coaling base, and equal rights with Spain to purchase land for plantations. Germany and Spain signed a protocol employing the terms of the decision and on February 19, 1886, Maria Christina of Spain signed a decree establishing government in the Carolines and Palau under that of the Philippines.

23 ALAN—PATS

The formation of the Jaluit Company in 1887 was patterned after the British East India Company giving broad administrative authority to the commercial enterprise.

The Spanish period ended in 1898 with the Spanish-American War and the Treaty of Paris. Guam was ceded to the United States and became a U.S. territory. The remainder of the Mariana Islands and the Carolines were sold to the Germans in 1899 under a separate agreement. The German administration which was centered at Rabaul in New Guinea was efficient, far more intensive than Spain's, and directed toward one end: commercial exploitation.

The Japanese in 1914 at the outset of World War I seized the Micronesian islands from Germany. On December 17, 1920, the League of Nations formally mandated their administration to Japan. The Japanese actively encouraged colonization, and by the late 1930s some 70,000 Japanese settlers had developed Micronesia into a breadbasket for Japan, and had established a major physical infrastructure. Roads, towns, commercial plantations, and other evidences of a developed society appeared everywhere, but they were almost totally destroyed during World War II.

Koror (in the Palau Islands) became a stylish Oriental metropolis with a population of thirty thousand, and factories that manufactured beer and fireworks. Koror had public baths, laundries, dressmakers, tailors, masseurs, barber shops, butcher shops, and rug stores. There were forty-one ice dealers, seventy-seven geisha girls, one fortune teller, and fifty-five restaurants, thirteen of them considered upper-class. Palauans had never seen anything like it before, and they haven't since, either.⁵

⁵ Kahn *op. cit.*, p. 25.

Micronesia was developed largely by and for Japan; little attention was given to the Micronesians who became a minority (50,000) in their own islands. But economic activity was sufficiently intense that they did benefit economically. One official U.S. report notes that annual per capita Micronesian cash income was in the years before World War II treble what it was under the U.S. administration in the early 1960s. Whatever the cause, some Micronesians today look back with nostalgia on the Japanese era.

But the 1930s also saw Japanese fortification of the islands, and World War II brought death and devastation. Japanese cities and roads were destroyed and thousands of Micronesians were used as forced labor; thousands also died from malnutrition or U.S. bombardment. The islands were, in some instances, shelled nearly into the stone age in battles that became household words in the U.S.: Kwajalein, Saipan, Peleliu, Truk, and Tinian. "One of the first postwar requests that the Trukese made of their new administering authority was that if there had to be a Third World War, would the United States please hold it somewhere else."⁶

⁶ *Ibid.*, p. 27.

At the end of the war the Navy administered the islands until 1951 when administration was transferred to the Department of the Interior. (The Northern Mariana Islands were turned back to a separate Navy administration between 1952-1962). In 1947 the U.S. placed Micronesia under the international trusteeship system by an agreement with the United Nations Security Council which obligates the United States to develop the islands politically, economically, and socially toward self-government or independence.⁷

⁷ U.N. Trusteeship Agreement, Appendix —

Under the Navy and Interior administrations inadequate attention resulted in "benign neglect" and application of a "zoological park theory" of administration until the mid-1960s. Non-official visitors were seldom permitted to enter Micronesia and the islands crept backward in time. Remnants of the Japanese Pacific empire and U.S. military encampments crumbled under the onslaught of climate and vegetation. In the mid-1960s, the Trust Territory was aptly referred to as the "rust territory". Indeed, the rusting scrap of World War II was then Micronesia's second most important source of export income. Annual U.S. appropriations for the administration of its new Pacific responsi-

24 ALAN—PATS

ilities between 1947 and 1962 ranged between \$4-7 million, enough to pay and house a small administration, provide rudimentary health and education services, and link the islands together with a few aircraft and ships. Micronesia slept—except for nuclear tests in the Marshall Islands which left devastated (and even missing) islands, displaced Micronesians, and health problems of islanders inadvertently dosed with radioactive fallout.

Government was by an absentee administration. Only in 1963 was the Trust Territory headquarters established on Micronesian soil in Saipan. Previously it had been quartered in Honolulu and then on Guam. In the 1960s concern for United Nations' attitudes, President Kennedy's own interest in the islands, and a revived Defense Department interest heralded a new Micronesian era. The first significant moves toward self-government were introduced and annual appropriations for Micronesia edged up from less than \$7 million to \$60 million. In the mid-1960s and early 1970s a host of new programs was introduced: the Peace Corps, OEO legal services and community development programs, and a wide range of Health, Education and Welfare, Transportation, Labor and Agriculture Department activities.

The introduction of these changes, and in particular, the establishment of an elected territory-wide Congress of Micronesia in 1965, brought about a political awakening which began the still continuing quest for a new political status for Micronesia.

The creation of the Congress of Micronesia provided the first consolidated government and administration of the Trust Territory area. Spanish, German, Japanese, and pre-1965 U.S. administrations, whether headquartered within or outside of the islands, had governed individual districts rather than an area-wide entity. Indirect administration either through traditional leaders or local councils or legislatures had allowed the historic patterns of non contact between districts to continue. Thus, although a single, unified policy characterized German administration through the imperial administrator and the Jaluit Company, the policy was implemented on a district-by-district or island-by-island basis. Outer islands were either ignored or treated comparably with the major islands when necessary for economic development. Japanese administration followed the same pattern except that the Japanese made an effort to make the different peoples learn and use Japanese and to spread Japanese culture. Again, many of the outer islands remained untouched. Early U.S. administration followed the same pattern. Self-government was developed on a local, rather than on a regional basis. The form of local self-government was altered through the creation of District legislatures and the beginnings of a slow erosion of traditional authority structures, but the inter-island attitudes remained unchanged. So, although both the Marshall islands and Yap district have similar governmental forms, there is little or no communication between the indigenous peoples of the Marshalls and of Yap District. Individual identification is still conceived of in terms of kinship ties or at best on an island or atoll basis.⁸

⁸ See *Political Development in Micronesia* ed. Daniel T. Hughes and Sherwood G. Lingenfelter, Ohio State University Press, Columbus, Ohio, 1974.

For example, the traditional male dress on Yap district is the *thu* (loincloth). As the male grows he adds colors to the basic white which symbolizes childhood. Outer islanders when on Yap are required by custom to wear the white of childhood to indicate their traditional submission to the authorities on Yap. This custom, and the identification of oneself as a Yapese or a Ulithian continues. Similarly, considerable difficulty has been experienced in many areas in placing trust territory residents in administrative positions due to traditional concepts. District Administrators or Magistrates have been able to transmit policy only when traditional leaders agree or when the policy seems irrelevant to the traditional government.

Traditional forms of government have eroded considerably, but the basic non-interaction between districts remains with the one exception of the Congress of Micronesia. The Congress of Micronesia, composed of representatives from each of the districts, has itself been only rarely able to agree on legislation affecting local issues although there has been a considerable degree of unity on matters affecting the U.S. responsibilities.

25 ALAN—PATS

Underlying these specifics are broader and more basic forces operating against Micronesian political, economic, and social integration—facets of history and culture which must be overcome or at least offset by countervailing forces if Micronesia (with or without the Marianas) is to emerge from the trusteeship intact, and remain intact in the years thereafter.

Not a natural political unit, Micronesia was brought together as a single political entity only at the turn of the century; thereafter the various districts still had little contact with each other until the 1960s. Their cultures and languages developed in the isolation reinforced by vast distances. Even acculturation has varied from district to district in degree of intensity and character. For those who have not learned Japanese or English, language remains a barrier to communication not only between districts, but even within some districts. Although sea and air transport now link all major population centers, social integration remains at a low level except among a few political and administrative elites. Inter-marriage between Micronesians of differing district backgrounds is exceedingly rare, and few Micronesians reside or do business outside their own districts. Economic integration (in terms of private sector inter-district Micronesian economic ventures) is in its infancy. Other than periodic meetings of traditional leaders from some districts, administrative links, and the Congress of Micronesia, political interaction between the districts remains rare. Inter-district political parties, trade unions, chambers of commerce and similar institutions are non-existent, as are leaders with a cross district power base.

Within districts the political and social horizons of the average islander seldom extend beyond a clan or extended family system; the average Micronesian identifies himself not as a Micronesian or even in normal circumstances as a "Trukese" or "Ponapean." At best he sees himself as a "Mortlockese," as a "Mokilese," or as a "Kusaiean". Elites travelling outside their districts will identify with a district, but seldom as a "Micronesian". It has been said that the only Micronesians are Palauans, Trukese, Marshallese, etc. in temporary and uneasy alliance in relation to the U.S. administration of Micronesia.

Put another way, xenophobia operates at all levels. Group identification beyond and between closed societies at the kin group, clan, or island level flows in the main from perceptions of common threats from without. Mutually antagonistic clans and leadership factions in Palau unite as Palauans against other Micronesians; the same Palauans and Marshallese and other islanders form temporary alliances as "Micronesians" against a perceived common adversary: the United States. But as external threat perceptions decline or change, temporary alliances and group identification tend to break up or shift. Thus Marshallese, Palauans, and Marianas Chamorros having little in common but a real or potential capacity for generating sizeable internal revenues unite against the Yapese, Trukese, and Ponapeans over the issue of tax rebates. Similarly, horizontal alliances of expedience are formed by rival leadership groupings, i.e. traditional leaders from throughout Micronesia meet in an effort to shore up their declining authority vis-a-vis the new political elites.

The structure of the U.S. administration and its operations have tended to reinforce district as against "Micronesian" identification. Other than Micronesians serving at the administration headquarters on Saipan, most administrative elites move through the ranks of the public service within their home districts and remain there. Administrative and program decentralization has in recent years tended to reinforce sentiment for the view that the key governmental level in the future should be the district as against the central or "national" government. The uneven distribution of population, land, and revenue potential also tends to reinforce inter-district suspicions and fear of domination of each by others. The attachment of the various groups to their traditional island or atoll homes makes the option of relocation of populations—an inter-island bussing—a dubious proposal. The former inhabitants of Bikini and Enewetak atolls have maintained their identification with their former homes despite twenty years of relocation and continue to press for permission to return to the atolls which provide their personal identity. They are Bikinians not Marshallese or Micronesians.

26 ALAN—PATS

There are also major forces for unity. Though Micronesian cultures differ from each other, there are sufficient common traits between the various cultures to assure significant shared values and concerns as against outside forces, i.e. a common concern for protection and control of Micronesian lands, marine resources, and cultures. Acculturation and modernization also have brought to Micronesia a shared experience, a common "revolution of rising expectations" coupled with common dependence on external support for fulfillment of those expectations. Coupled to the latter point, all districts have become used to (and desire expansion of) common services, i.e. transportation, public works, public health services, education, disaster relief (in connection with periodic typhoons), and a plethora of other amenities which only can be provided by a larger political unit or by a "common market" arrangement.

Among the educated elites, English is a shared language resource, while the Congress of Micronesia and employment in the Territory's central administration have provided shared concerns and experiences which tend to operate as unifying factors. Common educational experiences in boarding high schools (which remove students from their native cultural environment and required them to forgo their traditions and language) and at the Universities of Hawaii and Guam have also tended to "Micronize" the attitudes of many of the lites.

In the words of Dr. Leonard Mason, "*whatever semblance of unity exists for the more than two thousand islands (of Micronesia) must be credited to three centuries of colonial dominance by a succession of foreign powers. And in that long period only the U.S. has attempted to forge this conglomeration of cultures into a plural society or nation-state.*"²⁹

²⁹ Ibid, pp. 196, 203 [emphasis added].

