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April 15, 1975

Edward DLG Pangelinan, Esq.  
Chairman  
Marianas Political Status Commission  
P.O. Box 977  
Saipan, Mariana Islands 96950

Dear Ed:

I attended a portion of a briefing given yesterday by Ambassador Williams before the House Subcommittee on Territorial and Insular Affairs. Enclosed is a copy of Ambassador Williams' statement and a memorandum prepared by one of our paraprofessionals regarding the hearing.

Basically, the briefing went very well. Approximately five members of the Subcommittee were in attendance during the morning session and each of them was very complimentary regarding the negotiations and the resultant Covenant. Chairman Burton and his Subcommittee members, however, have decided that they cannot make any public or formal statements regarding support of the Covenant in advance of the plebiscite. They are afraid of being criticized for interfering in the electoral process. It is ironic that they take this position while Messrs. Rasa and Mafnas are being quoted in the Marianas that Congress will never approve the Covenant. It is my judgment that, based upon the reception evidenced yesterday and our earlier meeting with Chairman Burton, we will probably have no serious difficulties in securing approval of the Covenant in the House of Representatives. Getting the approval of the Senate, however, may be a different situation.

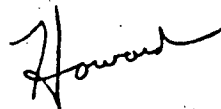
Ambassador Williams and I will be meeting sometime during the week of April 21 to review the current situation in preparation for the plebiscite. There seem to be several matters of concern:

1. Ambassador Williams is unsure whether the Covenant has yet been translated into Carolinian and Chamorro. He suggested to me that you may be relying upon opponents of the Covenant for this translation assignment.
2. I, for one, am very disappointed in the lack of effort by the United States to date in the political education area. Williams seems to appreciate that very little has been done and maintains that there will be some forward movement as soon as Canham reports to him upon arriving and reviewing the situation in Saipan. I think that the United States (and the Commission by implication) will be criticized for not having a sufficient political education program in advance of the plebiscite. I see that our friend Joan King is already suggesting that this is the case in her columns.
3. I am very disturbed by the report that the Carolinian community is being told that they will be unable to own land in the Marianas under the Covenant. Is there any way to put this to rest and persuade the Carolinians that they are as much of Northern Marianas ancestry as the Chamorros? It may be that a formal statement by the Commission, perhaps supported by an opinion from this office, might be helpful in this connection. At the very least, it may be safely stated that no one is going to have their land taken away from them.

I am going to a meeting on April 18 of the Panel in connection with the Carnegie Endowment Study. The draft is not as bad as it could have been with respect to the Marianas, although it is shot through with errors and a fundamental bias against the separate negotiations. I will do my best to obtain some improvement in the report, but I am not very optimistic.

Please keep us posted.

Sincerely,



Howard P. Willens

Enclosures

cc: James E. White, Esq.  
bc: Mr. James R. Leonard

14132

ORAL BRIEFING BY AMBASSADOR HAYDN WILLIAMS,  
THE PRESIDENT'S PERSONAL REPRESENTATIVE FOR  
MICRONESEAN STATUS NEGOTIATIONS, BEFORE THE HOUSE OF  
REPRESENTATIVES SUBCOMMITTEE ON TERRITORIAL AND  
INSULAR AFFAIRS

April 14, 1975

Mr. Chairman, I wish to thank you for this opportunity to once again brief you and the members of the House of Representatives Subcommittee on Territorial and Insular Affairs on the Marianas negotiations. This morning I would like to report to you on the final round of negotiations which led to the signing on February 15, 1975 of a Covenant Establishing a Commonwealth of the Northern Mariana Islands in Political Union with the United States. After reviewing some of the highlights of the Agreement I would then like to brief you on the important next step in the approval process--namely the Plebiscite. Finally, I would like to conclude my remarks with some thoughts on the role of the Congress as we look ahead to the time when the Covenant will be submitted formally to both Houses for their approval, assuming of course, that the people of the Marianas will have already approved the Covenant.

At some later date at the convenience of the Chairman and members of this Subcommittee I would like to have the opportunity to come back and go through the Covenant Article by Article. A detailed analysis of the Covenant section by section is now in preparation as well as other briefing materials on the Marianas negotiations for distribution to

14133

members of the Congress. Hopefully these papers will serve as a basis for a full briefing, and discussion of all of the provisions of the Covenant by this Subcommittee and its counterpart in the Senate.

I would like to turn now to the February talks which were concluded with the formal signing of the Covenant. This act was the culmination of the expressed desires of the people of the Northern Marianas for political union with the United States, a desire which was first expressed in 1950 and repeated time and again over the years through resolutions, referendums and representations to the United States Government and to the United Nations. It also marked the end of five rounds of negotiations each of several weeks duration dating back to December 1972.

In the interim between the first session and the second session of round five, i.e. between December 1974 and February 1975, the Marianas Political Status Commission reviewed and discussed the provisionally agreed draft Covenant with the Saipan, Rota and Tinian Municipal Councils and with the Marianas District Legislature. Public meetings were also held to inform the people of the progress that had been made.

On our side, we had said at the conclusion of the December session that we wished to review certain tentatively agreed provisions of the Covenant with the U.S. Congress before

meeting again. These consultations were held in late January at which time the entire draft was reviewed with Committee staff members of both Houses and with the Chairmen and other members of both the Senate and the House concerned with the Trust Territory. As a result of these consultations, the United States was able to eliminate its remaining reservations.

