

Now: ^{no} ~~the~~ ~~Trusteeship~~ I O L 15th ~~the~~ ~~acts~~
January
A.P.H. 301

March 26, 1966

Mr. Vicente H. Santos, President
Mariana Islands District Legislature
Saipan, Mariana Islands

Dear President Santos:

Retained herewith is Act No. 25-1966, which I felt obliged to disapprove on March 23, 1966. The stated purpose of this Act is to have the people of the Mariana Islands District determine the future political status they desire through "an official plebiscite" and "... to invalidate the Trusteeship Agreement as it relates to the Mariana Islands District, no later than January 1, 1969." I feel confident that the Legislature will appreciate that the following considerations make it impossible for me to approve Act. No. 25-1966.

My understanding is that the determination of the future political status of the people of the Trust Territory lies outside the jurisdiction of the several district governments. In the first place, no legislative body in the Trust Territory, including the Congress of Micronesia, is empowered to enact legislation inconsistent with the "Trusteeship Agreement for the Territory of the Pacific Islands," a widely recognized international agreement between the United Nations Security Council and the United States Government, (Trusteeship Agreement, Article 15, and Secretarial Order No. 2822, Section J). Furthermore, the Congress of Micronesia has reserved to the Government of the Trust Territory the primary responsibility for problems of territory-wide concern, including requests for action by the United States Congress and relations with any other government or government agency outside the Trust Territory (Public Law No. 1-6, Section 1 (a)). This does not mean that local governments cannot express their views on such matters, but it does appear to limit their law-making authority in these areas.

A second basic consideration relates to the first. From my understanding of the position of the Trust Territory in the international community, I am extremely doubtful that any plebiscite conducted under the authority of a district legislature would be regarded as official or binding without the sanction or support of the Trust Territory Government and the United States Government and the involvement of the United Nations. I believe it would be misleading to the people of the Marianas District to plan a plebiscite regarding their future political status based solely on Act No. 25-1966.

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Inasmuch as the Government of the Trust Territory has jurisdiction within the Trust Territory over matters pertaining to the Territory's future political status, I am transmitting the views expressed in Act No. 25-1966 to the High Commissioner.

The above is a very brief statement of considerations pertaining to Act No. 25-1966. I would be happy for the opportunity to discuss this subject with you at greater length, should you so desire.

A copy of Act No. 25-1966 and a copy of my letter to the High Commissioner are enclosed.

Sincerely,

Peter J. Coleman
District Administrator

Attachments

cc: Assistant Commissioner for Public Affairs &
Attorney General

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