Ironically this effort has been most successful in those areas where the U.S. has been perceived as threatening Micronesian values (e.g. land), restraining Micronesian aspirations (e.g. for self-government), and disappointing Micronesian aspirations (e.g. economic development).

Throughout most of the Trust Territory land questions and issues are more often than not a major factor negatively affecting Micronesian/American relationships. Local politics, economic development, cultures, and societal ties are all so intimately linked to land that none of the former can be separated from the latter. In Palau, as an example, control of land and of its use is the dominant political, economic, and social issue. Conflict with the U.S. administration, internal clan and political rivalries, and concerns relating to the political status question all swirl around land questions.

In every sense of the word, the peoples of the Trust Territory are a *part* of their land. Their standing in society, their rights and responsibilities, their communal and kin relationships, and the political power of individuals and of clan or kin groups are determined by land—by identification with and control of specific land areas, or by possession of usufruct rights. A Yapese takes his name from a tract of land placed in trust with him at birth. In some areas of the Trust Territory an individual without land or deprived of land is almost a non-person or is consigned to a traditional slave caste. At the other extreme (especially in the Marshall Islands) the political power of traditional leaders and their hold on a community flows from their ability to assign, withhold, and retract land use rights, and to control the distribution of income from the land. In the circumstances, it is the rare Marshallese who will cross his traditional leaders.

Concepts of land ownership bear no relationship to those of the west. Almost everywhere ownership is communal and possessed by a kin group or clan lineage embracing past, present, and future generations. The living are merely the trustees for the lineage, including the dead and the yet-to-be-born, and as such have no right to transfer title from the lineage, though they may lease use rights. Even the lease of land to non-Micronesians is often resisted, if only because too often in the past temporary use rights have become transfers of title. The political and social importance of land also assures that western land value concepts have little validity in the area, and can enormously complicate land lease negotiations.

25 ALAN—PATS

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27 ALAN--PATS

History of Marianas.—The separation of the Mariana Islands District (the Northern Marianas) of the Trust Territory from Guam (the southernmost of the Marianas Chain) is an accident of modern colonial history. They had been governed for nearly 300 years as a single unit by the Spanish until the U.S. annexed Guam in 1898 at the conclusion of the Spanish American War. Germany in 1899 purchased the remainder of the Marianas (and the Carolines) from Spain. Japan seized these German possessions in 1914 at the outset of World War I.¹⁰

¹⁰ cf. Alice Shorett, *Micronesian Backgrounds, Historical and Social Settings* (Saipan: Education Department, Trust Territory Administration, 1979), *Background Materials, Trust Territory of the Pacific Islands* (Saipan: Public Information Division, Trust Territory Administration, 1974), pp. 1-7, 118-160, *Handbook on the Trust Territory of the Pacific Islands* (Washington, D.C.: Office of the Chief of Naval Operations, Navy Department, 1948). Also Daniel T. Hughes and Sherwood G. Lingentloper, editors, *Political Development in Micronesia* (Columbus: Ohio State University Press, 1974). The latter source also contains materials on Marianas separatism far more current than in any other recent book on Micronesia.

Throughout the 20th century political separation of Guam and the Northern Marianas, the Chamorro people of these islands retained their common culture and language, and their close kin ties. No such relationships ever existed with the other islands and districts of Micronesia (except for a small Carolinean community in the Northern Marianas which retains cultural and other links with the Carolines). Especially differentiating the Chamorros from other Micronesians are their respective histories.

Spanish suppression of Chamorro rebellion in the Marianas in the 17th and early 18th centuries climaxed with the slaughter of much of the population and transplantation of the remnants from one island to another. Between the ravages of revolt, introduced disease, and several devastating typhoons, the Chamorro population declined in the last 30 years of the 17th century from 50,000 to 4,000. These events, coupled with Chamorro intermarriage with the Mexican, Filipino, and Spanish soldiery that garrisoned the islands, produced a new Chamorro race with a culture more Hispanic-Filipino than Oceanic. The later German, Japanese, and American administrations in these islands were more intensive than in most other areas of Micronesia, with resultant further cultural inroads and "westernization".

Unlike the Marianas, the other islands of Micronesia were largely untouched by the outside world until the mid-19th century. The Spanish established a weak administrative and religious presence in some of the Caroline islands only at that time, while the Marshalls received a foreign (German) administrative presence only in 1885. Significant resident Western influence came to these islands only with the German, Japanese, and American administrations of the 20th century, and with the arrival of American missionaries in the Marshalls in the mid-19th century.

History thus deprived the Chamorros of much of their Oceanic culture, and replaced it at an early date with many essentially Western political, economic, and social values and institutions. History assured to the other Micronesians retention of the essential characteristics of their original cultures. The differences between the Marianas and the rest of Micronesia today can be summarized in a few words: the Chamorro seeks to become more Western and American; the Carolinean and the Marshallese seeks to remain Micronesian while selectively accepting certain facets of "modernization". Reinforcing Chamorro attitudes have been perceptions of Guam's relative prosperity and sophistication under the American flag. Reinforcing Micronesian attitudes toward their future are their perceptions of what "Americanization" has meant to whatever remained of the Chamorro culture prior to the American presence on Guam.

Guam was ceded to the United States by Spain, in 1898 by the Treaty of Paris, which concluded the Spanish-American War. The United States governed Guam until 1941 through a naval governor. Guam was recaptured in 1944 in the same campaign which took Saipan and Tinian. Guam remained loyal to the U.S. during the Japanese occupation, and at the close of WWII continued their earlier appeals for citizenship and self-government. On August 1, 1959, the Organic Act of Guam was signed, granting citizenship to the Guamanians. The granting of citizenship to the Chamorro population on Guam became an early incentive to the remainder of the Chamorro population in the Northern Marianas to reunify with Guam.

28 ALAN—PATS

Beyond these considerations, the Northern Marianas since World War II have been the most prosperous of the Micronesian districts. The U.S. Navy presence and accompanying generosity were significant until the early 1960s and included administrative separation between 1951 and 1962 at a time when the rest of Micronesia was under the inpecunious jurisdiction of the Interior Department. The Navy administration provided roads, power, water, and other physical infrastructure, as well as education, medical, and employment opportunities still not equalled in any other district.

With the departure of the Navy administration in 1962, the Trust Territory headquarters moved to Saipan from Guam and provided new employment opportunities and services not enjoyed by the other districts. Today the Marianas have a wholly monetized economy as against the mixed subsistence/monetized economies of the other districts. United Nations Visiting Missions have noted that all of these factors have encouraged a "feeling of separateness from the rest of the Trust Territory".¹¹

¹¹ United Nations, Trusteeship Council Official Records (TCOR), *Report of the UN Visiting Mission to the Trust Territory of the Pacific Islands*, 1961, T/1582, p. 3.

United States Trusteeship.—The trusteeship system had its origins at Yalta where President Roosevelt, Prime Minister Churchill and Marshall Stalin agreed it should apply to League of Nations mandated territories, "territory detached as a result of World War II", and "such other territories as would be voluntarily placed" under such a system. These principles were implemented at the San Francisco Conference as Articles 75 through 91¹² of the United Nations Charter

¹² Printed in the Appendix of this report.

Article 76 of the UN Charter

The basic objectives of the trusteeship system, in accordance with the purposes of the United Nations laid down in Article 1 of the present Charter, shall be—

- (a) to further international peace and security;
- (b) to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- (c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- (d) to ensure equal treatment in social, economic and commercial matters for all members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

which provide for the establishment of an "international trusteeship system", and of the United Nations Trusteeship Council. The basic objectives of the trusteeship system are provided for in Article 76; the words "progressive development towards self-government or independence" are considered the heart of that article.

Of special importance to the U.S., Article 82 provides for the designation of "strategic" trust territories, while Article 83 provides that "all functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council." The same article affirms that the above-cited and basic Article 76 also applies to strategic trust territories, and that the Security Council "shall avail itself" of the assistance of the Trusteeship Council with respect to all trusteeship functions "without prejudice to security considerations".

All other Charter articles relating to the trusteeship system (except Article 85 which places non-strategic trust territories under the jurisdiction of the General Assembly) also are applicable to strategic and non-strategic territories alike.

Eleven territories were placed under the trusteeship system between 1946 and 1950—four of them in the Pacific: New Guinea under Australian administration, Western Samoa under New Zealand administration, Niuru under a joint Australian, British and New Zealand trusteeship (but with administration exercised solely by Australia), and the Trust Territory of the Pacific Islands (Micronesia) under U.S. administration. The latter was the only trust territory designated as "strategic".

29 ALAN--PATS

From the initial securing of Japanese-held islands in Micronesia in 1944, there was universal agreement in Washington that under no circumstances would they be returned to Japan at the conclusion of the war. Inter-service rivalries and inter-departmental differences on the question of their ultimate political disposition dragged on through the end of 1946. The Navy and Army argued over who should administer them, the former arguing for naval administration and the latter for civil administration--as did the Interior and State Departments. The Navy and War Departments, and the Joint Chiefs of Staff (supported by a considerable number of Congressmen and Senators), also argued for outright annexation and extension of U.S. sovereignty to Micronesia. The Departments of State and of the Interior, recalling Atlantic Charter pledges of no territorial aggrandizement as a result of the war, and the principles of the United Nations Charter (especially those of the trusteeship system which the U.S. had sponsored) opposed annexation and proposed trusteeship.

Throughout the debate over a people that were themselves at no time consulted on their future, President Truman tilted toward State's and Interior's position. At a press conference in January, 1946, he announced for trusteeship and against annexation. The debate continued, but now over the character of the trusteeship and whether the islands would be administered by the Army, the Navy, or by Interior. In November, 1946, the President announced that the U.S. was prepared to place Micronesia under a strategic trusteeship; subsequently he delegated civil administration of the islands to the Navy on an "interim basis".

The draft trusteeship agreement was formally submitted to the Security Council on February 26, 1947, by Ambassador (and Senator) Warren Austin. After debate and several amendments, it was unanimously approved on April 2, 1947. In presenting the draft to the Council, Ambassador Austin stated the U. S. position that all of the fundamental objectives of the trusteeship system would apply to Micronesia.

The only significant amendments adopted by the Council were the deletion of words in the U. S. draft of Article 3 which would have permitted the U. S. to govern the islands "as an integral part of the United States", and the expansion of Article 6(1) to include independence as an alternate goal to self-government. The U. S. draft spoke only of development of the territory toward self-government. The Soviet-sponsored amendment, accepted by the U. S. and the Council, added language similar to that of Article 76 of the Charter, i.e., like all other trust territories, Micronesia was to be developed 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." In accepting the Soviet amendment, Ambassador Austin declared that: "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."

On July 3, 1947, President Truman sent the trusteeship agreement to Congress, asking for action to enable the U. S. to approve the agreement. On July 18, 1947, the Congress by joint resolution authorized approval of the trusteeship agreement. That same day President Truman formally approved the agreement to be effective immediately.

IV. NEGOTIATIONS FOR FUTURE STATUS

PRE-NEGOTIATION HISTORY IN UNITED STATES

The question of Future Status for the Trust Territory, although pending since the establishment of the Trusteeship, was actively addressed during the 1960's with negotiations beginning in 1969.

As each of the Japanese-held Micronesian islands was secured in the 1944-45 Pacific Islands campaign, U. S. military government was introduced with local naval officers exercising full governmental authority. This system was replaced by a Navy Department civil administration on July 18, 1947, which continued until 1951 when Micronesia's management was transferred to the Department of the Interior. Under the Navy administration, the Commander in Chief Pacific (CINPAC) was designated as High Commissioner; under the Interior Department all High Commissioners have been civilian political appointees. The most recent, Edward E. Johnston of Hawaii, has served since May, 1969.

