



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

YC: Bert  
David  
*[Signature]*

November 5, 1979

MEMORANDUM FOR:

JAMES JOSEPH (Interior)  
STUART EIZENSTAT (White House)  
MATTHEW NIMETZ (State)  
JOHN HARMON (DOJ)  
WALTER SLOCOMBE (DOD)  
CURTIS HESSLER (OMB)  
B/G DAVE PALMER (JCS)  
NICHOLAS PLATT (NSC)

SUBJECT: Congressional Role in Micronesian  
Status Negotiations

Attached hereto please find a copy of a letter which I received this afternoon from Representatives Burton, Lagomarsino and Clausen.

This letter can only be understood in the context of my meeting with these gentlemen on June 13, reported in my attached memcon of June 15 and the evident failure of subsequent efforts to arrive at an understanding with them.

It should be noted that Chairman Burton's June recommendation to negotiate the ancillary agreements before the Compact, repeated here, is not practically possible, since the Compact will control and define the relationship. The letter therefore simply restates the June requirement to suspend the negotiations until after the 1980 presidential election; an eventuality which the members of the Interagency Group previously determined would almost certainly disrupt the entire negotiation process.

The unusually categorical language of this letter may reflect the signatories' disappointment with the Administration in a number of areas. Further efforts to resolve these issues might therefore avert confrontation which does not appear to be in anyone's interest.

Finally, it should be noted that the staff of the East Asia Subcommittee of the House Foreign Affairs Committee has asked me to brief them on the negotiations at 10:00 a.m., Friday, November 9. A Burton staffer is expected to attend. It would be advantageous if at least a preliminary Administration position were available by then.

A handwritten signature in black ink, appearing to read 'Peter R. Rosenblatt', with a large, sweeping initial 'P'.

Peter R. Rosenblatt

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Congress of the United States  
House of Representatives  
Washington, D.C. 20515

COMMITTEES:  
EDUCATION AND LABOR  
INTERIOR AND INSULAR  
AFFAIRS  
CHAIRMAN, SUBCOMMITTEE ON  
NATIONAL PARKS AND INSULAR AFFAIRS  
CHAIRMAN, DEMOCRATIC CAUCUS  
COMMITTEE ON ORGANIZATION,  
STUDY AND REVIEW

November 1, 1979

Ambassador Peter R. Rosenblatt  
Office of Micronesian Status Negotiations  
Washington, D.C. 20240

Dear Mr. Ambassador:

Since you have repeatedly ignored our advice and admonitions concerning the Micronesian future political status negotiations, we are compelled to reiterate our objections more forcefully. We note the modest improvement in the latest draft compact - albeit inadequate - however, our position remains unaltered from that expressed to you last June.

Once again, we enjoin you to delay conclusion of the political status negotiations until after next year's Presidential election. In the interim, as we advised you at the June meeting, you should concentrate upon reaching accord on the ancillary agreements to the compact, which are less political and more technical in nature. To secure an initialed compact, which, in turn, would be submitted early in 1980 to the respective Micronesian governments and the people for approval under terms of the compact, is unacceptable for a number of reasons.

Such a procedure, if successful, would only create significant opposition in the next Congress, including those responsible for managing the joint resolution. The 97th Congress should not be handed a fait accompli; or in other words, the political composition of both the executive and legislative branches resulting from the 1980 November elections must be taken into account and the desires of those newly elected officials considered before any final document is submitted to the Micronesian people.

Ambassador Peter R. Rosenblatt  
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Additionally, it should be stressed that the Micronesians are not adversaries of the United States. The executive branch of the U.S. government should be working with the Micronesians to help them to determine what they will need in the years ahead and how best to secure these goals. It should not be treating them like hostile people as, it seems to us, has been the case in the current negotiations.

We are not obstructionists; the sooner Micronesians determine their own destinies, the better. But your current negotiating schedule seems irresponsible, running the risks of Presidential chagrin and Congressional disapproval of the compact. It also fails to consider such factors in Micronesia as the changing political situation in Palau and the fact that until the newly elected leaders take control around January 1, negotiations between Palau and the U.S. should not and cannot responsibly be resumed.

We hope that you will reconsider your responsibilities and, in the future, demonstrate a greater awareness of political exigencies in Washington as well as Micronesia. If you do not desist from your present course of action (duly notifying us in writing by December 1, 1979, that such is the case), we have no recourse but to hold public hearings, wherein the proceedings surrounding the political status negotiations can be divulged.

Copies of this correspondence have been forwarded to the appropriate officials of the USG.

Sincerely,



DON H. CLAUSEN  
Ranking Minority Member  
Committee on Interior  
and Insular Affairs



PHILLIP BURTON  
Chair  
Subcommittee on  
National Parks and  
Insular Affairs



ROBERT J. LAGOMARSINO  
Ranking Minority Member  
Subcommittee on  
Pacific Affairs



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

June 15, 1979

MEMORANDUM OF CONVERSATION

Date & Place: Wednesday, June 13, 1979;  
Representative Philip Burton's Office

Participants: Representative Phillip Burton, Chairman,  
Subcommittee on National Parks and  
Insular Affairs  
Representative Robert Lagomarsino  
Representative Don Clausen  
Mr. James Beirne, Senate Energy Committee  
Staff  
Mr. Thomas Dunmire, Subcommittee Minority  
Staff  
Ms. Pat Krause, Subcommittee Majority Staff  
Ambassador Peter R. Rosenblatt  
Mr. James Berg

The meeting, which took place at Congressman Burton's request and in his office, lasted from 5 p.m. until approximately 10:15 p.m.

