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THE MARIANA ISLANDS - SEPARATE ADMINISTRATION OF
PRIOR TO THE CONCLUSION OF THE COMMONWEALTH TALKS

BACKGROUND

FALL 1972

- MSC leadership meet with FHW in Hawaii and request the USG to initiate action to establish a separate administration before initiating the commonwealth talks; the Marianas noted it wanted to avoid confrontation with the JCFS/COM, but in the alternative the MSC would initiate if the USG insisted.

30 OCTOBER 1972

- OMSN, DOTA, DOJ meet to discuss alternative methods for a separate administration to protect the integrity of the Mariana negotiations; the proposal included a transferral of jurisdiction over the Mariana status issues and over Mariana public lands from the COM to the Mariana Islands by use of a Secretarial order. This was short of a complete separate administration and was endorsed by the group as a possible interim approach but was to be initiated by the USG only after a request from the MSC for this action.

12 APRIL 1973

- MSC and OMSN in Washington discuss possibility of separate administration for the Marianas Islands; MSC noted it could not initiate a formal request at that time but did desire that the USG unilaterally undertake to separate the administration of the Mariana Islands.

JANUARY 1974

- MSC leadership says it is now ready to have Marianas District Legislature request USG (JW/FHW) to establish separate administration for Mariana Islands prior to conclusion of commonwealth talks; Commacho says MDL action could be initiated this February 1974 session but later Pangelinan noted that MDL should not act until August 1974 session.

GENERALLY

The JCFS/COM leadership are adamantly opposed to the separate status talks

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OMSN-16

03-411241

between the Marianas Status Commission and the United States fearing (1) it would add impetus to further fragmentation, (2) the potential loss of revenues to the future GOM that would severely hamper the operations of the new government, and (3) by comparison to the superior status of the Marianas and to the benefits to accrue to the future commonwealth, Micronesia would eventually be drawn to closer association with the USG as a natural consequence of the high expectations of the people at the village level which the GOM could not meet under free association.

The TTPI has chosen to disassociate itself from recognizing the separate talks and to take a "neutral" stance so as to facilitate its administration of Micronesia. Expatriate personnel at the TTPI headquarters, however, are not sympathetic to the territorial arrangement now being negotiated, believing that the Marianas should remain within the larger Micronesian family. The American personnel in the Marianas district and at the headquarters level are generally fearful of their job security under a more Micronized GOM administration and do not foresee a future for themselves in a new Marianas Commonwealth government administration. In their view, a move by the TTPI or new GOM from Saipan to another district could be used by the Micronesians as an excuse to sever expatriate relationships to and jobs in the new GOM administration. Micronesians employed at the headquarters level also oppose Marianas separatism as many also have doubts about their own job security and in the case of Micronesian employees from other districts, concern over local investments in Marianas land they have made as a consequence of their location at the TTPI headquarters in Saipan. Generally, opposition to Marianas separatism from the Micronesians stems from the jealousies arising from the foreseen accelerated development of the Marianas as opposed to "status quo" or "stagnation" of the local economies of the other districts and from the loss to the future GOM of the large revenues to be generated from U.S. military activities in the Marianas.

On the other hand, the Marianas leadership would prefer to have a separate administration preferably prior to resolution of the commonwealth issue. This

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would enable them to assume more control over locally derived revenues now allocated to the COM and to remove themselves from the dominance of the other five districts in the general policy making process of the COM in enacting legislation affecting the Marianas. The Marianas leadership has in the past objected to the influence of the High Commissioner and his staff and from the District Administration, whom they feel inhibit the expression of local views and whom they feel arbitrarily impose policy guidelines upon the Marianas at the expense of the realization of local development goals. The Marianas leadership, however, now indicates it is willing to initiate a request at this time or in the late summer for a separate administration from the remainder of Micronesia. Their prior reluctance could perhaps have been attributable to fears of retaliation from the COM and its use of Marianas' revenues and from the uncertainty as to what a separate Marianas administration would entail. In particular, they earlier noted that local political leadership for the future Marianas government has not yet solidified and additional time would be required to establish political balances and to agree to local leadership roles.

