

OFFICE FOR MICRONESIAN STATUS NEGOTIATIONS
WASHINGTON, D.C. 20240

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5, 6, 7

March 25, 1975

MEMORANDUM

To: James M. Wilson, Jr.

From: Adrian de Graffenried

Subj: COM Legislation; status related acts

In your discussion with the High Commissioner, you may wish to review the implications of the following bills as they relate to the status negotiations and U.S. interests:

✓ S.B. No. 6-86, S.D. 1: "relative to adopting the Constitution of Micronesia..."

- the GOM Constitutional referendum is to be held in each of the six present districts;
- the act is not a problem to the status negotiations;
- if the Marianas approves the Commonwealth, the Secretarial Order will be issued so as to effectively supercede the effective application of this act to the Mariana Islands;
- if the Marianas disapprove the Commonwealth, the act would be applicable to the Marianas which would participate in the GOM Constitutional Convention and the COM status negotiations.

✓ S.B. No. 6-89, S.D. 2, H.D. 1: "...status referendum..."

- must be acted upon by 11 April;
- would not appear to conflict with the Marianas plebiscite if the plebiscite is held prior to the referendum;
 - the referendum should be held as late as possible to maximize the time difference between the Marianas plebiscite and this referendum;
 - approval by the Marianas of the Commonwealth would effect a Secretarial Order to remove the Marianas from the applicability of this act;
 - disapproval by the Marianas of the Commonwealth would return the Marianas to the COM/JCFS and their status negotiations which would require they participate in the status referendum.
- ESG programs relative to this referendum should

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*HICOM memo to
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- not conflict with the PIP in the Marianas;
- be emphasized in the other five districts;
- remain totally objective and not subject to COM influence or domination (note that the prior status comparison table contained the Commonwealth proposal but as it was presented to the COM in 1970 not as presented to the Mariana Islands in 1974).

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-- HICOM must therefore thoroughly review ESG materials.

- some effort should be made to assure total impartiality and fairness in the balloting;

- §4 raises issues where the COM is to be the sole judge of the referendum and the results:

— what role should U.S./TIPI play since it is really equal to an informal status plebiscite?

— this referendum will clearly indicate district attitudes and may lead to further fragmentation;

— the U.N. may wish to be involved to some degree similar to the Marianas plebiscite (observation).

NO

- One question--sufficient funds?

S.B. No. 6-90: "...special election of Marshallese delegates to the Micronesian Constitutional Convention..."

- must be acted upon by 11 April;

- is the delegate district breakdown sufficient to permit fair and equal representation of the Marshallese?

- how do Silk and Heine feel about this?

- can the election be held in time for the GOM Constitutional Convention?

- Would the Marshalls participate if the surtax and/or the revenue sharing bill is vetoed?

*July 5
Holiday*

✓ S.B. No. 6-139, S.D. 1: "...the Constitution as the supreme law of Micronesia..."

- must be acted upon by 11 April;

- is in direct conflict with the Compact Constitution is to be consistent with the provisions of the Compact and the Compact is to be the supreme law;

Veto

*and transfer
agreement*

- would be valid expression if Micronesia were independent;
- appears to be inappropriate and premature because (1) negotiations for the Compact of Free Association are active and (2) the Compact contains provisions contrary to the provisions of this act.

S.B. No. 6-142: "...public records and public access to same..."

- must be acted upon by 11 April;
- appears to be a reaction to the TT/U.S. public land study memorandum sought by the COM;
- is broader than the U.S. freedom of information act;
- would not exclude the "work product" of the TT staff other than in the A.G. office;
- may hamper the communications between DOTA and TTPI, especially policy guidelines from DOTA or Secretary of the Interior; may impinge on status INO if no U.S. security matter.
- may want to consult closely with Department of Justice/ Department of Interior Solicitor offices and if vetoed, issue a High Commissioner Order to effect provisions paralleling the current U.S. approach but narrowing the broad scope of this bill.

H.B. No. 6-154, H.D. 1, H.D. 2, S.D. 1: "...operating expenses of the Legislative Counsel..."

- how does this compare with the budget of the TTPI for the A.G. office and Legislative Affairs which deal with the COM?
- unrelated, but important, is the issue of MLSC: why doesn't the TTPI broaden its own public prosecutor/ defender program to eliminate the need for the MLSC?

H.B. No. 6-197, H.D. 1, S.D. 1: "...defraying the expenses of the Micronesian Constitutional Convention..."

- must be acted upon by 12 April;
- is \$253,764 sufficient?
- if the Marianas does not participate, then its share would be available for the other districts;
- is it fair to use tax revenues, partially generated by the Marianas, to be used solely by the COM without some COM funds made available for the Marianas Constitutional Convention?

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