30 ALAN—PATS

From the outset of the trusteeship an important U.S. objective has been the establishment of formal institutions of self-government to replace the traditional chains of authority, institutions nonexistent under previous administrations. In the late 1940's and 1950's this policy was characterized by the establishment of elected district legislatures. This policy, while providing a recognizable Western form of government, did not alter the extent of traditional self-government nor require inter-island communication. In 1965 the territory-wide Congress of Micronesia was established. (Until that event the High Commissioner exercised not only full executive authority, but also full legislative authority at the territorial level; he governed by decree.) Since the establishment of the Congress of Micronesia, there have been no further fundamental changes in the framework of Micronesia's government.

United States movement towards the resolution of the future status of the Trust Territory began with the decision of President Kennedy on April 18, 1962, to establish a policy of bringing the Trust Territory into a permanent relationship with the United States. The policy was enunciated in a National Action Security Memorandum (NASM 145). The Memorandum also established an inter-departmental Micronesian task force (Departments of the Interior; State; Defense; Health, Education and Welfare; the National Security Council, and the Bureau of the Budget) to consider alternatives and advise the Secretary of the Interior.

The task force proposed the creation of a survey mission to conduct a thorough survey of the area's major problems. President Kennedy concurred and on May 9, 1963, issued National Action Security Memorandum 243 instructing a nine member U.S. Government mission to survey and make recommendations on the political, economic, and social problems of Micronesia. The mission, under the chairmanship of Anthony Solomon completed its survey and submitted its report on October 9, 1963.

The report proposed significant increases in the Trust Territory budget and emphasized the need for a territory-wide legislature among many specific recommendations. The assassination of the President a month later probably terminated direct Presidential involvement in bringing the trusteeship to an end before the end of the decade.

Several of the mission's recommendations were implemented on a piecemeal basis. Budget requests and appropriations increased steadily (the proposed budget for fiscal year 1976 is \$80 million), a central legislature composed of representatives from each of the administrative districts was established, and various federal programs were extended to the Trust Territory.

In 1964, the Secretary of the Interior issued Secretarial Order 2882 establishing the Congress of Micronesia. Elections for the new Congress were held on January 19, 1965. The constituency of the new Congress was (and remains) to a degree unrepresentative of the various districts represented. Traditional leaders viewed the concept with skepticism and distrust. Either the new entity would do nothing or it would threaten traditional forms of leadership. Inter-island distrust still makes unified action all but impossible on purely internal matters such as revenue sharing. The necessity for a knowledge of the common language of English, eliminated many traditional leaders and most of the population from effective eligibility for congressional membership. Eighty-eight percent of the members of the first Congress had an equivalent of high school or higher education, 66 percent had a college education, 75 percent had served previously in a district legislature, 75 percent were employed by the U.S. administration, 100 percent had travelled outside of the Trust Territory (a rather significant feature since relatively few of the population ever leave their home island or atoll), 94 percent were fluent in English, and the median age was 33 years.

31 ALAN—PATS

The Congress almost immediately focused on the political status question and in 1966 passed House Joint Resolution 47 calling on President Johnson to establish a "Commission to ascertain the political desires of the people of Micronesia, and to develop and recommend procedures and courses of political education and action, with such alternatives as may be applicable and appropriate, and to lead to the attainment of such desires and determination of the political status of Micronesia."¹

¹House Joint Resolution 47, Second Regular Session, Congress of Micronesia, 1966; *Laws and Resolutions of the Congress of Micronesia* (Saipan: Congress of Micronesia, 1966).

On August 18, 1965, Senator Fong formally introduced Senate Concurrent Resolution 50 cosponsored by Senators Yarborough and Gruening (and later by Senator Inouye) that "it is the sense of Congress that the Trust Territory be included in the State of Hawaii if the people of Hawaii and the Trust Territory of the Pacific Islands agree." The Resolution did not move out of Committee, but it did focus the attention of Congress on the question of future status in a formal manner.

Various proposals were considered by the Interior Committees in both Houses. In 1967 Representative Bingham submitted House Joint Resolution 594 calling for a Presidential Commission along the lines requested by the Congress of Micronesia. Senate Concurrent Resolution 24 was introduced by Senator Fong on June 15, 1967, to establish a bipartisan commission to review the relations with the United States of all overseas insular areas under U.S. administration. On July 18, 1967, Senator Mansfield introduced Senate Joint Resolution 96 calling for a political status commission along the lines of the Ad Hoc Puerto Rican Commission.

Formal hearings related to future status were conducted by the Interior Committee on July 21, 1966, and on February 2, 1967. The similarity of the Bingham and Mansfield resolutions prompted the submission of Senate Joint Resolution 106 by the Administration. The Resolution was introduced on August 23, 1967, by Senator Jackson together with Senators Mansfield, Kuchel, Burdick, Hatfield, and Inouye. The proposal called for a 17 member commission composed of representatives of the Federal Executive and Legislative branches.

S.J. Res. 106 was subjected to hearings before the Interior Committee in Washington and was the subject of discussions by the Committee with the Congress of Micronesia's Future Political Status Commission in Micronesia by both Senate and House Interior Committees. The resolution was considered, and with minor amendments, was adopted by the Senate on May 29, 1968. No formal action was taken on this measure, or the companion measure, House Joint Resolution 805, by the House.

Various other measures were introduced in the House in response to requests from the Congress of Micronesia. Congresswomen-Mink introduced House Resolution 16183 to provide for an organic act for the Trust Territory, and in 1969, Congressman Meeds, who together with Congresswomen Mink had been a part of the House discussions in Micronesia of future status, introduced legislation calling for a Constitutional Convention.

Direct Congressional involvement in status negotiations ceased in 1969 due to the opposition of the Chairman of the House Interior Committee, Congressman Aspinall, and of the Territories Subcommittee, Congressman Carey. In a floor debate on December 18, 1969, with Congressman Bingham who continued to press for a Commission, Congressman Carey stated:

The House Committee on Interior and Insular Affairs has consistently taken the posture that the executive departments involved, State, Interior, and Defense, should present a unified position on the question of political status to the Congress in order that Congress through the House Committee on Interior and Insular Affairs can take that position or alternatives to the people of the trust territory.

32 ALAN—PATS

Because the executive departments were not able to agree on such a position or the alternatives, they fostered an executive communication during the 89th and 90th Congresses which was introduced by the gentleman from New York (Mr. Bingham) to establish a Commission on the Future Political Status of the Trust Territory of the Pacific Islands. *To those of us who have been closely involved with the administration of the trust territory, it is clear that this executive communication was and is requesting the Congress to take the responsibility for making a decision which is properly the function of the executive branch of Government.* In this instance the executive branch chose not to rely on the axiom of the executive proposes and the legislature disposes. *The Status Commission proposal is merely a ruse for the executive departments to avoid their responsibility.* [Emphasis added.]

In light of the opposition in the House and continuing requests from the Trust Territory to begin substantive negotiations, the Administration began general discussions through a Micronesian Interagency Committee on Political Status established in 1969 under the Chairmanship of the Assistant Secretary of the Interior for Public Lands Management (who was in charge of the Office of Territorial Affairs) and then under the Office for Micronesian Status Negotiations under Dr. Franklin Haydn Williams who was designated as the "President's Personal Representative for Micronesian Status Negotiations" on March 13, 1971, with the personal rank of Ambassador.

Subsequent involvement by the Congress included formal briefings before the Senate and House Interior Committees on progress in the negotiations and informal discussions with interested members. Formal discussions on the Senate side consisted in briefings in November, 1971, by Ambassador Williams of the Subcommittee on Territories and Insular Affairs in 1972 by Ambassador Williams of the Interior Committee, in September 29, 1973, by James Wilson, Assistant to Ambassador Williams, of the Subcommittee on Territories and Insular Affairs, on September 12, 1974, by Ambassador Williams before the Interior Committee and on September 25, 1974, by James Wilson, again before the Subcommittee on Territories and Insular Affairs. Formal involvement by the House has been more extensive. Since November 15, 1971, there have been nine formal hearings on the House side including one before the House Armed Services Committee and one before the Appropriations Committee.

PRE-NEGOTIATION HISTORY IN TRUST TERRITORY

Subsequent to the initial request in 1966 for status negotiations, the Congress of Micronesia passed Senate Joint Resolution 25, on August 8, 1967, providing for a six member Micronesian Future Political Status Commission to be appointed from the Congress of Micronesia by its presiding officers. The Commission was empowered to study and present to the Congress the various political status alternatives open to the Trust Territory, including independence, and to recommend procedures by which the Micronesian people might determine their future status. The Commission was specifically directed to examine three political precedents: Puerto Rico's commonwealth relationship with the United States, Western Samoa's independence and close treaty relationship with New Zealand, and the Cook Islands' free association relationship with New Zealand.

The Commission was formed on October 15, 1967, and submitted an Interim Report to the Congress² on July 8, 1968. Although providing

² Future Political Status Commission, *Interim Report to the Congress of Micronesia*, (Saipan: Congress of Micronesia, July, 1968).

no firm conclusions or recommendations, it did identify in some detail for the first time possible political alternatives for the Trust Territory: independence, free association, a commonwealth relationship with the United States, U.S. unincorporated territory status, U.S. incorporated territory status, and continuation of the status quo.

Beyond identification of these possible approaches, comparative analysis was offered of the political status of Puerto Rico, Western Samoa, the Cook Islands, the Philippines, and Guam. The status of Puerto Rico and that of the Cook Islands were cast in the most favorable light.

33 ALAN—PATS

The Interim Report was considered by the Congress of Micronesia and the Commission continued to explore alternatives. During the next year, the Commission traveled extensively throughout the Pacific, including to American Samoa, Western Samoa, New Zealand, Fiji, Australia, and to Papua New Guinea. Individual members also visited Puerto Rico and the Virgin Islands. The Final Report of the Commission³ was submitted in July, 1969.

³The Future Political Status Commission, *Report to the Congress of Micronesia*, Third Congress, Second Session, July, 1969 (Saipan: Congress of Micronesia, 1969).

The Report recommended that a free association relationship with the United States be negotiated. The Commission did not offer a detailed description of the proposed free association relationship, holding that the structuring of that relationship was a task for Micronesian and U.S. negotiators. The Commission offered broad comments regarding the structure of future Micronesian government, levels of assistance, political education, and procedures for implementation of a new status. The Commission noted that elected and traditional leaders, not individual citizens, normally make most political decisions.

Of importance to later developments, the Commission gave full recognition to the "freely-expressed wish of many Marianas residents to immediately unite with the United States Territory of Guam," and that the "call for Marianas integration includes a powerful emotional component as well as some specific practical motives." It concluded that "unless the projected harm to minorities in the Marianas or to Micronesia at large is intolerable, it will not oppose a political union which reflects the freely-expressed desire of a majority of the residents of the district," and that "ultimately the question of re-integration must be resolved by the United States and the United Nations for it was they, not the Political Status Commission, which brought the districts of Micronesia together." The Commission did express the hope that Marianas separation not take place "until all possibilities for partnership have been explored."⁴

⁴*Ibid.*, pp. 33-37.

On independence, the Commission suggested the primary disadvantage was financial: the difficulty of having an assured source of adequate external assistance. "In view of this, but also of the grim realities of conditions in Micronesia today," the Commission recommended independence only as a second alternative, and then only as a long-range goal involving "indefinite prolongation of the trusteeship system and of the United States' stewardship-administering authority."

