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DRAFT: JMW:mw 10/1/73

The Honorable Phillip Burton

Chairman, SubC on Territorial  
and Insular Affairs  
House Cmt on Interior and Insular Afrs.  
House of Representatives  
Wash., D.C. 20515

Dear Mr. Chairman:

This will reply to your letter of September 25, 1973, forwarded to me here in San Francisco, regarding your discussions with Senator Nakayama, Speaker Henry and Congressmen / <sup>Olkeriil</sup> and Setik. As you may know I also saw the first three of those gentlemen in Washington during their stay and had an opportunity to discuss some of these matters with them.

The three questions you raise are all things which I have been discussing for some time with Senator Salii, Chairman of the Micronesian Joint Committee on Future Status. There is a rather complex background on each. I am hopeful, however, that we will be able to resolve our differences on these subjects in the near future. Indeed I shall be considering them again with the Senator this week when I expect to see him here in San Francisco or Honolulu.

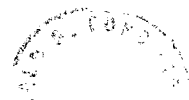
The question of public land in Palau is one which was first raised last winter and one on which I have both testified before your Committee and discussed with you less formally. As you know the Micronesian Joint Committee tentatively agreed one year ago to several sections of

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a draft compact of free association. One of these was an annex setting forth the U.S. military requirements in Micronesia. Included in this was a series of options to acquire if desired in the future, certain small parcels of land in Palau and use rights for a larger area to be exercised at infrequent intervals for maneuvers, with the inhabitants retaining the otherwise uninterrupted enjoyment of that area. Exact sites remained to be more fully defined.

Early last year I was advised officially by Senator Salii that no further negotiations regarding U.S. land requirements in Palau could take place unless and until all public land in that district had been returned to the traditional chiefs. As you know this put an immediate stop to our negotiations while we considered the matter. I told Salii immediately that this was a very complex question which we could not answer for one district alone since all would have to be treated with equal fairness. In any event we had always considered public land in Micronesia to be something the United States as Administering Authority held in Trust for the people of Micronesia and that its final disposition would be up to the Micronesians themselves to decide as part of the new arrangements they made for their own internal government at the end of the trusteeship.



In effect he was now asking that this process be accelerated. This we were willing to study sympathetically, but a great number of factors were involved and it would take time even though we would give it top priority.

Our studies are now completed but still await replies to a series of questions I put to Senator Salii last May regarding Micronesian desires on a number of aspects of the basic question. These have been promised by Salii but have not yet materialized. Depending on what he says, I suspect we can go far in / <sup>accommodating</sup> Micronesian desires, although several limitations may have to be insisted upon. The final decision of course will be up to Secretary Morton under whose ultimate authority the disposition of public land falls.

The second question you raise regarding land documentation is directly related to the foregoing. When I promised Salii to study the return of public land as a priority matter I told him we would have to consult the experts both here and in Micronesia. In June we asked the three top members of the High Commissioner's staff to come back here to Washington and help us work out a plan of action. These gentlemen were a Ponapean, Mr. Kozo Yamada, and two Americans, Messrs. Maynard Neas and Emmet Rice. They were here for some time working closely with representatives of my office and Interior.

Rice brought with him an informal hand typed list covering the laws applicable to the land transfer question. When the three men arrived they were given a copy of an internal memorandum from my office setting out the problems, questions to be pursued and possible alternative solutions. The end product of their visit was a paper in which they summarized the results of the discussions as they saw them together with their candid informal recommendations and a summary of issues and possible answers prepared by my staff. These were all internal working papers belonging to my office.

When the three gentlemen returned to Micronesia they were summoned by a sub-committee of the Micronesian Joint Committee and asked to produce copies of these three papers or barring this to describe their contents. Some of the documents in question, being part of the U.S. negotiating package, had been classified and turned over to the High Commissioner for safe keeping when the three gentlemen reported to him on their trip. On instructions from here, the High Commissioner declined to make the documents available on the grounds they were internal working papers belonging to the U.S. Government and containing negotiating positions and the three gentlemen were instructed to refrain from oral comment on their contents. At the same time they were told, and the Committee was so advised, that any factual information available to these gentlemen was to be given the Committee, together with any advice solicited by the Committee or its

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members. Notwithstanding this the sub-committee, the end of July asked the Attorney General of the Trust Territory to issue criminal charges against the three on grounds of contempt of a Subcommittee of the Congress of Micronesia.

The matter is still under discussion with the Attorney General. Meanwhile I have given Senator Salii all of the factual information involved, together with the results of our own separate internal studies of the situation in each of the districts. I am hopeful the issue can be put to rest in the very near future.

Sincerely yours,

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