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April 8, 1974

MEMORANDUM FOR NOEL KRAMER

SUBJECT: IPA Report and the Status Agreement

At our request the Institute of Public Administration prepared a report on the planning which is necessary to assure an orderly and effective transition to self-government in the Marianas. The purpose of the report was to provide us with the information needed in the negotiations in the Ad Hoc Committee concerning the financial assistance from the United States for Phase I. In the course of the report, IPA made a number of assumptions concerning the Status Agreement, which I would like to bring to your attention.

--Constitutional Convention: IPA assumed "that basic guidelines for the Constitutional Convention will be spelled out in the final Status Agreement." In IPA's view the basic guidelines include "timing [of the Convention], manner of selecting delegates, areas of governmental activity that must be included in or excluded from the eventual draft constitution, and the method of securing its ratification." In addition, IPA assumed that the Status Agreement "will undoubtedly fix limits at each end of the spectrum of governmental activity (e.g., essential individual liberties, division of functional responsibility in certain areas between the U.S. government and the Marianas). . . ." Finally, IPA recommended that the Status Agreement be worded in a way which "could permit a linking of the political education task . . . with preparations for the constitutional convention, that would result in a systematic series of consultations with the voters, evaluation of feedbacks from such consultations, and rephrasing and reiteration to the voters of the options and alternatives, all as part of the convention process."

--Courts: IPA assumed that the "question of review by U.S. courts outside the Marianas will . . . be answered in the Status Agreement, as well as

questions regarding procedures for establishing the applicability of trust territory and U.S. statutes, laws and regulations."

We are in no way bound by these assumptions, and I bring them to your attention only because IPA has some considerable experience in developing countries. IPA's assumptions concerning the treatment of courts in the Status Agreement seem to me correct. But I do not recall that we had given as close consideration to the relationship of the political education task to the constitutional convention as IPA recommends be done in the Status Agreement. Do you think we should follow their recommendation?

Michael S. Helfer

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