The Commission assumed that "an independent Micronesia would be likely to have close treaty relations with a major power—presumably the United States—and to remain dependent on foreign funds, both by way of grant and of rental for areas leased for military purposes. These ties might be almost as close as those existing under self-government in free association with a major power."⁵

⁵*Ibid.*, pp. 25, 45-48.

Finally, the Commission briefly outlined several other possible alternatives—integration with Japan, integration with the United States, and union with Guam—but dismissed them all.

The Congress considered the Report in executive session behind closed doors and accepted the Report. Senate Bill 55, approved by the High Commission on August 29, 1969, established a Political Status Delegation to replace the Commission, to be composed of not more than ten members of the Congress, to negotiate with the United States the future political status of Micronesia. The Delegation was instructed to adhere to the desires and policies of the Congress of Micronesia, "as expressed by resolutions or otherwise," and its actions would be "subject to subsequent ratification" by the Congress of Micronesia.⁶

⁶*Laws and Resolutions of the Congress of Micronesia*, Third Congress, Second Regular Session, 1969.

34 ALAN—PATS

The form of subsequent negotiations revolved around the nature of "free association". It was not until mid 1970 that the concept of unilateral termination was raised. There is considerable evidence that the various peoples of the Trust Territory throughout the 1950s, and even until 1969, were prepared for and even desired a close and perhaps permanent political relationship with the United States. This was commented on by every United Nations Visiting Mission throughout that period.⁷ As early as 1950 the Mariana and Marshall Islands had

⁷ c.f., TCOR, *Report of the U.N. Visiting Mission to the Trust Territory of the Pacific Islands, 1963*, T 1320, 1964, p. 161. Also see Norman Moller, *The Congress of Micronesia*, Honolulu: University of Hawaii Press, 1970 pp. 393-400 for citations of these sentiments and of pertinent documentation.

petitioned the United States and the United Nations to become part of the United States. Similar sentiments were expressed by traditional leaders and legislative bodies of other districts on later occasions. Even Truk (later to become the center of the independence movement) through its District Legislature in 1964 petitioned for a commonwealth relationship with the United States.⁸

⁸ *Ibid.*

In May of 1969, the then Secretary of the Interior, Walter Hickel, visited Saipan and met with various leaders from throughout the Territory.⁹ On May 9, he addressed the Congress of Micronesia and

⁹ Walter J. Hickel, *Who Owns America?* (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1971), pp. 203-205.

other leaders with a major policy statement including an invitation to the Congress of Micronesia to enter into negotiations with the United States on future status.

EARLY ROUNDS OF NEGOTIATIONS

At the conclusion of the 1969 summer session of the Congress of Micronesia (acting under authority of Senate Bill 53 and in response to Secretary Hickel's invitation) the President of the Senate and the Speaker of the House had appointed a ten-man Future Political Status Delegation to meet with a U.S. delegation in Washington. Most of its members had participated in the now defunct Future Political Status Commission.

The delegation arrived in Washington in late September, 1969, where it met a U.S. delegation chaired by Interior Assistant Secretary Harrison Loesch with representatives from the State and Defense Departments.

The Micronesians brought with them an eleven-point proposal that a future political relationship be based on the following principles:

(1) That the people of Micronesia will draft and adopt their own constitution;

(2) That the Micronesians will be assured that there will be no confiscation of their land and no military bases will be established in the islands without full consultation, the 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 will be renegotiated;

(3) That the United States, subject to certain exemptions, limitations, and conditions, will 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) That Micronesia will agree not to allow any other country to enter into Micronesia for military purposes;

(5) That the United States will agree to an early settlement of Micronesia's post-war damage claims;

(6) That the United States will remove all barriers to the free movement of Micronesians into the United States;

(7) That the United States will also agree to remove all barriers to the free movement of goods from Micronesia into the United States;

(8) That the United States will seek full consultation with the Government of Micronesia in matters of shipping, civil aviation and communication;

35 ALAN—PATS

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

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

(11) That the United States will guarantee financial aid to Micronesia.¹⁰

¹⁰ Political Status Delegation, *Report of the Political Status Delegation to the Congress of Micronesia, Third Congress, Third Regular Session, July, 1970* (Saipan: Congress of Micronesia, 1970), pp. 2-3.

Noticeably absent from the proposed agenda was any suggestion that a new political relationship be unilaterally terminable or otherwise revocable.

According to the subsequent report by the Future Political Status Delegation, no conclusions or decisions were reached during these informal talks, but the "U.S. delegation generally agreed in principle with the basic positions put forth by the Micronesians," except in the areas of control of land and termination provisions for a future relationship.¹¹

¹¹ *Ibid.*, pp. 3-4.

The Micronesian delegation reported the following summer that the people of Micronesia should have unqualified control of land in Micronesia and that any United States use of land for military purposes should be subject to negotiation between the Governments of Micronesia and the United States, while the United States delegation presented a formula for the acquisition of land which gave the President of the United States the ultimate power to acquire land in Micronesia. The two delegations also failed to reach agreement on another important point—whether any association between Micronesia and the United States will be permanent or in the form of a revocable compact.¹²

¹² *Ibid.*

Although the next round of formal status talks did not take place until May, 1970, Interior Assistant Secretary Loesch informally met with the Micronesian delegation on Saipan in January, 1970, to provide the latter a draft organic act establishing Micronesia as a U.S. territory on the pattern of Guam and the Virgin Islands. The proposed organic act did not remotely approach satisfaction of the most basic of the positions taken by the Micronesians during the October talks, i.e. those relating to Micronesian control of Micronesian lands, and a Micronesian constitutional convention. The Micronesian delegation reported to the Congress of Micronesia, with reference to the proposed organic act that such a bill is in manifest conflict with the intent of the Trusteeship Agreement, with the direction pointed by the Congress of Micronesia in its mandate to your delegation, and with the basic premises upon which the delegation had opened discussions in Washington. Your delegation indicated its total opposition to any United States act which would provide for the internal government of Micronesia—its design, its administration, and its control—should be reserved solely to the people of Micronesia.¹³

¹³ *Ibid.*, p. 4.

The United States reevaluated its position in light of the rejection and offered a modified unincorporated territorial status proposal labeled as a "commonwealth" relationship at a second round of formal negotiations on Saipan between May 4-8, 1970. The proposal satisfied the essential elements of the eleven-point Micronesian proposal of October 1969, with the exception of the eminent domain provision.

The Micronesian delegation countered with a free association proposal based on four principles:

- (1) That sovereignty in Micronesia resides in the people of Micronesia and their duly constituted government;
- (2) That 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;

36 ALAN—PATS

(3) That 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

(4) That Free Association should be in the form of a revocable compact, terminable unilaterally by either party.

The May, 1970, talks were foredoomed to failure. The U.S. delegation was unable to discuss seriously any form of political status which went beyond the essential framework of its commonwealth offer while the Micronesian delegation was unprepared to discuss any relationship not based on the four "non-negotiable" principles. About the only significant areas of agreement had been that the Micronesian people were entitled to a constitutional convention and a plebescite on their future status, and that both sides favored political association. Beyond that, the two delegations did not even agree on whether the U.S. had rejected free association and the four principles.

On July 22, 1970, the Micronesian delegation issued its Report to the Congress of Micronesia on the October, 1969, Washington talks, an informal January, 1970, meeting, and on the May, 1970, Saipan talks. Only five pages were devoted to the first two events. The balance was devoted to the May talks and recommendations for follow-up actions.¹⁴

¹⁴ *Ibid.*

Most of the Report provided the delegation's description of the positions taken by both delegations in May together with a critique of the U.S. commonwealth proposal, and a defense of free association. The possibility of independence, its advantages and disadvantages, was addressed at some length, and defended as the only alternative to free association. A close treaty relationship with the United States was suggested as a natural component of Micronesian independence.¹⁵

¹⁵ *Ibid.*

Congressional debate and action on the Report during the July/August, 1970, session of the Congress of Micronesia was vehement. The U.S. position was angrily attacked by members of both Houses, and for the first time a significant member of legislators openly and forcefully called for Micronesian independence. In the end, the Congress overwhelmingly endorsed the positions taken by its delegation. Commonwealth was rejected, and free association and the four principles were endorsed with only one dissenting vote in the Senate, and two in the House. Two of these three votes were from the Marianas.

The discussion of independence, either immediately or via a short-term free association status, together with subsequent legislative proposals precipitated action in the Marianas.

EVENTS LEADING TO MARIANAS STATUS

To this point, the Marianas delegation had participated in negotiations on the assumption that their basic demands, citizenship and permanent affiliation with the United States would be met. The reaction in the Marianas to the position taken was swift. Daniel T. Muna, member of the Marianas District Legislature stated on October 7, 1970, "The people of the Marianas will revolt with force of arms, and exterminate anyone who attempts to organize a government other than one connected with the United States."¹⁶

¹⁶ Quoted in Richard R. Williams, "Marianas Bloodshed Threat, Want U.S. Rule Only," *Pacific Daily News*, Agaña, Guam, October 8, 1970, p. 1.

Events in the Marianas unfolded rapidly and violently following the Congress of Micronesia's August, 1970, decisions and the May, 1970, political status negotiations.

Since 1950 (when the first United Nations Visiting Mission toured Micronesia) Mariana Islanders at every opportunity had sought a close political relationship with the United States. The preferred means of achieving that association varied from time to time, and differences continue to exist on this issue among the political leaders of that district.

37 ALAN—PATS

With the establishment of municipal councils in the Marianas in the late 1940s and a district legislature in 1963, the U.S. and the United Nations have been deluged with petitions and resolutions directed at political association with the U.S.¹⁷ These have been backed up by

¹⁷ Cf. Testimony of Honorable Vincente N. Santos, President, Mariana Islands District Legislature, before Committee on Interior and Insular Affairs U.S. Senate, July 24, 1975, pp. 128-133.

plebiscites from time to time, the earliest in 1961 and the most recent in 1969 (more below)—not including the June 17, 1975 plebiscite to approve the Commonwealth. Some resolutions sought political association with the United States as part of a larger Micronesian U.S. territory. Most envisaged secession from Micronesia. From the early 1960s through 1969 U.S. territorial status generally was sought through "reintegration" of Guam and the Northern Mariana Islands. This apparently was seen as the most logical and direct route to U.S. citizenship and political association.¹⁸

¹⁸ A summary of Marianas petitions, resolutions, and other actions of the character described in this paragraph is provided in: TCOR, T/PV, 1391, May 25, 1972, pp. 42-67.

A United Nations Visiting Mission in early 1961 reported that on February 5, 1961, a plebiscite was held on Saipan and Tinian Islands in which 2,404 out of the 2,847 registered voters had participated. 1,642 voters favored reintegration with Guam, 875 favored separate territorial status for the Northern Marianas, 27 favored the status quo (the then Navy administration), and 8 votes were declared invalid. The Mission subsequently reported to the United Nations Trusteeship Council that "there is an almost unanimous desire among the people in regard to seeking U.S. citizenship."¹⁹

¹⁹ TCOR, U.N. Visiting Mission Report, 1961, T/1582, p. 9-10.

In an October, 1963, plebiscite slightly less than half of Saipan's 3,015 registered voters participated; 1,231 favored reintegration with Guam, 9 independence, and 32 separate territorial status.²⁰

²⁰ TCOR, U.N. Visiting Mission Report, 1964, T/1620, Annex VIII, p. 1.