Dissident business and political leaders and minority interests (the Carolinian community) in the Marianas, however, are becoming more expressive in their reluctance to become a permanent member of the U.S. political family and have not yet made the same degree of commitment toward Commonwealth status as members of the Marianas District Legislature and municipal councils. These groups appear to prefer to maintain the status quo or support free association so as to protect their relative power and to insure their relative autonomy from governmental scrutiny into their activities. The Marianas members of the COM (while professing support of commonwealth) also seem to have reversed their assessment of their roles in the COM and have consequently become open supporters of legislation usually originating from supporters of

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the free association status, e.g., a bill to formalize the JCFS and expand its membership to include traditional leadership; a bill to transfer public lands to district legal entities; a bill establishing district governments; and legislation to effect more control over executive activities and appointments.

In summary, the political objectives in the Marianas, rather than becoming more clear and precise as the commonwealth negotiations continue, appear to have become more uncertain. As local residents become more familiar with the more complex issues and their implication of permanent association with the United States, the dissident elements have expanded their efforts to exploit growing fears and uncertainty, e.g., the application of U.S. laws, tax burdens, U.S. eminent domain powers, the power of the U.S. Congress to enact legislation affecting the internal affairs of the Marianas.

SPECIFICALLY

1. TTPI Headquarters/COM Capital

The TTPI departments and divisions provide direct support to and policy guidance (through issuance of regulations and opinions) affecting the Mariana Islands, e.g., issuance of homestead permits, license to foreign and local businesses, issuances of leases to public lands, public works facilities, and infrastructure. This support has not been well received by the district leadership as they believe that their views have been ignored and that the TTPI has arbitrarily imposed its own policies on the Marianas district. Nevertheless, infrastructure established to support the TTPI headquarters indirectly benefits the Mariana Islands, e.g., electricity, roads, hospitals, docks, communications. However, some expatriate personnel of the TTPI and many of the Micronesian employees of the COM and TTPI have continued to voice their opposition to a separate political status for the Marianas Islands. Job inse-

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curity is largely responsible for their opposition.

2. Revenue Sharing

Much of the local economic growth and dollar flow is derived directly or indirectly from the salaries of the TTPI staff, from salaries of the Marianas employees of the TTPI and district administration, and from the overall expenditure of the TTPI for its own headquarters support.

All revenues collected in the Marianas pursuant to TTPI laws and all revenues from public lands in the Mariana Islands are deposited into the General Fund of the Congress of Micronesia for their appropriation. Legislation has been introduced in the 1974 COM that will (1) return revenues from the use of public lands in the Marianas to the Marianas district; and (2) return at least 50% of all locally collected revenues to the Marianas district. Final action on these measures by the COM is uncertain at the present time.

The Marianas has consistently maintained that it should receive more benefits from the COM in the form of appropriation measures so as to more accurately reflect the large contributions of the district to the General Fund (over 1/3 of all revenues). The Marianas also believes that the TTPI budget for economic development of Micronesia largely emphasizes the other districts to the detriment of the Marianas own economic development potential.

3. Public Lands

The TTPI use of public lands in the Marianas is largely for administration of all of Micronesia.

The COM also maintains its headquarters at the TTPI complex area and housing for its employees and officers is also on Saipan. All public land in the Marianas is subject to the jurisdiction of the COM and to the laws and regulations of the TTPI. Proposed public land legislation would return all public lands not now actively used or contemplated for use by the TTPI to a

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legal entity created by the Mariana Islands District Legislature. Military retention areas would not be returned by the USG at this time. As noted in 2 above, with transfer of public lands, all rentals & revenues derived from the use of these lands will be deposited into the General Fund of the district legislature. Some of these lands on Tinian will be required under U.S. military land requirements and any payment made will be made directly to the district (assuming that the public lands have been transferred from the jurisdiction of the COM). Completion of land surveys and land adjudication of the public lands in the Marianas will be made possible by special appropriation from the U.S. Congress. After the return of public lands, the local entity will be vested with the responsibility for management of the lands. The district land management offices under the general jurisdiction of the Chief of Lands and Surveys will be responsible only for the public lands retained and under use by the TTPI.

