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COMMUNICATION FROM MR. WALTER JOHNSON CONCERNING THE TRUST TERRITORY  
OF THE PACIFIC ISLANDS

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Route No. 1, Bass Lake  
Pentwater, Michigan 49449  
5 February 1983

The Secretary  
Trusteeship Council  
United Nations  
New York

Dear Sir,

The following has been sent to several members of the United States Congress today:

"Dear Senator (or Representative),

"Ms. Johnson and I have recently retired to Michigan from Hawaii where I taught at the University. Our son Giff is the editor of the publications of the Micronesia Support Committee, based in Honolulu. He has just informed us by telephone of a serious and urgent situation in Palau over the referendum on the compact of free association with the United States now scheduled for 10 February.

"The language of the ballot for the 10 February referendum was completely misleading. Two members of the Palau Legislature, Senators Joshua Koshiba and Moses Uludong, filed suit in court in Palau and on 31 January (last Monday); the court declared the ballot to be illegal. That night, the Palau executive branch rewrote the ballot and is insisting on holding to the 10 February date. This allows insufficient time for voter education on the meaning of the new language. The Government has also announced that, contrary to the Palau Constitution, registered voters will be allowed to vote on presentation of an affidavit of identification.

"Moreover, among other irregularities in the situation is the following: 2,000 Palauan voters are living in Guam, Saipan, Hawaii and mainland United States. In recent weeks, representatives of the executive branch of the Palauan Government have been collecting in person the votes of some of these people. Yet the Palauan Constitution is quite clear. It states that registered voters can vote only (1) at the polling place; or (2) by absentee mailed ballot. How can they vote absentee legally by 10 February?

"Some 1,400 voters in Palau (about 20 per cent of those registered) signed a petition seeking a delay of the referendum and presented it to their Government this week. The Palau Senate has also passed a resolution asking for postponement.

"We are asking that you investigate immediately, as time is so short, the specific questions in this matter. We suggest the following as independent informants: Professor Roger Clark, Rutgers University Law School, who wrote a 10-page analysis that was the basis for the decision of the Palau Court last week. We understand that Professor Clark is looking into the possibility of filing a class action suit in United States District Court in Washington to delay the vote in view of the irregularities. He can be reached at: office, (609) 795-8026; or home, (609) 757-3690. Also, Professor Howard Anawalt, University of California at Santa Clara, is another expert on the Palau Constitution. He is concerned that even the revised ballot is still misleading. His office number is (408) 094-4443 and home, (408) 395-0639.

"After 13 years of negotiations, the compact of free association was signed by the Palau and United States State Department negotiators on 26 August 1982, and 5 November was set as the referendum date. But negotiations were still being carried on over the important capital improvements programme grants in the compact and the vote was postponed to 10 December, then 11 January and then 10 February. Understandably, there is confusion among the voters about the compact.

"In view of the irregularities and uncertainties and the actions that Palauans have already taken in raising questions, it seems that the United States State Department might also be asked to use its influence to get postponement of the 10 February vote until there is a decent interval for the new ballot language to be discussed by the voters and proper time allowed for absentee ballots to be mailed and to be returned by mail. Given the significance of the ending of the 36-year-old United Nations Trusteeship, 1/ this is a crucial vote for both Palau and the United States."

Sincerely,

(Signed) Walter JOHNSON

Notes

1/ Trusteeship Agreement for the Trust Territory of the Pacific Islands  
(United Nations publication, Sales No. 1957.VI.A.1).

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