In another plebiscite on November 9, 1969, held throughout the Mariana Islands District, 3,233 out of 4,954 registered voters participated. 1,942 favored reintegration with Guam, 1,116 free association, 107 a separate territorial relationship, 19 independence, and 9 "other" forms of status.²¹ (This plebiscite was conducted only a few months after the publication and distribution of the Congress of Micronesia Political Status Commission's final report recommending a free association relationship for all of Micronesia and prior to any discussion of termination.)

²¹ TCOR, U.N. Visiting Mission Report, 1970, T/1713, Annex XV, pp. 171-172.

Each of the plebiscites was organized by either Marianas municipal councils or the District Legislature. None were encouraged or sanctioned by the U.S. administration; U.S. policy remained opposed to fragmentation of Micronesia and a separate status for the Mariana Islands through late 1971. This position was made known by U.S. administrators to Marianas leaders throughout the 1950s and 1960s and was acknowledged by United Nations Visiting Missions and the Trusteeship Council throughout the same period.²² Several United Nations Visiting Missions did note that the U.S. administration had unintentionally fostered separatist attitudes in the Marianas through the Navy's separate administration in the 1950s, and throughout the trusteeship by the inadequacy of political education programs and political institutions which might have stimulated a greater interest in Micronesian unity.

²² Cf. U.N. Visiting Mission Reports, supra.

Aside from the U.S. position in opposition to "secession", Guam rebuffed the reintegration concept in a plebiscite on November 4, 1969. Of the approximately 18,000 registered voters on Guam, only 6,108 cast ballots. Of these, 3,700 rejected reintegration while 2,688 voted in favor of such political action.²³ Guamanian politicians (including a

²³ TCOR, U.N. Visiting Mission Report, 1970, T/1713, par. 566.

38 ALAN—PATS

Governor of Guam) later explained that the Guam plebiscite was poorly organized and inadequately publicized with the result that the issues were not for the most part understood. Most Guamanian political leaders now maintain that a properly presented plebiscite would result in a significant majority vote for reintegration.

The Northern Marianas did believe they had been rebuffed, perhaps in part because of World War II when some Chamorros from Saipan had served (often brutally) as local police and administrators for the Japanese on occupied Guam. Sentiment in the Northern Marianas for political association with the United States nevertheless remained strong and emotional.

In 1957 two political parties had emerged in the Northern Marianas: the Territorial and the Popular Parties. The former tended to draw its support from some employees of the Trust Territory administration, the local business community, and the Carolinean community whose ancestors for the most part came from Truk and Yap. The Popular Party represented most other elements of the Northern Marianas population, including some administration employees, and generally has dominated the Saipan municipal council and the District Legislature. Both parties have supported close political association with the United States, but the former usually in the past has favored achieving such status in union with the remainder of Micronesia. The Popular Party has favored the secessionist approach. At all times personalities, kin ties, and other non-political factors have also differentiated the two parties, sometimes more so than political issues.

The publication of the Future Political Status Delegation's Report in July, 1970, created new concerns and possibilities. Those in the Marianas favoring close political association with the United States were especially concerned by one aspect of the proposed free association relationship. Free association with the remainder of Micronesia could someday (in their view) result in a break from the United States even should the people of the Marianas be overwhelmingly against such action. (The Marianas have only 10 percent of Micronesia's population.) Beyond this, the U.S. commonwealth offer was far more attractive than either separate territorial status or reintegration into the larger territory of Guam.

In the same weeks the Congress of Micronesia was by resolution rejecting commonwealth status and endorsing free association and the four "non-negotiable" principles, the Mariana Islands District Legislature also was in session and adopted resolutions offering precisely opposite conclusions.

Resolution No. 11-1970, adopted on August 21, 1970, endorsed the U.S. commonwealth proposal and urged that the U.S. submit that proposal to the people of the Mariana Islands District for approval, and "to proceed with its implementation in the Marianas until the people of the other districts are ready to decide their future political status".

Resolution No. 13-1970, adopted on August 24, 1970, asked the United Nations to recognize the cultural differences between the districts of the Trust Territory and to allow each district to choose its own political future.

Indicative of the mood of the Northern Marianas were the results of the November, 1970, Congress of Micronesia elections. Political status was a key campaign issue. The incumbents (all from the Territorial Party) were accused of misrepresenting or inadequately representing their district's desires and interests in the Congress. All but one were defeated by Popular Party candidates advocating early and separate commonwealth status for the Mariana Islands. Although one Territorial Party senator remained in office (his term had two more years to run), he had endorsed commonwealth status during the Congress of Micronesia's status debate, and subsequently transferred his allegiance to the Popular Party. Local political observers interpreted the election results as a popular mandate not only for commonwealth status, but also for early "secession".

39 ALAN—PATS

Linked to this sentiment was a feature of political life in the Marianas reaching back at least ten years. The more sophisticated and politically aware Chamorros (almost universally literate, and for the most part at home in English) had long felt that they were ready for self-government, and for the decisions required to achieve that status. They resented the slow pace of political change in the Trust Territory which they attributed to the "backwardness" of the Carolines and the Marshalls. Marianas leaders believed that progress toward close political association with the U.S. was not only being delayed, but also thwarted by the other districts.

Beyond political status considerations, a disproportionate share of territorial tax revenues is raised in the Marianas; it was (and is) believed that less than a fair proportion of the total fiscal pie was being returned. Moreover, the Marianas felt that economic development policies favored by the other districts tended to retard development in the Marianas.

By late 1970, the political leadership of the Marianas was feeling frustrated and cornered. The High Commissioner (acting on existing U.S. policy) was openly discouraging Marianas separatist initiatives. His actions were especially resented because of personal animosities existing between him and elected Marianas leaders at the municipal, district, and congressional level. A feature of Marianas District Legislature sessions of that period were resolutions demanding the replacement of the High Commissioner, accompanied by allegations of malfeasance in office and almost every other sin known to man and bureaucrat. Compounding this problem, the Marianas district administration, the executive branch of the district government, was staffed at the upper levels with appointees of the High Commissioner from the opposition Territorial Party.

Despite burgeoning separatist sentiment in the Marianas, there may have remained in late 1970 and into early 1971 some preparedness on the part of key Marianas leaders to consider remaining with the rest of Micronesia provided common political status arrangements could be promptly arrived at which would: (a) assure a high level of political and economic autonomy to each of the districts; (b) provide for U.S. citizenship or nationality; and, (c) assure that the Marianas at some future date would not have their ties with the U.S. severed by the actions of the other districts. The prospects for arrangements along these lines were sharply reduced in the first half of 1971 through a series of incidents which probably made inevitable the subsequent separate political status negotiations between the United States and the Marianas.

In early 1971 the Congress of Micronesia had as a primary item on its agenda, an income tax bill designed to increase significantly internal revenues. Many features of the bill were objected to by the Marianas delegation which also assumed a disproportionate share of the revenues would come from the Marianas' monetized economy.²⁴

²⁴ Objectionable features included the absence of provisions which would take into account family size (i.e. dependent deductions), and the application of the tax law to clergy. Although these may seem to represent minor issues, the unwillingness of the Congress of Micronesia to compromise in these areas was considered a major issue, and confirmation of Marianas concerns regarding a future political relationship which embraced the Marianas in a larger political unit.

(The other principal, and in fact greater source of revenue would be the Kwajalein missile range complex in the Marshall Islands.) Looking to the future, the Marianas were additionally concerned that they alone (among Micronesia's districts) were eager to develop their islands with private foreign capital investment from any available source, and by encouragement of a major tourist industry. They also sought the presence of U.S. military bases for their perceived economic benefits. The Marianas leadership thus foresaw an expanding Marianas economy subsidizing other districts which tended to reject or resist those aspects of development which would lessen requirements for such subsidies.

The Congress in adopting the new tax legislation on February 12, 1971,²⁵ apparently ignored pleas from the Marianas congressional dele-

²⁵ Public Law No. 40-2, *Laws and Resolutions, Congress of Micronesia, Fourth Congress, First Regular Session, January-February, 1971* (Saipan: Congress of Micronesia, 1971).

40 ALAN—PATS

gation for amendments which might have made it more palatable. During Congressional consideration of the legislation, the High Commissioner had continued to discourage the growing sentiment for secession and made little effort to encourage the Congress to heed the concerns of the Marianas with respect to the tax legislation. By mid-February tempers were high throughout Saipan; harassment of members of the Congress of Micronesia from other districts was a frequent occurrence on that island.

The catalyst for the events that followed appears to be the action of the Mariana Islands District Legislature on February 19, 1971. Resolution Number 30 of that date declared that the Mariana Islands District would "secede from the Trust Territory, if necessary by force of arms, and with or without the consent of the United Nations" to achieve its goal of close association with the United States.²⁶ The fol-

²⁶ Resolution No. 30-1971, adopted by the Mariana Islands District Legislature on February 19, 1971.

lowing day, in the pre-dawn hours of February 20, 1971, the Congress of Micronesia's legislative chambers were totally destroyed by fire, while the offices of the President and of the Clerk of the Senate were seriously damaged in what clearly had been the work of an arsonist.²⁷

²⁷ "Congress of Micronesia Buildings Burn." *Highlights*. Saipan, Mariana Islands, February 22, 1971, pp. 1-4.

Although subsequent investigation never adequately identified the arsonists, suspicions centered upon secessionist leaders.

The Congress adjourned *sine die* the day of the fire with most key legislation incomplete. Story headlines in the Honolulu press of that period give some flavor of the charged atmosphere on Saipan:

"Saipan Uprising Could Shatter Trust Territory Unity"

"Trust Territory Shaken by Arson and Rebellion"

"Trust Territory Lives in Distrust"

Since the fire had interrupted much of the work of the Congress, a special session was called for May, 1971, at Truk, the first to be held away from Saipan. The Marianas Popular Party leadership caucused and instructed the Marianas congressional delegation to boycott the special session as a demonstration of the Marianas' determination to seek a separate political arrangement with the United States. Several Marianas leaders had also gone to Washington in the interim, between the fire and the May special session on Truk, where they advocated within the U.S. Congress and the Interior Department their views on the future political status of the Mariana Islands. No commitments were entered into by U.S. officials other than that the Marianas representatives were assured their concerns and views would be taken into full account in negotiating a future political status for Micronesia. They were urged to continue to "work within the system", i.e., to participate in the work of the Congress of Micronesia, and its new Joint Committee on Future Status (JCFS).

Although the background to the events that followed is not entirely clear to this day, the Marianas boycott remained in effect only until the eighth day of the 18-day special session. What seems clear is that at some point the Micronesian congressional leadership agreed to modify the recently-enacted tax legislation. The Marianas congressional delegation apparently agreed to support fully the political status objects of the other five districts of Micronesia, if the Congress in turn would accept and support a separate political relationship for the Mariana Islands during forthcoming status negotiations. There also appeared to be an agreement that the Marianas congressional delegation would work with the rest of the Congress in seeking increased congressional authority vis-a-vis the U.S. administration of the Territory. In short, a deal appears to have been struck which permitted the end of the boycott.

The tax legislation was amended.²⁸ The new Joint Status Commit-

²⁸ Public Law 94-11, *Laws and Resolutions, Congress of Micronesia, Fourth Congress, Fourth Special Session, May, 1971* (Saipan: Congress of Micronesia, 1971).

41 ALAN—PATS

tee gave recognition to the special aspirations of the Mariana Islands at the next round of negotiations.²⁹ The Marianas delegation did work

²⁹ The JCFS, in its opening statement at the next round of political status negotiations in October, 1971, said: "We recognize the aspiration of the people of the Marianas District to share in the benefits that independence bestows on your great country by becoming more closely affiliated with the United States. And we recognize that the people of the other districts will prefer to live in a Micronesia state."

with the Congress in its efforts (occasionally even spearheading them) to strengthen the political and fiscal authority of the Congress.