4. Political Education

Currently, the TTPI, JCFS, and MSC have all undertaken political education activities in the Mariana Islands. The impact of these activities, on the local residents does not help to present a clear picture of the separate status negotiations with the Mariana Islands or the Commonwealth status issues now being negotiated. The concepts of Free association and independence together with commonwealth are being vocalized to the people by the TTPI and funds from the U.S. for political education are being used partially to support this kind of activity in the Marianas. The JCFS, on the other hand, emphasizes free association and independence and openly criticizes permanent association with the United States and U.S. land requirements. The MSC has requested U.S. grant funds to support its own political education efforts. At present, it is the only effective group focusing local attention the the commonwealth issues.

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5. JCFS Status Negotiations

The JCFS continues to insist that the Mariana Islands must be included in any future political status arrangement concluded with the U.S. and has yet to recognize the separate Commonwealth status negotiations. The JCFS has also insisted that the complete range of status options to be presented to the people of Micronesia must also be presented to the Mariana Islands residents. The Marianas continue to be included on the JCFS negotiating team and in financial arrangements for Micronesia under free association; U.S. land requirements for the Mariana Islands, although deleted from the Compact, have received increased attention by the JCFS in its talks with other districts and in their discussions with the people of the Mariana Islands. It is the position of the JCFS that U.S. payments for land requirements in the Mariana Islands will be included in the funds to be made available by the USG to the future GOM under free association.

6. Constitutional Convention

The COM insists that the Marianas must participate in any future Micronesian Constitutional Convention because the COM is not legally empowered to exclude any district from participation. U.S. funds for the COM convention have already been made available. By participation in a future Micronesian Constitutional Convention, the Marianas will confuse local residents as to whether it will be pursuing a Commonwealth status with a right to its own separate constitution or whether the Marianas will be opting for a free association status operating under a Micronesian-wide constitution. The extent of the Marianas participation in the COM constitutional convention may determine the magnitude of local confusion especially as to issues of revenue sharing, participation in the future GOM, applicability of laws, and the degree of local autonomy of the districts within the Micronesian political family.

Concurrently, the USG has discussed with the MSC plans for funding a Marianas Constitutional Convention. It will be difficult to obtain U.S.

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Congressional concurrence for funds to support a separate Marianas convention if the Marianas remain a full participant in the Micronesian Constitutional Convention which has already received U.S. Congressional support and funds.

7. Marianas Participation in the COM

To date the Marianas COM Delegation has maintained a low profile in the COM on the separate Marianas talks. Recently, however, the delegation has become more actively involved in Micronesian-wide issues and has even sponsored legislation to: (1) return public lands to Micronesia; (2) establish a new charter for the JCFS and to broaden its membership; (3) increase the Micronization of the TTPI Administration; (4) establish more district autonomy through the chartering of district governments; (5) increase the funding for Micronesian CIP; and (6) insure Micronesian representation at the U.N. LOS conference in Venezuela. Some of this activity may be the result of local desires and pressures to insure that the Marianas receives its fair share of COM appropriations or may be an attempt to convince dissident groups that they intend to keep all status options open.

Undoubtedly, the current members of the Marianas COM Delegation derive many economic opportunities as a consequence of their stature and they would no doubt oppose their removal from the COM as any consequence of a separate administration. Some of these individuals view their COM roles as an added opportunity to further local political ambitions in the Marianas and a few have fully utilized the COM as a form for rallying the support of local Marianas residents to popular causes sponsored by them.

The continued Marianas participation in the COM and their support of JCFS negotiating strategy and demands does not clarify their support for the commonwealth talks. This results in a weakening of their leadership to the Marianas people and diffuses their efforts to obtain local support for the Marianas status goals.

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CONCLUSIONS

A future political status for the Mariana Islands remains unfocused at levels below the Marianas District leadership. Local dissident elements (businessmen, expatriates, Carolinian community) opposed to a permanent union with the United States and opposed to a U.S. military presence in the Marianas are becoming more vocal and active in the Marianas.

