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SEC DEF
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UNCLAS X (SECTION II OF III)
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SECSTATE PASS TO DEPT INT/SEC INTERIOR/DASTA OSN
WHITE SAID IT IS HIS LEGAL OPINION THAT A LAWSUIT, FIPEO

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PONAPE, AUGUST 24 (MNS)---THE CONGRESS OF MICRONESIA IS FACED WITH A SERIOUS LEGAL AND POLITICAL PROBLEM DURING ITS CURRENT SPECIAL SESSION IN PONAPE: WHAT TO DO ABOUT THE MARIANA ISLANDS DISTRICT.

THIS QUESTION, WHICH HAS UNDERLAIN MUCH OF THIS YEAR'S STATUS ACTIVITY, FINALLY SURFACED THIS WEEK. TWO SPOKESMEN

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FOR THE MARIANAS FORMALLY AND PUBLICLY ASKED THAT THEIR DISTRICT BE WRITTEN OUT OF NEXT YEAR'S PROPOSED MICRONESIAN CONSTITUTIONAL CONVENTION.

THE REQUEST CAME THURSDAY (AUGUST 24) DURING A HEARING OF THE SENATE COMMITTEE ON WAYS AND MEANS, ON THE BILL THAT ESTABLISH THE CONVENTION. THAT BILL PROVIDES FOR DELEGATES FROM EACH OF THE SIX TRUST TERRITORY DISTRICTS FOR A CONVENTION NEXT YEAR THAT WOULD DRAW UP THE MICRONESIAN CONSTITUTION, AND ESTABLISH THE FORM OF GOVERNMENT FOR A MICRONESIA IN "FREE ASSOCIATION" WITH THE UNITED STATES.

THEREIN LIES THE CONGRESS OF MICRONESIA'S DILEMMA. THE MAJORITY OF PEOPLE IN THE MARIANAS, AS EXPRESSED BY THEIR ELECTED LEADERS, DO NOT WANT TO ENTER INTO THE SAME FREE ASSOCIATION STATUS AS THE OTHER FIVE DISTRICTS. THEY WANT A CLOSER, MORE ENDURING RELATIONSHIP WITH THE UNITED STATES AND HAVE ESTABLISHED THEIR OWN STATUS COMMISSION TO NEGOTIATE SEPARATELY TOWARD THAT END. BUT CAN THE CONGRESS LEGALLY LEAVE THE MARIANAS OUT OF THE BILL? AND WHAT WOULD THIS DO TO THE HOPES, STILL HELD BY MANY CONGRESSMEN, FOR SOMEHOW RETAINING THE SIX-DISTRICT UNITY OF MICRONESIA? THE CONGRESS BEGAN THIS WEEK TO

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COME TO GRIPS WITH THESE PROBLEMS.

SENATOR OLYMPIO BORJU AND REPRESENTATIVE HERMAN O. GUERRERO MADE THE MARIANAS APPEAL DURING THE HEARING:

"IT IS MY CONVICTION," SAID SENATOR BORJU, "THAT THIS (CONSTITUTIONAL CONVENTION) BILL WHICH WILL ENABLE THE PEOPLE OF MICRONESIA TO BEGIN CONSTRUCTING THE LEGAL FRAMEWORK FOR THEIR FUTURE GOVERNMENT, SHOULD BE AMENDED SO THAT THE MARIANA

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ISLANDS DISTRICT WILL NOT BE INCLUDED IN THE COMPOSITION OF THE DELEGATES TO THE CONVENTION."

N REPRESENTATIVE GUERRERO SAID: "THE PEOPLE OF THE MARIANAS, AS WAS MANIFESTED ON NUMEROUS OCCASIONS, ARE PURSUING A COURSE WHICH WILL EVENTUALLY LEAD THEM TO A FUTURE POLITICAL STATUS DIFFERENT FROM THAT NOW CONTEMPLATED BY THE CONGRESS OF MICRONESIA. BECAUSE OF THIS DIFFERENT POLITICAL ASPIRATION, WE WISH TO BE EXCLUDED FROM THE FUTURE SET-UP OF THE GOVERNMENT OF MICRONESIA."

