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February 26, 1974

MEMORANDUM FOR THE MARIANAS POLITICAL STATUS COMMISSION FILE

Subject: Transition -- Ad Hoc Committee -- Government Planning --  
Conversation with Roger Fisher

I spoke with Professor Fisher from Harvard Law School for about an hour on February 22. I explained to him the history of the negotiations and the particular problem of government planning/initial legislative program which I had called about. Fisher -- who had only the most general familiarity with the negotiations -- was more interested in the relationship between the Marianas and the United States than he was in the intra-Commonwealth problem of government planning/initial legislative program. It took me some time to get him to concentrate on the latter. His comments can be summarized as follows:

Marianas-U. S. Relationship: Fisher thought that it was unrealistic to try to draw a static line between local affairs, which would be within the exclusive competence of the local government, and foreign affairs and defense, which would be within the exclusive competence of the federal government. We should concentrate, he said, on developing a process by which differences between the Commonwealth Government or its citizens and the federal government could be worked out without endangering the entire relationship.

Government Planning/Initial Legislative Program: Once he focused on the problem, Fisher understood its importance, but was pessimistic about the possibility of our finding someone with very relevant experience. He was not familiar with the IPA. His own experience in this area was minimal: some brief advice to Anguilla after it separated from the Associated States. Fisher suggested compiling the analogies -- he mentioned the Bahamas, Nauru, Jamaica, the Associated States (St. Kit) -- and contacting a number of groups here which we had already thought of. Fisher also gave me the following names as being potentially useful:

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- Thomas Frank (probably at NYU, but in any event reachable through the American Society of International Law); has advised African countries on constitutional problems;
- Archibald Alexander, Jr. (Princeton); spent a year in the Ivory Coast and has written on constitutional problems of a developing country;
- Frank McDonald (reachable through Richard Nolte, President of the Crane-Rodgers Foundation in New York, 212-YU 6-4355); journalist who developed an expertise in government organization problems in the Caribbean; now writing a book.

Fisher also offered two specific pieces of advice on government organization. One, try to structure the government in a way which does not exacerbate parochial island ties. This had been a problem in the Associated States, where there was one dominant island, as in the Marianas. Second, try to establish a small legislature, for this will lead the population to view the legislators as having responsibility as a group for the legislature's action (or inaction) instead of leading the population to judge individual legislators by the positions they take -- as in the United States.

Fisher said he was too busy to take on any substantial responsibility now, but might be available for a day or two of consulting. He also said he would contact me if any other names came to mind. I thanked him and told him I would send him, for his information, some background material on the negotiations.

  
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