Under the current situation, the COM and JCFS will be able to continue to insert their influence into the Mariana status talks by the fact of COM influence over: (1) allocation of the revenues derived from the Mariana Islands; (2) public lands in the Marianas; (3) the future participation of the Marianas in the Micronesian Constitutional Convention; (4) review of the TTPI budget including the Marianas as an integral part of the TTPI budget for all the districts of Micronesia; (5) political education programs conducted by the JCFS in the Mariana Islands; and (6) control over TTPI-wide laws applicable to the Marianas affecting local foreign investment policies, fishing and agricultural development, territorial seas, loan funds, homesteading, shipping laws. This COM influence appears to have prompted the Marianas COM Delegation to increase their involvement in purely TTPI-wide matters and to continue their support to the JCFS objectives in the free association talks, e.g., they continue to permit the JCFS to include the Marianas as a basis for the JCFS financial demands for the future GOM, have supported the reorganization of the JCFS and other purely free association issues, and they have participated in and helped to facilitate JCFS political status meetings in the Marianas.

The Marianas leadership, however, is now willing to request the USG to initiate action to establish a separate administration for the Mariana Islands. Although not verbalized, it appears they would desire to remove the COM influence from those issues listed above. The district leadership remains

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in conflict with the leadership of the TTPI and district administration on the grounds that the TTPI arbitrarily imposes its own policies upon the Marianas without due consideration being given to local desire or local development goals. They would prefer greater local autonomy from the TTPI administration while still receiving the benefits of the TTPI governmental infrastructure and funding. As to the latter point, it appears that they would prefer to operate within the present governmental structure and operational scheme but only upon assurances that they could control the policies inherent in those systems that have direct bearing on the Marianas.

For its part, the TTPI does provide essential governmental support services and facilities to the Mariana Islands and provides a source of income, direct and indirect, that act as a stimulus to local development and employment opportunities. Overall, the TTPI is not in open support of the separate talks and has chosen to ignore their continuation. It is assumed that they do not wish to appear to be supporting fragmentation and that a "neutral" stance better enhances administration of the TTPI as a whole.

The TTPI executive branch continues to conduct political education programs in the Marianas that do not emphasize commonwealth or focus attention on the separate status talks but instead presents commonwealth status equally with free association and independence. Many TTPI personnel have openly opposed separate status talks and a U.S. military presence in the Mariana Islands, and have attempted to influence local business and political leaders toward remaining in the larger Micronesian political family.

Until support for the commonwealth status has been crystalized and until local attention is focused more on the commonwealth talks, opponents of commonwealth (JCFS, COM, dissidents) will continue to erode popular support for the

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new separate status. AS long as the status picture for the Marianas remains doubtful in the minds of the Marianas residents and as long as the Marianas leadership appears to be subject to the influence of the COM, the early success for the commonwealth talks will be uncertain.

OPTIONS

I.

A. U.S. action without obtaining a formal request from the MSC for separate administration

PRO

1. Retains U.S. initiative to formulate the structure of the separate administration and to the timing of the move.
2. Would demonstrate to the JCFS/COM and district leaderships the ability of the U.S. to move decisively to protect its interests without regard to criticism.
3. Would formalize the separate status objectives of the USG/MSG for the Marianas.
4. Would provide a psychological *brake* between the Marianas and Micronesia and focus attention of local residents on the Commonwealth status and away from free association as promoted by the COM/JCFS.

CON

1. Would appear to be arbitrary action by the USG without local consultation.
2. Would receive criticism from the U.N., COM, JCFS and the U.S. Congress and dissident elements in the Marianas.
3. Might produce a hardened negative reaction by the JCFS in the free association talks by creating an element of suspicion and distrust of the USG to negotiate in good faith for the resolution of its objectives and interests (i.e., could raise fears that the USG would use eminent domain to obtain its military land requirements).

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B. U.S. action in response to a formal request from the MSC/Marianas District Legislature for separate administration

PRO

1. Would be another step to formalize the commonwealth status talks taken at the request of the Marianas District.
2. Would receive less criticism from the U.N., COM, JCFS, and dissident Marianas elements.
3. Would be interpreted as a full expression of the local residents for a desire to finalize the break from Micronesia and to unify in the effort to persuade commonwealth.
4. Would add impetus to the commonwealth status talks and transition periods through broader support of these objectives.
5. Would enable the U.S. to implement transition measures more fully and in response to local desires

CON

1. May not be possible for the Marianas to obtain the consent of the district legislature or the people for some time and time is of the essence if such a move for separate administration is to produce effective and desired results.
2. A failure in the attempt to obtain local support for a separate administration could be interpreted as a lessening of local support for commonwealth and could strengthen dissident elements in the Marianas against commonwealth.
3. If the attempt is successful, a separate administration move could be used by other districts seeking separate talks and a separate administration and would add to the fragmentation movement in Micronesia.

