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THE PRESIDENT'S PERSONAL REPRESENTATIVE
FOR MICRONESIAN STATUS NEGOTIATIONS
WASHINGTON, D.C. 20240

April 26, 1979

MEMORANDUM FOR MATT NIMETZ

- SUBJECT: 1. Meeting with Congressman Phillip Burton
4/24/79, 5:30-7:30 p.m. at his office
2. Telecon with Jim Beirne, Senate Committee
on Energy and Natural Resources, 4/25/79

1. Burton called Tuesday afternoon to ask whether I could see him at 5:30. When Jim Berg and I arrived he was already well into a meeting which included Congressman Bob Lagomarsino (R-Cal., the senior minority member of Burton's Subcommittee), Congressman Won Pat of Guam and a number of staff members. After about half-an-hour Lagomarsino left and was replaced by the second ranking Republican on the Subcommittee, Don Clausen (R-Cal.).

The burden of Burton's message was clear, although the details were not; Burton would not take any action on a Micronesian status agreement during the remainder of this Congress. He explained that he and his Republican colleagues, though they disagreed on most things, had a splendid working relationship which they would not jeopardize over this issue. The implication was that if an agreement were to be sent up during this Congress the Republicans would feel compelled to take a public position in opposition to it on ideological grounds (Panama) because of the approaching presidential election. Actually, however, they weren't really opposed to it if they could be assured that U.S. interests were adequately protected, and would not create an issue if the compact were sent to them "the day after Election Day," assuming the President were re-elected. Since the Republicans would have to oppose the Compact now Burton would also oppose it or, at best, fail to support it because he would not want to worsen his relations with his Republican Subcommittee colleagues over this issue.

As Burton progressed through his presentation, he turned successively to Lagomarsino and Clausen for confirmation of what he was saying about their position. With some hesitation, they nodded their heads in approval. However, at the end of the meeting Clausen said that there were some aspects of the situation he could not then discuss with me and we agreed to continue our discussion privately on my return from Palau. I gathered that he will wish then to touch, inter alia, upon "the foreign policy question" (i.e., giving such authority to the Micronesians) and something having to do with the protection of Micronesians from exploitation by others of their marine resource zone.

Burton mentioned several times that there was "one chance in 500" that he was wrong in urging that the agreement not be sent up during this Congress and in predicting that it would not be favorably acted upon in the House if we did. He pointed out that he and his Subcommittee colleagues were consistently better informed, wiser, more prescient and skillful than the current Administration or its two predecessors when it came to territorial matters and that they had the batting average to prove it. Thus, we should be forewarned and follow his advice.

Burton advised that we continue to negotiate in any way we wanted until the day after Election Day in 1980. On that day, if President Carter had won, he counseled me to take the first flight to Micronesia to sign my compact. The Committee would then be receptive to any kind of reasonable agreement, but if President Carter had been defeated the issue would have to be taken up by the next administration. He pointed out that December 31 was in 1981 (our target date) as well as January 1, and that there was a possibility that we could get the next Congress to act in time for the date to be met. He assured me (as he always does) that the House would act quickly but that "all those egomaniacs" in the Senate would probably drag the thing out.

I told Burton that this was all a surprise to me and that I certainly could not give him an Administration response, but that I wanted him to realize a couple of things:

-- The negotiations were at a point where interruption of them would almost certainly have a profoundly negative impact on the political situation in the Trust Territory. Burton dismissed this with impatience.

-- While we hoped to have an agreement initialled within the next several months, and wanted to send the initialled document to the Hill for preliminary congressional study, it had no real standing until after it had been signed. It couldn't be signed until a lot of detail work (SOFA agreement, etc.) had been completed, and that would certainly take months of additional time. In other words, the Congress did not have to take official note of a status agreement after it had been completed (i.e., initialled) but before it was signed. Accordingly, the negotiations could be brought to a successful conclusion without precipitating a need for congressional action until some indeterminate later time.

I pointed out to Burton that, as he knew, we had negotiated money with the Micronesians for the first time in the January round and that we had not succeeded in reaching agreement. He wanted to know

what my negotiating instructions were. I replied that while I couldn't tell him that, I could tell him what offers and counteroffers had actually been made by each side--which I then proceeded to do. I told him that the Administration had reached the conclusion that it was necessary to revise the U.S. negotiating position and that we were in the process of doing so. I said that we were anxious for his input and hoped that our new negotiating position would gain his support. I pointed out that I had been trying for many weeks to get in touch with him so as to discuss the new negotiating position with him. He replied that he was aware of that but that he had chosen not to speak to me until he was able to get the Subcommittee's position on the "1981" issue straightened out. Although I returned several times to the need for us to discuss the new negotiating position, Burton did not pick me up on it and returned each time to his original theme that he didn't want to see any agreement on the Hill during this Congress.

Burton adverted several times to his disagreements with the Administration on the matter of the FY 1981 TTPI authorization but I refused to be drawn into a discussion of that subject on the ground that it was not a part of my function to work on the preparation of TT budgets.

2. On April 25 I reported the foregoing conversation to Jim Beirne, the Senate Energy and Natural Resources Committee staff member in charge of territorial matters. Jim felt that the problem should be amenable to resolution along the lines I had indicated.

Thus, he agreed that there was no possibility of suspending or halting the negotiations because, if we did, the whole political structure of the TTPI would fall apart. We should therefore carry on with the negotiations, striving for an early agreement. An initialled agreement had no more standing than the signed Hilo Agreement and was certainly not a basis for official transmittal from the Executive Branch to the Legislative. That could come only after the document had been signed.

If, as I had suggested, it would take a minimum of six months to get all of the detailed subsidiary work done that was necessary before the initialled agreement could be signed, Jim implied it certainly would be possible to see to it that it didn't get on the Senate's agenda before August of 1980, by which time the Senate would be ready to adjourn. He pointed out that the Senate, unlike the House, was a continuing body and that he would need more time to work this through the Senate than the House needed. He, therefore, could use the extra time during the balance of this Congress to good advantage in laying the necessary groundwork with the initialled compact to get it ready for prompt action in the next Congress. Burton and his Republican colleagues could entirely ignore what the Senate was doing if they wished.

COMMENT: Even under Beirne's approach there would still be a question as to when to sign an initialled document and send it to the Hill, but that issue should not inhibit us from going ahead full tilt to try to get an agreement initialled with or without Burton's cooperation.


Peter R. Rosenblatt