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TALKING POINTS ON 5 versus 6 DISTRICTS AND THE COM's ROLE  
IN CONTROLLING THE MARIANAS FUTURE POLITICAL STATUS

- A. One difficulty with taking <sup>early</sup> action to effect the complete separation of the Marianas from the rest of the TTPI is that it could have the effect of denying the people of the Marianas the right to choose free association if they still wanted it after looking over the commonwealth proposal and denying them the right to influence the nature of the free association alternative by participation in its formulation before a definitive choice had been made by people of the Marianas in favor of commonwealth status.
1. This would lead to great trouble with the U.N.;
  2. And trouble with the press and other media;
  3. And trouble with the U.S. Congress and the COM.
- B. It would be described as a denial of the principle of self determination as it should be freely exercised by the people of the Marianas under the Trusteeship Agreement.
- C. There are also practical difficulties in too early separation - revenue sharing, public land, removal of the capitol, etc.
- D. This doesn't mean that the people of the Marianas must necessarily be given a choice between a commonwealth or free association and nothing else or that they must

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wait for a free association compact with the rest of the TTPI to be completed before they are asked to vote on commonwealth status.

1. It could well be a choice of "commonwealth or something else".
2. "Something else" could include free association or independence or status quo, but these need not be spelled out for plebiscite purposes.

E. By the same token the COM should not be permitted to interfere with the Marianas free right of self determination and the activities of the MPSC.

1. The COM cannot ignore repeated requests from the Marianas for a closer relationship and in fact has recognized this Marianas preference explicitly in the past.
2. The COM cannot speak for the Marianas in these matters and certainly is not the "sole voice" on the subject.
3. There is a legal problem, however, under the present COM terms of reference set out in the secretarial order (See the Attorney General's opinion).
4. A new Secretarial Order can clear this up.

F. At the same time Marianas representatives should be free to participate in COM activities affecting the TTPI as a whole until such time as the people of the

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Marianas have made a definite choice in favor of the new commonwealth arrangements, i.e., voted in a plebescite. This will be messy and frustrating but would be manageable.

G. There is no real need for a separate administration until then, unless the COM acts in some further ways contrary to the Marianas' interest,

1. A separate administration under the TT Administration would be appropriate when a clear choice has been made.
2. This will take time, however, particularly in providing answers to questions centering around the move of the capitol to a new location, and some kind of phasing or action taken in easy practical steps may be appropriate.
3. It probably is just as well to have a request in advance from the MDL as a stand-by in case an order on separate administration is needed later.

H. Therefore, believe the MDL should request;

1. Action to prevent the COM from interfering in the Marianas free choice of its own political future and in the activities of the MPSC.
2. Early action as appropriate to separate out the Marianas administratively from the other districts.

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- I. The language of a secretarial order under (H)(1) above might read:

"The Congress shall have no jurisdiction over matters relating to the future political status of the Mariana Islands District except by the express approval of that district through its district legislature or through the executive committee of the district legislature if the legislature is not in session".

- J. The separation order can come along later, tailored as necessary to meet the circumstances of the moment.

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A Proposed addition to Part III, Section 2 of Secretarial Order 2918

"Except by the express approval of the Mariana Islands through its district legislature or through the executive committee of the district legislature if the legislature is not in session, no act of the Congress relating to the future political status of the Mariana Islands shall be applicable to the Mariana Islands; nor shall the legislative power of the Congress extend to matters relating to the future political status of the Mariana Islands District without such approval."

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