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II.

A. Complete Separate Administration

PRO

1. Would provide the largest degree of local self-autonomy to the Marianas.
2. Would give a psychological uplift to the local residents and give impetus to continue toward early resolution of the commonwealth talks with institution of their own local government through a Marianas Constitutional Convention.
3. Would remove most of the friction now existing between local political leaders and the current TTPI headquarters staff.
4. Would enable the U.S. to implement commonwealth provisions at an earlier date, especially as regards U.S. laws/programs, federal courts, etc.
5. Would more completely protect the integrity of the commonwealth talks.

CON

1. Would not be feasible; technical and budgetary support would still be required from TTPI administration and the High Commissioner would need to retain final authority over local policies.
2. Basic governmental infrastructure of Marianas would still be a part of overall TTPI governmental infrastructure, e.g., courts and appeals, budget support, staff support to district offices; duplicative governmental support structures would not be practical.
3. Would receive opposition from the U.N., COM, JCFS and dissident elements in the TTPI headquarters staff and in the Marianas district.
4. Could add impetus for separate talks from other districts.

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B. Partial Separate Administration

1. Removal of jurisdiction over Marianas status talks, Marianas public lands, and Marianas Constitutional Convention from the COM.

PRO

a. Would be a minimum approach that could protect the separate commonwealth talks and retain current TTPI governmental support.

b. Would still enable the Marianas to function within the TTPI administrative system without maximum adaptations.

c. Would be a display of U.S. action to preserve its interests in the Marianas and convince JCFS/COM of U.S. resolve to prohibit their interference in the commonwealth talks.

d. Could serve to unite the Marianas community behind U.S./MSC commonwealth talks by showing U.S. interests in the Marianas confrontation with the COM.

e. Would still enable the Marianas to participate in the Micronesian-wide affairs and would preserve the option of the Marianas returning to the Micronesian political family.

f. Would enable the Marianas to proceed with their own objectives in handling public lands, a constitutional convention and status objectives.

g. Would receive the least criticism from the U.N., COM, JCFS and dissident elements.

CON

a. Would foreclose Marianas status options by removing them from determination in the Micronesian constitution of their role in a future GOM under free association.

b. Would still leave Marianas in COM and subject to its control, e.g., the allocation of revenues.

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c. Would provoke COM/JCFS/local dissidents into more criticism and opposition to commonwealth.

d. May be opposed by U.N. and U.S. Congress as an attempt to unduly influence status options for the Marianas.

2. Option "A" plus establishing a charter for a Marianas District Government and placing control over revenues derived under TTPI laws with the new Marianas chartered government.

PRO

a. Would insulate the Marianas from retaliatory reaction from the COM and would remove the major obstacle and concern of the district in its dealings with the U.S. and with the COM.

b. Could enable the Marianas to function under the current TTPI administrative system for support and funding from the USG and would not require massive reorganization of the TTPI administrative system.

c. Would establish a maximum amount of local self-government before commonwealth status and transition period and yet retain Marianas participation in COM on all matters relative to Marianas (excepting appropriation of revenues).

d. Would focus local attention on Marianas commonwealth objectives.

e. Could act as incentive for the COM to direct its efforts at establishing more precise objectives for self-government in the remaining districts and for more realistic economic development goals and objectives for economic self-sufficiency.

CON

a. May pit new local government against TTPI administration for final authority over local matters.

b. May provoke local turmoil among political and business groups for determination of which is to control local government and who the new leaders will be.

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c. Would still have Marianas under the influence of the COM/JCFS by Marianas participation in the COM and JCFS, especially as they relate to laws controlling foreign investment business applications, fishing rights, territorial limits, etc.

d. Attention to organization of new government may delay commonwealth talks.

e. May stimulate requests from other separatist-minded districts so as to promote fragmentation in Micronesia.

3. Options "A" plus "B" plus removal of the Marianas from the COM, continuation of all effective TTPI laws and regulations in Marianas with a right of the new Government of Marianas to amend or repeal those TTPI laws/regulations so long as they are consistent with laws of USG, Secretarial Orders, and commonwealth agreement (and Marianas Constitution when formulated).