THE CONGRESS MUST NOW DECIDE WHETHER, UNDER TERMS OF THE SECRETARIAL ORDER WHICH PRESCRIBES ITS POWERS AND AUTHORITY, IT CAN LEGALLY EXCLUDE ONE DISTRICT FROM A PIECE OF LEGISLATION SUCH AS THE CONSTITUTIONAL CONVENTION BILL. BUT THE LAWMAKERS MUST ALSO

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ASK THEMSELVES WHETHER THEY ARE GOING TO OFFICIALLY RECOGNIZE AND PERHAPS SANCTION THE MARIANAS' PURSUIT OF SEPARATE STATUS, AND IF SO AT WHAT POINT IN THE PROCESS THEY ARE GOING TO DO SO.

AS FAR AS THE MEMBERS OF THE CONGRESS FROM THE MARIANAS ARE CONCERNED, THEIR SEPARATE COURSE ALREADY HAS SUBSTANTIAL SANCTION. SENATOR BORJA POINTS OUT THAT THE PEOPLE OF THE MARIANAS HAVE, THROUGH REFERENDA, PETITIONS TO BOTH THE U.N. AND THE U.U., RESOLUTIONS OF THE DISTRICT LEGISLATURE, AND BY ENDORSEMENT OF THE 1970 U.S. COMMONWEALTH PROPOSAL, AMPLY DEMONSTRATED THEIR FEELINGS. MOREOVER, HE SAYS, THE UNITED STATES, THROUGH AMBASSADOR FRANKLIN HAYDN WILLIAMS, HAS AGREED TO THE MARIANAS REQUEST FOR SEPARATE STATUS. TULKS, THE DISTRICT LEGISLATURE HAS CREATED ITS STATUS COMMISSION, AND THE GROUP HAS NOW BEEN NAMED AND IS READY TO BEGIN NEGOTIATIONS.

"FROM THESE THREE EXAMPLES ALONE," SAID THE SENATOR, "IT SHOULD BE CRYSTAL-CLEAR THAT THE MARIANAS INTENDS TO AND WILL FORGE ITS OWN POLITICAL DESTINY IN CONFORMANCE WITH THE EXPRESSED DESIRES OF ITS PEOPLE, AND WITH OFFICIAL SANCTION OF THE ADMINISTERING AUTHORITY."

SENATOR BORJA AND REPRESENTATIVE GUERRERO BOTH PRESENTED

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WRITTEN STATEMENTS TO THE HEARING. THEIR VIEWS WERE ECHOED BY

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REPRESENTATIVE CARLOS SHODA OF THE MARIANAS, AND THE OTHER MEMBERS OF THE DELEGATION WERE ALSO PRESENT. REPRESENTATIVE FELIPE ATALIG WAS IN THE GALLERY, AND SENATOR EDWARD PANGELINAN IS A MEMBER OF THE COMMITTEE. ALL OF THEM SEEM TO AGREE THAT THE MARIANAS SHOULD NOT BE A PART OF THE CONSTITUTIONAL CONVENTION.

LEGAL OPINION, HOWEVER, SEEMS TO BE IN AGREEMENT THAT THE CONGRESS OF MICRONESIA CANNOT, AT LEAST UNDER PRESENT CIRCUMSTANCES,
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PASS A CONSTITUTIONAL CONVENTION BILL THAT EXCLUDES THE MARIANAS.

MICHAEL WHITE OF THE LEGISLATIVE COUNSEL'S OFFICE WAS SPECIFICALLY ASKED THIS QUESTION DURING THE TUESDAY HEARING. HE REPLIED THAT HE FEELS EXCLUSION OF THE MARIANAS FROM THE BILL WOULD RENDER THE BILL ILLEGAL. WHITE LATER ADDED, HOWEVER, THAT HE IS IN COMPLETE AGREEMENT WITH THE RIGHTS OF ALL OF THE PEOPLES OF THE TRUST TERRITORY TO DETERMINE THEIR OWN FUTURE POLITICAL STATUS.

"IF THE PEOPLE OF THE MARIANAS WANT A SEPARATE POLITICAL FUTURE," HE SAID, "THEN I SUPPORT THEIR DESIRE ONE HUNDRED PER CENT...MY ONLY OBJECTION IS TO THE PATH TO THAT GOAL WHICH IS BEING FOLLOWED."

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