Violence and threats of violence continued on Saipan. In the summer of 1971 the High Commissioner and his family received death threats by telephone. In November, 1971, the High Commissioner's residence was partially destroyed by fire, again the work of an arsonist. Whether the arson was motivated politically, or was only the cover for a simultaneous burglary, was not fully established. But many on Saipan felt that the atmosphere of that time, including continuing tense relationships between the Marianas' elected leadership and the High Commissioner, established a mood which encouraged violence. The former continued to believe that the High Commissioner and his staff were opposed to a separate political status for the Mariana Islands, and were operating against their interests and aspirations. The cultural, religious, political, and developmental differences between the Chamorros and other Micronesians were so deep they had become emotionalized to the point of animosity—a feeling reciprocated by many Micronesians from other districts.

Forces within the Marianas operating in favor of continuing unity have thus far been in a minority. Undoubtedly many in the Carolinean community (about 18 percent of the total population of the Mariana Islands District) would prefer a status settlement which would assure to them the protection of a larger political unit with which it has cultural links. There is concern among the Carolineans that they will suffer abuse within a smaller and separate Chamorro-dominated political unit. Nevertheless, even the Carolinean community has supported the principle of close political association with the United States.³⁰

³⁰ *c.f.* Testimony of Francisco T. Palacios, member of the Marianas Political Status Commission, President of the Territorial Party, and tradition leader to the Palson State House of the Carolinean Community, before the Committee on Interior and Insular Affairs, U.S. Senate, July 24, 1975, pp. 156-159.

Some members of the Saipan business community have opposed political association with the United States in any form which opens the Marianas to unrestrained U.S. (especially Guamanian) competition. Finally, some employees of the Trust Territory administration are concerned that separate status and an ultimate transfer of a Micronesian capitol to another district will mean fewer government jobs in a smaller Mariana political unit.

By the time the Congress reconvened in its May 5-22 special session at Truk, the events of the preceding months assured a tense political atmosphere. The absence of any substantive U.S. response to the free association proposals of the preceding May was generating suspicion and concern.

The U.S. maintained its position that it was unwilling to consider separate status for the Marianas. This U.S. position was restated publicly and in more forceful form a month later during the annual meeting of the United Nations Trusteeship. The U.S. representative told the Council that the U.S. was "committed to discussions on a territory-wide basis at this time and could not contemplate separate discussions with the Marianas." He also urged the Marianas to participate in the overall discussions and to avoid "precipitate actions" which would make more difficult the attainment of a satisfactory agreement.³¹ The Council, in its own report to the Security Council,

³¹ United Nations, Security Council Official Records (S/CONF), S/10237, 1971, p. 64.

expressed the hope "that the course of separation would not be considered until all other possibilities for partnership had been explored, and urged all the people of the Mariana Islands District to cooperate with the Congress of Micronesia and the Administering Authority in the search for a mutually acceptable solution."³²

³² *Ibid.*, p. 65.

42 ALAN—PATS

Unity within the Congress of Micronesia was itself becoming strained during the Truk Session. The main basis for territory-wide unity had been opposition to one aspect or another (usually land) of U.S. administration. Aside from the Marianas' boycott, floor statements, committee meetings, and backroom sessions were characterized by acrimonious debate over issues relating not only to the nature of Micronesia's future relationships (if any) with the United States, but also among the districts themselves. These differences were noted by Congressman Timothy Olkerill of Palau:

My constituents, of course, note the incompetency and lack of development in Palau and grow increasingly impatient for an opportunity to determine their own affairs and correct the mistakes of the past. My people are not noted for their patience. They watched with intense interest the progress of the Mariana Islands District in its unilateral effort to attain its political aspirations. Indeed, a very substantial number of Palauans have no doubt of the success and permanent stability of an independent Republic of Palau, and are prepared, should Micronesia attain the status of independence, to consider opting for such a government, should they find this to be in their interest.

For the immediate future, I fervently hope we can find some point of compromise that will satisfy the status desires of all six districts. In this regard we should all heed the words of Matthew in Chapter 12, Verse 25, "Every kingdom divided against itself is brought to desolation; and every city or house divided against itself shall not stand."

Realistically, however, I seriously doubt whether such a mutually satisfactory position can ever be achieved and I think that the history of the last three weeks cogently underscores this fact of political life in Micronesia. It is about time the Congress of Micronesia and the United States recognized the probability that when the dust clears, there will unquestionably be more than one political status for the former districts of the Trust Territory of the Pacific Islands.³³

³³ *Journal of the House of Representatives, Congress of Micronesia, Fourth Special Session, Fourth Congress, May 22, 1971.*

CONTINUATION OF STATUS NEGOTIATIONS

The U.S., now represented by Ambassador Williams and the Office of Micronesian Status Negotiations, met the delegation from the Joint Committee on Future Status for a third round of negotiations on October 4-12, 1971, at Hana, Maui Island, Hawaii. Possibilities for progress were bleak. The prior two rounds had been characterized by a generally well prepared and unified Micronesian delegation and an uncertain U.S. delegation. At Hana, the U.S. now had a separate office working full time rather than an Assistant Secretary with extensive other responsibilities. The Joint Committee was, on the other hand, seriously divided. Secession movements in Palau and the Marshalls were growing, an independence movement from Truk was also being felt, and the Marianas had made clear their intention not to accept any status within the parameters of the Joint Committee's mandate.

The U.S. still preferred a single status for the entire Trust Territory, but it was becoming clear that this was unrealistic. The U.S. offered to discuss four issues: (1) control of land, (2) application of laws, (3) modification of relationship, and (4) financial assistance. The Joint Committee refused to discuss the issues separately and, partly due to internal differences, did not engage in extensive discussions.

The relative degree of discussion is illustrated by the fact that during the course of the Hana talks the U.S. delegation consumed 111 pages of the transcript, while the Joint Committee filled only 29 with its responses.

43 ALAN—PATS

The most eloquent evidence of the Joint Committee's internal disarray during and after the Hana talks was its report to the next session of the Congress of Micronesia at Koror, Palau, in January, 1972. A "draft report" had been prepared in December which summarized the positions taken by both delegations at Hana, and offered a measurement of the U.S. proposals against the four principles. Also included was the transcript of the Hana talks, but no recommendations were offered and the Joint Committee was unable to arrive at a consensus even on the factual character of the draft report. It was thus submitted unsigned and in that form to the Congress.³⁴

³⁴ *Draft Report of the Joint Committee on the Third Round of Negotiations in Hana, Maui, Hawaii to the Congress of Micronesia, Second Regular Session, 1972, Fourth Congress (Saipan: Congress of Micronesia, 1971).*

The Congress considered the Report amid some dissension and passed a resolution granting the Joint Committee greater latitude in discussions. The inability to reach internal agreement prompted Senator Ambilos Ieshi (Ponape) to remark "maybe we should introduce a resolution urging the members of the Committee to negotiate among themselves before going into negotiations with the United States Government".³⁵

³⁵ *Journal of the Senate, Congress of Micronesia, Fourth Congress, Second Regular Session, February 19, 1972, p. 207.*

As the future outline of a new relationship with the United States had begun to emerge, Micronesians began to focus on the future character of their internal relationships. This issue came to the fore via tax legislation adopted in 1971 which in turn brought the Congress face to face with an issue only slightly less divisive than that of the relative merits of commonwealth, free association, and independence: the division and distribution of internal revenues. The Marshall Islands under the new tax legislation was contributing well over half of all Micronesian internal revenues, with the Mariana Islands running a poor second. Looking to the future, the Congress could envisage enormous revenues being generated in three districts (the Marshalls, the Marianas, and the Palau Islands) and relatively few in other districts which among them contained well over half of Micronesia's population (Ponape, Truk, and Yap).

With this in mind, members of the Marshall Islands delegation, supported by the Marianas and Palau delegations, introduced into the House a bill providing for a 50 percent rebate of all internal revenues to the districts of origin. After a bitter, highly emotional debate, the bill was effectively killed through referral back to committee.³⁶

³⁶ *Journal of the House of Representatives, Congress of Micronesia, Fourth Congress, Second Regular Session, 1972, pp. 307-312, 330.*

The Marshallese reaction was swift: Congressman Charles Dominick, a key figure in that delegation, introduced a resolution which would allow each district to negotiate its own future separately:

I introduce this resolution to bring out into the open what we have all been privately thinking and talking about. The "nation of Micronesia", like the Trust Territory of the Pacific Islands, is nothing but an illusion, an illusion that has been fostered by the administering authority.³⁷

³⁷ *Ibid.*, February 26, 1972, p. 382.

Though the resolution was referred to committee and remained there, the Marshallese had the support of the Marianas delegation (who had hoped for a similar resolution endorsing separate Marianas negotiations with the United States) and of some members of the Palau delegation. Congressman Timothy Olkeriil (Palau) commented:

If no arrangement satisfactory to all can be arrived at between our status committee and the status delegation representing the United States, then each district must be permitted to seek any terms and conditions it desires in unilateral negotiations with the U.S.³⁸

³⁸ *Ibid.*, February 28, 1972, pp. 440-441.

44 ALAN—PATS

Senator Roman Tmetuchl, one of the several most influential leaders in Palau and a member of the JCFS, argued that the only means of holding together Micronesia appeared to be the establishment of a "federation of relatively independent states".³⁹

³⁹ *Journal of the Senate of Palau*, February 28, 1972, p. 315.

The battle lines were drawn between the districts: those having or foreseeing increased tourism, deepwater ports, or defense installations were seeking or considering separation from the rest of Micronesia or, at best, a loose political federation. Those having no such source of income would continue to favor unity, and oppose efforts directed at greater district autonomy—either in separate relationships with the United States, or among themselves with respect to revenue sharing.

Both House and Senate Interior Committees conducted hearings after the breakdown in the third round. Ambassador Williams briefed both Committees during November 1971 and formally brought the issue of whether the United States should recognize the Marianas requests for separate status or continue to discourage them. In his testimony he stated that:

The talks also brought to the fore the desire of the Marianas for a close and permanent association with the U.S. This was acknowledged by the Micronesian Delegation and the prospect that a separate status will be negotiated for the Marianas was openly recognized by their Chairman.

The fourth round of status negotiations took place five weeks later in Koror between April 2-13, 1972. Although some progress was made in the negotiations, the most significant event occurred outside the formal context of the talks. On April 12, 1972, the two Mariana Islands representatives on the Joint Committee (Senator Edward Pangelinan and Congressman Hernan Guerrero) with the approval of the Joint Committee presented a letter dated April 11, to Ambassador Williams covering a Marianas "Statement of Position". The latter requested separate political status negotiations between the Mariana Islands and the United States with a view to a Marianas' political union with the United States. The U.S. delegation had anticipated the request and the same day informed the JCFS that the U.S. Government "is willing to respond affirmatively to the request that has been formally presented to us today to enter into separate negotiations with the representatives of the Marianas in order to satisfy a desire which the Joint Committee has already recognized."⁴⁰ Eight months later the separate negotia-

⁴⁰ Office for Micronesian Status Negotiations, *The Future Political Status of the Trust Territory of the Pacific Islands, Official Records of the Fourth Round of Micronesian Political Status Talks, Koror, Palau, April 2-13, 1972* (Washington, D.C.: Office for Micronesian Status Negotiations, 1973), p. 63.

tions, directed at commonwealth status for the Northern Mariana Islands, opened on Saipan.