PRO

a. Could serve as an interim step until the Marianas commonwealth government is established.

b. Would permit maximum separation of Marianas and yet permit the new local government to function within the general administrative framework of the TTPI.

c. Would permit the local government to obtain continuing budgetary and staff support of the TTPI.

d. Would retain final authority in the U.S./TTPI over the Marianas.

e. Would permanently separate the COM/JCFS influences from the Marianas issues.

f. Would maximize the psychological support of the separate commonwealth status talks and local objectives.

g. Would evidence desire and intent of the USG to move toward implementing an interim government for the new commonwealth.

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CON

- a. Would require some duplicative support functions for the Marianas from the TTPI administration, e.g., courts, public works, budget.
- b. Would pit the new Government of the Marianas against the TTPI administration for control over final authority in matters relating to the Marianas.
- c. Would focus attention on local autonomy and detract from the commonwealth talks, resulting in time delay to completion of commonwealth talks.
- d. May provoke local turmoil among political and business groups for determination of which is to control local government and who the new leaders will be.

C. Status QuoPRO

1. Would keep full range of U.S. options open.
2. U.S. would not have to take action that might later have to be retracted (if MSC opts for free association).
3. Would place pressure on MSC/Marianas District to initiate a request for the USG to take action and to obtain full local support for their request.
4. Would enable the MSC to continue to participate in Micronesian-wide matters and test their commitment to commonwealth while perhaps exerting influence over the other districts to opt for a more close status relationship with the U.S. than contemplated under free association.
5. Would keep U.S. from U.N., COM, JCFS and U.S. Congressional criticism.

CON

1. Would permit uncertainty over status objectives in the Marianas to continue.
2. Would permit the COM/JCFS to continue to interject their influence into local status issues.
3. Would enable the COM to continue to influence the Marianas leadership by controlling distribution of local revenues and subjecting the Marianas to

TTPI-wide laws.

4. Would permit COM/JCFS/MSD to retain control over status initiatives.

RECOMMENDATION

To crystalize support for the commonwealth status and to remove undue influence upon the Marianas leadership by the COM/JCFS, it is recommended that the U.S. undertake to effect a partial separate administration for the Marianas Islands District. This action should be undertaken, however, only upon a request from the Marianas District Legislature.

Of those partial administrative options, it appears that Option II, B, 2 (removal of the COM jurisdiction over the Marianas from status, public lands and the constitutional convention plus chartering of a district government with the right to control revenues collecting in the Marianas under TTPI laws) would best serve the interests of the U.S. in the long run in its negotiating postures and in its continuing administrative responsibilities for and control over the Marianas district during the remainder of the Trusteeship and as a follow-on requirement after the commonwealth agreement is negotiated. It could also serve as an interim step for the transition of the Marianas into its commonwealth government.

Option II, B, 2, in effecting a chartered district government would delay the commonwealth status talks in the short-term and would serve to stimulate local political friction as groups locally vie for control over and leadership in the new chartered government. The MSD may interject its opposition on the basis that the new government should be formulated upon the "ad hoc" study group recommendations and technical studies. However, the U.S. can alleviate these fears by firmly establishing the interim status of that government and that the MSD leadership in the COM has itself promoted more local self-government through the chartering of district governments. In the long run, this

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option best serves the interests of the U.S. by providing a more solidified basis and more broad local support for the new commonwealth status. At present, local support for commonwealth is too uncertain to secure its future success if local residents are presented with the option to retain their relationships with the remainder of Micronesia. This becomes especially significant if the JCFS is successful in its efforts to fashion a future GOM and a free association status option that would appeal to the Marianas residents by preserving a degree of local autonomy and assurances of continued U.S. support that they are now seeking under commonwealth arrangement.

Establishing a chartered government for the Marianas under this option would serve to focus the attention of local residents towards the new commonwealth arrangements and would psychologically sever their connections with the COM and future GOM, so as to counter the COM/JCFS attempts to retain Marianas participation in their future GOM political family.

U.S. initiatives under this option could also benefit the U.S. in its free association negotiations with the COM/JCFS by forcefully demonstrating the U.S. intent to promote local self-government and to protect its basic self-interests.

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