At the initial stage of this long session Burton asked for a briefing on the outcome of the heads of delegation meeting. I described to him the levels of assistance which we proposed to each of the Micronesian commissions and undertook to meet his request for a written description of each offer. Burton raised the following major points:

1. Federal programs. Burton claims that Eliot Cutler of OMB advised him that OMB could approve Section 104 of House Bill 3756 (which provides that "Federal programs shall not cease to apply to the Trust Territory of the Pacific Islands either before or after the termination of the trusteeship, without the express approval of Congress.") He understood Eliot to have agreed that it will be Congress, not the Executive Branch, that will decide what programs will continue and at

what levels. I said that I didn't know what might have transpired between them, but that the Interior phasedown of federal programs was designed to bring them into some sort of rational relationship with my negotiating instructions which do not permit the extension of federal programs in the post-Trusteeship era. He attempted to establish that I had coerced Interior to adopt this policy, to which I replied that it and I both must execute Administration policy.

This conversation developed into Burton's establishment of a July 4, 1979 deadline by which time the Administration must confirm to him in writing that his understanding of Eliot Cutler's comment is correct. If the Administration does not do so Burton will denounce the conduct of the status negotiations, publicly take issue with the Administration's 1931 Trusteeship termination goal and "legislatively mandate" federal programs to Micronesia.

Burton went on to reiterate his view that the Micronesians needed to be protected against the incompetence and rapacity of their own governments and leaders and that this should be done by extending services to them rather than cash grants. He also alluded to his previous calls for a compact which minimized programs with visible cash price tags and maximized unpriced services.

2. Submission of the Compact to the Congress. Burton repeated his admonition that there can be no Compact of Free Association submitted to Congress prior to the next Presidential election (see memcon of April 26, 1979, copy attached). He expanded on it by enjoining me from taking any final action (specifically including initialling) on a Compact until after the election. He advised that we work only on subsidiary agreements such as Status of Forces Agreements, and drop work on the Compact. He looked to his Republican colleagues for support and they again stated that they have significant and substantive problems with the Hilo Agreements. They once again objected to Micronesian control of their own foreign affairs on the ground that this would interfere with our defense interests, a point which I have previously attempted to reassure them on. They also argued that the Micronesians would not be able to adequately defend their commercial interests in 200 mile fisheries zones against Japanese exploitation and that they should not be permitted to handle this alone. They alluded

to a general malaise regarding the security of our defense arrangements under free association and whether or not we will be in a position to defend the Micronesians. They advised that we start the negotiations over from the beginning. It was clear that they preferred a commonwealth arrangement such as the Northern Mariana Islands Covenant. Burton said that while he does not share these substantive concerns, he is unwilling to carry on without Republican support and we therefore must not advance the process of negotiation until after the election. If a Republican captures the White House, we will have to start over anyway; if the Democrats win, Burton will get the Compact through the 97th Congress. He also wants an Administration response to this position.


3. The Administration generally. Much of Burton's rambling presentation consisted of a general indictment of the Administration's dealings with Congress. Through a series of horror stories, Burton made the point that if the Administration attempts to present Congress with an initialled or signed Compact (a "fait accomplis"), he will cause it to be rejected. Burton intends to see to it that the Compact reflects his views in those areas he cares about. He does not wish to add things he wants to a Compact after its submission, but will either do so or kill it if he thinks he has to.

4. Miscellaneous. Burton exhibited unrestrained fury over Administration attempts to delay publication of the GAO report on Enewetak and held me personally responsible for it. The source of his anger seemed to be that he was not consulted even though it was his area, he was working on a bill that dealt with Enewetak and his brother serves on Representative Brooks' House committee that supervises the GAO.

He expressed contempt for the Administration and its works, including its administration of the TTPI.

5. Mood. After the first hour or so of sparring Burton and his Republican colleagues seemed to be reaching out to find some way to find a modus vivendi with the Administration. The price of Burton's fellowship seemed to be my agreement to join him in denunciation of the Administration, identification of devils in

its ranks and agreement to work with Burton against them. When I failed to acquiesce in this approach I was told that I was the devil and personally denounced in vicious and demeaning terms. However, the Administration's compliance with Burton's demands was still said to hold the possibility of some sort of cooperative relationship.



Peter R. Rosenblatt

Attachment

cc w/a:

Matthew Nimetz  
William Bodde  
Under Secretary James Joseph  
Ruth Van Cleve  
Philip Barringer  
COL W. M. Craig  
Nicholas Platt  
Eliot Cutler  
Ron Cogswell  
Walter Slocombe





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THE PRESIDENT'S PERSONAL REPRESENTATIVE  
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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