Since the talks in Koror, there have been three more rounds of negotiations to determine a compact of free association. The increased perception of the withdrawal of U.S. administration, opposition to which has been the primary force for unity during the negotiations, has led to increased movement towards separation. Having resolved, for the most part, questions of U.S. sovereignty, land issues, and assistance—questions on which the various districts could present a unified position—internal frictions and distrust brought conflicts into the open.

EVENTS OF 1972-1974

Although there was some discussion in the Palau and Marshall Islands District Legislatures in March and April, 1972, of establishing district political status commissions which could explore possible status courses for those districts, enabling legislation died in committee. The revenue distribution issue came alive again early in 1973 at the next regular session of the Congress when the Marshallese delegation (supported by the Marianas and Palauan delegations) pressed for adoption of the 50 percent rebate legislation that had been defeated in 1972. The measure was buried in committee by Trukese and Ponapean parliamentary maneuvers, prompting a temporary walkout from the House by some members of the Marshallese delegation.⁴¹

⁴¹ House Bill 72. See: *Journal of the House of Representatives, Congress of Micronesia, Fifth Congress, 1st Regular Session, 1973*, pp. 219-222.

45 ALAN—PATS

In reaction to the U.S. decision to enter into separate negotiations with the Marianas (which had in fact begun a few weeks earlier in December, 1972) and sensing what might be coming in the Marshall Islands and possibly elsewhere, the Congress of Micronesia did adopt Senate Joint Resolution 38. That resolution declared that only the Congress of Micronesia and its Joint Committee on Future Status was legally empowered to negotiate the future status of Micronesia and of any of its districts. The possibility that the Marianas might have a separate relationship with the U.S. after termination of the trusteeship had been recognized by the JCFS, but it was believed even the Marianas' future status should be a matter for negotiation by the JCFS. This seeming contradiction apparently flowed from a hope that the Marianas might still be enjoined to remain with the rest of Micronesia, and from a realistic appraisal of the leverage such a negotiating mandate might provide to the JCFS and the Congress with respect to the future of Micronesia other than the Marianas.⁴²

⁴² These considerations surfaced in Senate debate of SJR 38, and in a committee report on the resolution. See: *Journal of the Senate, Congress of Micronesia, Fifth Congress, First Regular Session, 1973*, including Special Committee Report No. 62 of February 16, 1973, provided at pp. 461-462.

The reaction of the Marshallese leadership to the Congressional failure to adopt the revenue rebate legislation was swift and not wholly unexpected.

On March 23, 1973, the Marshall Islands District Legislature adopted a resolution demanding that the Congress at its next regular session in early 1974 enact the desired 50 percent tax rebate legislation. If the Congress should fail to heed that demand, "the Marshall Islands shall . . . promptly commence separate negotiations with the United States on the future political status of the Marshall Islands."⁴³

⁴³ Resolution No. 40 of March 23, 1973, Marshall Islands District Legislature.

Adding teeth to the measure, the Legislature on April 13, 1973, adopted legislation providing for a Marshall Islands Political Status Commission empowered to: (a) examine status alternatives; (b) recommend thereon to the legislature; (c) negotiate with the United States on the future status of the Marshall; and, (d) failing U.S. agreement to negotiate with the Commission, negotiate with other nations.⁴⁴

⁴⁴ Resolution No. 82 of April 13, 1973, Marshall Islands District Legislature.

Coincidentally on the same day the Palau District Legislature by resolution instructed one of its standing committees to study and recommend whether Palau should enter into separate status talks with the U.S.⁴⁵

⁴⁵ Resolution No. 73(1)-2 of April 13, 1973, Palau District Legislature.

With Micronesia slipping to the edge of possible total fragmentation, Ambassador Williams visited Majuro in the Marshall Islands in mid-May 1973, to address a conference of district administrators from throughout the territory. While briefing the administrators on the status negotiations (in suspense owing to the public lands confrontation), he offered remarks which since have become the public policy position of the U.S. Government with respect to Micronesian unity and separatist movements.

Many Micronesians consider the question of Political unity to be the most important issue faced by Micronesia today. The problem is basically one which the Micronesians must resolve for themselves. However, the United States has pursued the future status negotiations with the Joint Committee on Future Status in the hope and expectation that a common status will be forthcoming for the Marshalls and the Carolines. The United States will continue to hope that out of these negotiations and, more importantly, out of the deliberations within Micronesia regarding the nature of your future government, will come a united Micronesia. We continue to believe that despite considerable cultural diversity and differing local problems and interests, a unified Micronesia would best meet the economic, social and other needs of the people concerned.

46 ALAN—PATS

The statement made clear that Micronesian unity was a Micronesian problem requiring Micronesian solutions. Ambassador Williams did not foreclose the possibility of further fragmentation and the option of negotiating separately with various districts.

MARIANAS STATUS

The negotiations with the Marianas proceeded swiftly and the final Covenant was negotiated in slightly over two years. Formal and informal Congressional briefings occurred more frequently.

In April, 1972, only days after the Marianas representatives on the JCFS presented to Ambassador Williams a statement of position requesting separate political status negotiations directed at a political union of their islands with the U. S., key Marianas elected leaders delivered a letter to the Ambassador endorsing that position and pledging:

Loyalty and dedication to the principles for which America stands, and to accept the responsibilities of the freedom that the United States of America guarantees and defends.⁴⁶

⁴⁶ Office for Micronesian Status Negotiations, *Marianas Political Status Negotiations, Opening Round, December 13-14, 1972* (Washington, D.C.: OMSN, Department of the Interior, 1973), p. 7.

On May 13, 1972, the Marianas District Legislature by resolution further endorsed the call for separate negotiations and political union with a resolution which stated:

We advocate our present position for the sole reason that we desire membership in the United States political family because of the demonstrated advantages of such a relationship. More than any other nation with which we have had contact, the United States has brought to our people the values which we cherish and the economic goals which we desire. Continued affiliation with the United States offers the promise of the preservation of these values and the implementation of these goals.⁴⁷

⁴⁷ *Ibid.*, pp. 19-20.

The resolution cited human and political rights as the values "cherished", and economic development as the goal "desired".⁴⁸

⁴⁸ *Ibid.*

Six days later the District Legislature established a fifteen member Marianas Political Status Commission (MPSC) empowered to negotiate the future status of the Marianas. The enabling measure provided for representation from the district legislature, each of the three municipal councils in the Marianas, the district's two political parties, the local Carolinian community, the chamber of commerce, and for membership by the two members of the Mariana congressional delegation participating in the Congress of Micronesia's JCFS. Senator Edward Pangelinan, a member of the Congress of the Micronesia and of the JCFS, was selected as Commission Chairman. Vicente Santos, President of the District Legislature, was named Vice Chairman.

In May, 1972, a Marianas delegation attended the United Nations Trusteeship Council session to report to the United Nations on steps taken toward a separate political status and to plea for Council understanding. In making their case, the Marianas representatives laid before the Council the results of three Marianas plebiscites endorsing political union with the United States, petitions calling for such status dating back to 1950, and the texts of twenty District Legislature resolutions relating to that goal adopted between 1963 and 1971. The representations were thorough and persuasive, although the Trusteeship Council responded with something less than enthusiasm. Seven months later in mid-December, 1972, the Marianas status negotiations began on Saipan.

The first round of negotiations was largely ceremonial. The talks were held in Saipan on December 13 and 14, 1972, and primarily established only that some form of union between the Mariana Islands and the United States was contemplated. The primary issues of form of status, land, financial assistance, and transition were outlined, but detailed discussion was left to a later round.

47 ALAN—PATS

In early 1973 both delegations refined more thoroughly their objectives and concerns. All negotiations thereafter—at intervals of approximately six months—were purposeful, highly substantive, and given over to negotiation of specific issues rather than debate of broad principles.

At the next round of negotiations between May 15 and June 4, 1973, agreement in principle was reached on the establishment of a future territorial relationship characterized as commonwealth status, full U. S. sovereignty, and complete U. S. control of the foreign affairs and defense of the Marianas. A Marianas commonwealth would be locally self-governing under a constitution drafted by a Marianas constitutional convention and approved by the people of those islands in a referendum. U. S. defense land requirements in the Marianas were described and acknowledged by the MPSC, with negotiation of specifics left to a later date.⁴⁹

⁴⁹ Office for Micronesian Status Negotiations, *Marianas Political Status Negotiations, Second Session, May 15-June 4, 1973* (Washington, D.C.: OMSN, 1973) pp. 1-11.

Specifically the second round reached tentative agreements printed as Appendix — herein.

The summary was transmitted to the Congress, as had summaries of all prior rounds with the Joint Committee, and formal briefings and discussions were held with members of Congress prior to the negotiation of specific issues. Interested members had been routinely briefed both prior to and after each of the negotiations with the Joint Committee. The Subcommittee on Territories held a formal hearing on the progress in the negotiations on September 29, 1973, and reviewed the details of the tentative agreement. In addition, the staffs of the Senate and House Armed Services and Appropriations Committees were briefed prior to the beginning of negotiations on land requirements in the Marianas.

After the hearing and subsequent discussions, the third round of negotiations was held in Saipan from December 6 to December 19, 1973. On the basis of the Congressional discussions, specific issues including land requirements were addressed. The tentative agreement which were reached are set forth in Appendix —.

Again the documents were published and submitted to the Congress, and the details discussed with interested Committees and members. The primary subject of discussion in the fourth round would be the question of lease versus purchase of land in the Marianas together with acreage. The details of the agreements were again reviewed.

The fourth round of negotiations focussed, as expected, on the land issues. The tentative agreements are set forth in Appendix —.

With a tentative agreement on virtually all aspects of the agreement, detailed review of the Covenant, which in draft form was available, was held by the Congress. Issues on which Congressional views were specifically sought included, inter alia, those set out below:

A. LOCAL SELF-GOVERNMENT

1. The future Mariana Commonwealth would be established under a locally adopted constitution. This would include a bill of rights and provide for the separation of powers, a popularly elected chief executive and local courts on the Guam pattern in addition to a federal court. The Mariana constitution would be submitted for approval by the United States on grounds of consistency with the relevant provisions of the United States constitution, legislation establishing the commonwealth arrangement and any other relevant federal legislation. Mariana constitutional amendments would not require approval by the federal government although federal courts would be competent to pass on the consistency of such amendments with relevant provisions of the United States Constitution and of federal law.

In this regard, the following issues of Congressional concern are currently under discussion:

Whether approval of the Constitution by the United States should be by Congress or the President (As to the latter, it has been suggested that the Constitution would become effective automatically if after the President notifies the Congress of his intent to approve the Constitution the Congress does not act within thirty days).

48 ALAN—PATS

Whether the Constitution should be submitted for U.S. approval at the same time as approval of the status agreement.

Whether the authority of the local government should extend to all matters of "local application" or to all matters of "rightful subjects" of legislation (old or new Virgin Islands formula).

Whether the Marianas may follow the U.S. Congressional bicameral example with a Senate that does not have membership based strictly on population.

2. It was agreed during the third session of the status talks that the U.S. would exercise full sovereignty over the Marianas and hold full plenary powers. It was also agreed that certain specifically designated provisions of the new agreement designed to assure maximum self-government for the future Commonwealth of the Marianas would not be amended or repealed except by mutual consent of the parties. To this extent the exercise of United States plenary authority in the Marianas would be voluntarily limited. 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.

The following specific provisions are under discussion for possible inclusion in such a mutual consent limitation:

The basic commonwealth relationship between the U.S. and the Marianas.

The right of Marianas citizens to become U.S. citizens or to select U.S. national status in lieu of U.S. citizenship anytime within six months after the end of the trusteeship.

