

June 27, 1974

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MEMORANDUM FOR MR. WILLENS

Subject: Separate Administration in the Marianas

During a meeting with representatives of the Department of the Interior concerning land legislation on Monday the 24th, Jim Berg made the following points about separate administration for the Marianas.

1. He expects by the end of this week to have a final, approved draft of the plan for separate administration in the Marianas. He will call you as soon as he has a document which you can review. In terms of timing, Jim indicated that if the District Legislature makes a formal request for separate administration during its August meeting, the plan which Jim is developing could be implemented by November 1.

2. The United States is firm in its view that it does not want to negotiate about the terms of separate administration. They want a bare-bones request from the District Legislature, which at most would indicate the general desires of the Marianas in this regard. Jim gave as examples of the level of generality which would be acceptable a request that the Marianas be excluded completely from the jurisdiction of the Congress of Micronesia, and that a separate executive authority be established for Marianas. A request for an elected governor is too specific (and probably inconsistent with the plans).

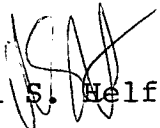
3. The United States wants to establish separate administration quickly, and therefore needs the terms of the separate administration to be kept as simple as possible. Many difficult questions will be postponed under the plan which Jim is working on. For example, the division of the assets of the Trust Territory Government will be determined later by agreement between the High Commissioner and the newly appointed Marianas Executive. And all laws of the Trust Territory will continue in effect for the Marianas, subject to change by the Marianas District Legislature.

4. If land legislation has not been enacted by the Congress of Micronesia before separate administration, this subject would be dealt with in the Executive Order.

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5. One reason that the United States sees no need to discuss in detail the terms of the separate administration is that it expects that the separate administration which it establishes now will be in existence only until the end of Phase I, and the approval of a Marianas Constitution. At that point, though the Trusteeship will still be in existence and though, therefore, as a technical matter the Marianas will still be separately administered, the United States expects to restructure the local government in accordance with the Marianas Constitution -- in Jim's phrase, the Constitution would be "de facto" put into effect. We discussed this point at some length, and Jim agreed that there are two ways in which this goal could be accomplished. First, the Marianas could simply accept an implied or perhaps an explicit promise by the United States to implement as much of the local constitution as possible by Executive Order before termination of the Trusteeship. This is the course the United States prefers. Second, the constitution could have special transition sections, which, after being approved by the people and by the United States Government, would come automatically into effect under the terms of the Executive Order soon to be entered. This is the course I proposed as an alternative. In my view this alternative makes it easier as a political matter for the District Legislature to ask for separate administration without knowing what they're getting.

6. Jim is quite concerned about the resources of the Marianas District Legislature. The District Legislature will shortly obtain a dramatic increase in responsibility and will need professional assistance to handle it. In this connection, Jim has mentioned vaguely that this firm be aware of what is apparently its delicate relationship with Bill Nabors, particularly insofar as the land legislation is concerned. I did not press Jim on this point. Do you understand the reference (White becoming general counsel)?


Michael S. Helfer

P.S. Gil Kijovich is interested in going to Micronesia to work, I found out today. He is considering applying for a job with the Congress of Micronesia. Do you know who he might contact in the Marianas instead?