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AdeGraffenried/cg:4/3/75

CURRENT CONGRESS OF MICRONESIA ACTIONS REGARDING MARIANAS SEPARATE TALKS

1. 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.

2. S.B. No. 6-89, S.D.1, 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 this referendum should:
 - 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./TTPI 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).
 - One question--sufficient funds?
3. 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 and Trusteeship Agreement; Constitution is to be consistent with the provisions of the Compact and the Compact is to be the supreme law;
 - 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.