The right of the Marianas to adopt a locally drafted constitution and to amend it without specific U.S. approval so long as it is compatible with the status agreement approved by Congress and U.S. law (as interpreted by U.S. courts).

The right of the Marianas to establish and maintain local courts.

The application of only certain specified provisions of the U.S. Constitution to the Marianas.

The ability and duty of the Marianas to prohibit the alienation of local land to persons not of Marianas ancestry.

Specified safeguards attached to the exercise of federal powers of eminent domain.

The initial seven year U.S. financial commitment.

Representatives of the Marianas have further suggested that the U.S. Congress not extend federal legislation specifically to the Marianas if such legislation does not also apply generally to the states and unless the Marianas are not included by name and there is no "national interest" involved.

B. APPLICABILITY OF FEDERAL LAWS

1. Federal Laws to be applied to the new territory

The parties have agreed to look for a general formula to cover the interim application of existing federal laws to the future Commonwealth of the Marianas. Such a formula would have to be consistent with other provisions of the Status Agreement now being negotiated and should take into account the body of federal legislation presently applicable to the Trust Territory. The U.S. suggested that those federal laws of general application to Guam apply to the Northern Marianas but only to the same extent as they apply to the states, though specific exceptions might be necessary to cover special circumstances. At an appropriate time after the Status Agreement is signed, a Joint Commission would undertake a detailed study of relevant federal legislation and make specific recommendations to the United States Congress for a permanent arrangement on the applicability of such legislation in the Marianas.

With regard to the suggested interim formula the following issues are being examined:

(1) Whether or not the following laws applicable to Guam should be inapplicable to the Northern Marianas:

(a) Jones Act on intercoastal shipping.

(b) Fair Labor Standards Act minimum wage provisions.

49 ALAN—PATS

(c) Requirements in U.S. Banking acts that would confer certain benefits on U.S. banks in the Marianas they do not have in the U.S. and in some territories such as requirements that local banks join the federal reserve system and be subject to its auditing, loan reserve levels and cash on hand requirements.

(d) The U.S. Internal Revenue Code.

(2) Whether or not the following laws inapplicable to Guam should be applied to the Northern Marianas:

(a) Federal Crop Insurance Act to protect against typhoon damage to local crops.

(b) Consolidated Farmers Home Administration Act.

(c) Public Health Service Statutes for U.S. grants for hospital construction and preventative medical programs.

(3) Whether or not Social Security Titles 1, 10, 14 and 16 which do apply to Guam but which are not applied generally to the states and thus not extended under the general formula would be made applicable to the Marianas. (Marianas representatives also propose that the Marianas share of TTTPI Social Security funds be phased into U.S. funds and that Marianas employee salary deductions and employer contributions be limited to 1% each the first year and increased by 1% a year until it matches U.S. deduction requirement of 5% each).

2. Provisions of the U.S. Constitution to be applied to the Northern Marianas

It has been agreed that Article IV Section 2, Clause 1 of the United States Constitution relating to "privileges and immunities" would apply in the Marianas. An appropriate limitation to its application would be made elsewhere in the formal status agreement to assure that the ability and duty of the future Marianas Government to preserve control of the land of the Marianas in the hands of Marianas citizens will not be compromised and to recognize that this authority may flow also from the 14th amendment and other federal statutory sources as well. Citizens of the Marianas as U.S. citizens would be entitled to all privileges and immunities of citizens in the several states. Article IV, Section 1 of the United States Constitution relating to "full faith and credit" would apply with respect to the Marianas as if it were a state. The requirements in the United States Constitution of indictment by grand jury and of a jury trial in civil cases need not be made applicable in the Marianas. The Marianas Political Status Commission undertook to study further which additional provisions of the United States Constitution should be made expressly applicable in the Marianas.

Pursuant thereto, the following additional provisions of the U.S. Constitution are now under discussion for possible extension to the Marianas:

Article I § 9 cl. 2, 3, 5, 6.

Article I § 10 cl. 1, 3.

Article VI.

Amendments 1-4.

Amendment 5.

Amendments 6, 7.

Amendments 8, 9, 13, 14 § 5.

Amendments 15, 19, 26.

Amendment 27 (if adopted by the states).

C. WASHINGTON REPRESENTATIVE

Recognizing that the question of Marianas representation in the United States Congress is ultimately a matter for decision by that body, the United States delegation agreed to support a request by the Marianas for its own non-voting delegate in Congress. The parties agreed to explore a common approach to the United States Congress on this subject. Informal soundings in the House on this subject have been negative thus far.

In this regard, the following issues are now being discussed:

Whether this subject should be made part of status agreement or left entirely to the Congress.

Whether Guam's representative could also represent the Marianas Commonwealth in the U.S. Congress.

Whether the U.S. Congress would agree to give the Marianas a non-voting delegate when the local population equals 50,000 per the Virgin Islands precedent.

50 ALAN—PATS

D. FINANCIAL SUPPORT

The two delegations tentatively agreed on an initial 7-year program of U.S. financial assistance to begin following the installation of a new Government of the Northern Marianas in accordance with a popularly approved constitution. This could be as early as July 1976. Under this tentative agreement the U.S. will provide \$13.5 million for each of these years in direct financial grants as follows: a grant of \$8 million a year to help meet the cost of government operations; a grant of \$1.5 million a year to the future Government of the Northern Marianas to be used for economic development loans, with \$500 thousand a year of this amount to be reserved for small loans to farmers and fishermen and to agricultural and marine cooperatives; and a grant of \$4 million a year for Capital Improvement Projects of which at the Marianas Political Status Commission request \$500 thousand a year will be reserved for Rota and \$500 thousand a year for Tinian because of the urgent development needs on those islands. U.S. assistance will be provided in constant 1975 dollars.

In addition, a wide range of services and assistance now available generally to all U.S. territories under regular federal programs will also be available to the Marianas. The United States estimates the value of federal services and assistance at \$3 million a year. The total annual assistance is thus estimated at \$16.5 million.

In these matters the following issues are being addressed:

Whether there should be a commitment for U.S. to continue funds beyond first periodic review (at first seven years).

Whether Marianas should be permitted to use its federal monies for Marianas contribution for "matching funds" required under some federal programs.

Whether the U.S. Congress will be willing to provide a multi-year appropriation vice an annual appropriation.

Whether financial assistance funds are part of status agreement and could not be changed once the status agreement is ratified by the U.S. Congress.⁵⁰

⁵⁰ Office for Micronesian Status Negotiations, August 12, 1974, copy in Committee files.

Throughout the negotiations the Marianas, as well as Ambassador Williams, sought Congressional advice. Before the negotiations began, the Marianas retained the services of Howard P. Willens from the the Washington Law Firm of Wilmer, Cutler, and Pickering, and James R. Leonard of James R. Leonard Associates, Inc., also in Washington and who participated in the Robert Nathan economic study. Prior to and after each round, Willens or his assistants briefed interested Committees and members and discussed the position of the Marianas. Congressman Philip Burton stated in testimony before the Committee, "I, myself, have had at least as many or probably more consultations and discussions with the political leadership of the Northern Marianas in this respect than even the countless number of consultations I get with our Ambassador."⁵¹ Senator Johnston was

⁵¹ Committee on Interior and Insular Affairs, U.S. Senate, *Hearing on S.J. Res. 107 To approve a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the U.S.A.*, transcript p. 13.

likewise prompted to remark, "We have had consultations which have had consultations which have not approached the status of ad nauseum, but certainly ad infinitum. We had had so many consultations on this thing, we have almost worn out the subject."⁵²

⁵² *Ibid.*, p. 3.

The Full Interior Committee reviewed the provisions of the draft Covenant on September 12, 1974, and the Subcommittee on Territories again discussed the draft Covenant and the work to date on a Compact of Free Association with the remaining five districts on September 25, 1974, as a part of hearings on the supplemental authorization request for the Trust Territory.

51 ALAN—PATS

The full Committee hearing and subsequent discussions permitted nearly full agreement to be reached during the first part of the Fifth Session held in Saipan from December 5 to December 19, 1974. The importance of Congressional views was alluded to by Ambassador Williams in his opening statement at the Fifth Session. "In the interim [since the fourth session] you have had your internal consultations and so have we since we recognize, as I am sure you do, that our work is ad referendum in nature and that our success will depend upon the ultimate acceptance of our product by the people of the Northern Marianas and by the Congress of the United States."⁵³

⁵³ Office for Micronesian Status Negotiations, *Marianas Political Status Negotiations, Fifth Session, December 5-December 19, 1974* (Washington, D. C.: OMSN)

Both parties agreed on the terms of a Covenant to Establish a Commonwealth and agreed to meet again in February of 1975. The Covenant, together with the statements, was printed and distributed to the Congress to determine if any problems remained. The parties met again in February in Saipan and on February 15, 1975, the Covenant was signed by Edward Pangilinan and Vicente Santos for the people of the Northern Mariana Islands and by Ambassador F. Haydn Williams for the United States.

The process for final approval and implementation of the Covenant required approval by the Marianas District Legislature and by plebiscite prior to submission to the United States Congress which would have to approve it as with the Organic Acts for Guam and the Virgin Islands, Commonwealth of Puerto Rico, and Statehood Acts for Hawaii and Alaska.

The Marianas District Legislature approved the Covenant unanimously on February 20, 1975. The character of the resolution providing that "approval" apparently is somewhat ambiguous; rather than approving the substance of the Covenant per se, it approved the Covenant "for submission to the people of the Northern Mariana Islands in a plebiscite." The resolution noted that "only the people of the Northern Mariana Islands can decide whether the Covenant embodies the political relationship which they desire to achieve by their sovereign and inalienable right of self-determination."

The plebiscite was conducted on June 17, 1975, pursuant to Secretarial Order 2973 (April 10, 1975) which included, as an appendix, a proclamation outlining the duties of a plebiscite commissioner. The Plebiscite Commissioner, Erwin D. Canham, was appointed by President Ford on April 11, 1975. The Trusteeship Council of the United Nations was invited by John Scali, U. S. Ambassador to the United Nations, to observe the conduct of the plebiscite. The invitation was accepted by James Murray, Chairman of the Trusteeship Council (U. K.), John Mellaish (Aust.) and Bertrand de Guilhem de Latilade (France).

The plebiscite commissioner outlined his activities during Committee hearings.⁵⁴ Concerning political education he indicated that

⁵⁴ Hearings on S.J. Res. 107, op. cit., pp. 46-51.

"To that end, we published the text of the Covenant in English, Chamorro, and Carolinian, the texts of the secretarial order and proclamation in English and Chamorro, a simplified version of the Covenant in English, The Technical Agreement, which accompanies the Covenant in English and Chamorro, and a Questions and Answers booklet, which I wrote myself in English, Chamorro, and Carolinian.

"In addition I appeared on radio and television a number of times to explain the technical details and support the registration. . . .

"The campaign was lively, and had gone on for a long time before this spring. The people had received extensive information, pro and con."⁵⁵

⁵⁵ *Ibid.*, pp. 48-49.

52 ALAN—PATS

"The registration drive produced a total registration of 95 percent of those eligible. Of those registered, 95 percent voted on June 17, 1975. The final vote as certified by the Plebiscite Commissioner was 78.8 percent in favor of the Commonwealth Covenant. Mr. Canham described the reaction of the United Nations Mission: "While the report of the visiting Mission has not yet been made public, we had ample assurances from its Chairman—both personally and on radio and television—that the Mission found the conduct of the plebiscite satisfactory."⁵⁶

⁵⁶ Ibid., p. 51.

Upon the certification of the vote, that the Marianas people had approved the Covenant, the Covenant was formally transmitted to the Congress for approval.