When we met again the Marianas Political Status Commission had a few last minute changes to suggest mostly of a technical and non-substantive nature except for their proposal that the Covenant provide for equal representation from Rota, Tinian and Saipan in one house of a future bicameral legislature. The Municipal Councils of Rota and Tinian and their representatives took the strong position that their interests had to be protected in this fashion and cited the U.S. Constitution as their example. We argued that this was really a matter for their Constitutional Convention and forewarned them that such a provision might be successfully challenged in the courts on the basis that it violated the "one man, one vote" principle. In the end agreement was reached on language which provides that one house will have equal representation from each chartered municipality in recognition of the need to protect the interests of the smaller populations on Tinian and Rota.

This cleared the way for the final vote by the Marianas Political Status Commission. Although the vote was unanimous two days later when the Covenant was signed in a historic and well attended public ceremony t

members chose not to sign the Covenant. The next step was to submit the Covenant to the Marianas District Legislature. This was done and on February 20 the Covenant was unanimously approved by the Marianas District Legislature. A week later this same legislature passed a resolution formally requesting the United States to set a date for the plebiscite.

Before turning to some of the most significant features of the Covenant I would like to say just a few last words about how the negotiations were conducted. First I believe that it is important to repeat for the record that the call to negotiate a separate status for the Marianas came from the people of that District and their elected representatives--from the villages, from the Municipal Councils of Saipan, Rota and Tinian and from the Marianas District-wide legislature. In answer to this call from the people the Marianas District Legislature in May 1972 enacted legislation creating the Marianas Political Status Commission. The Commission was made up of 15 members representing the Marianas Legislature, elected members of the Congress of Micronesia from the Marianas, the three municipal councils, the two political parties, the Carolinian Association, the business community and the District Administration. This broadly representative Commission made it possible for the views of all of the elements of the Marianas society to be heard and considered. Additionally, numerous "town hall" type meetings

were held over the past two years at the village and municipal level to discuss the status negotiations. We participated in some of these meetings and over-all I know of no negotiations that were conducted in a more open and democratic fashion than the one just concluded in Saipan.

And now for some highlights of the Covenant. First it calls for the establishment of a self-governing Commonwealth in political union with the United States which will be under U.S. sovereignty upon the termination of the Trusteeship Agreement.

Second it provides for full internal self government under a locally drafted and adopted Constitution, for an elected governor and a popularly elected legislature and for a separate judicial branch.

Third it provides that the people of the Northern Marianas will become American citizens unless they choose to become U.S. nationals within a certain specified period of time. All of those born in the Northern Marianas after the termination of the Trusteeship Agreement will be American citizens.

Fourth the Covenant establishes that the relationship between the Commonwealth of the Northern Mariana Islands and the federal government will be governed by the Covenant and this instrument and those provisions of the U.S. Constitution and other treaties and federal laws applicable to the Northern Mariana Islands will be the supreme law of the Commonwealth. It also establishes the right of the Congress of the United

States to enact legislation applicable to the Northern Mariana Islands. At the same time if the Congress approves the Covenant, it will voluntarily limit its plenary powers to amend certain fundamental provisions of the Covenant unless consented to by the future Government of the Northern Mariana Islands.

The fundamental provisions are:

- the basic political relationship (Article I);
- the right of self-government (Article II);
- the right to U.S. citizenship (Article III);
- the section dealing with the applicability of basic provisions of the U.S. Constitution to the Northern Mariana Islands (Section 501); and
- protection against alienation of land (Section 805).

Fifth during an interim period, the Covenant provides that federal laws will apply when the new Commonwealth government comes into being. In general laws which are applicable to Guam and which are of general application to the states will apply to the Northern Marianas. For the longer term a Commission on Federal Laws is to be appointed to review all federal laws and to make recommendations on which laws should apply to the Northern Marianas in the future.

Sixth under the terms of the Covenant the income tax laws in force in the United States will come into force in



the Northern Mariana Islands as a local territorial tax in the same manner as those laws are in force in Guam. The Northern Marianas can in addition impose local taxes. The Northern Marianas will be outside the customs territory of the United States as is Guam and imports from the Northern Mariana Islands into the United States will be subject to the same treatment as those from Guam.

Seventh under the financial provisions of the Covenant the United States agrees to help the new Commonwealth through grant assistance until its own tax base can sustain its government. This is the same pattern that was used to assist Puerto Rico, Guam and the Virgin Islands. If the Congress approves the Covenant the authorization contained in Article VII will provide on an annual basis for each of the first seven years \$8.25 million for support of the new government's operations, \$4 million for needed capital improvement programs and \$1.75 million for an economic development loan fund. These funds will be in terms of constant dollars and will be adjusted each fiscal year using the beginning of FY 1975 as the base. Upon expiration of the first seven year period under Commonwealth, federal funds will continue to be provided at the same annual level until Congress authorizes and appropriates a different amount or otherwise provides by law. In addition to direct grants, the Northern Mariana Islands will be eligible for the full

range of federal programs that apply to Guam and the other territories.

Eighth all public lands now held in trust by the Trust Territory Government will be turned over to local control to be held as public domain lands. Out of these lands the civil and defense needs of the federal government will be met. In order to satisfy present and future contingency defense needs the Covenant provides for the lease of a total of approximately 18,162 acres on the three islands of Farallon de Medinilla, Saipan and Tinian for fifty years, renewable for another fifty years. Of this amount 17,779 acres are on Tinian of which the United States already has use and occupancy rights to 8,882 acres. It should be pointed out in order to clear the record that in December 1974, the Tinian Municipal Council unanimously adopted a resolution in favor of meeting the full U.S. federal land requirements on that island which has a current population of 691. The Covenant commits the United States to a single lump sum payment of \$19,520,600 for the lease of this land for present and contingent military needs. It should be noted that at the present time the Department of Defense has no plans in the near term for any stationing of military personnel in the Marianas. Neither are there any plans for the construction of a base on Tinian or anywhere in the Northern Marianas. Farallon de Medinilla will continue to

be an active range for aerial and surface to shore bombardment practice and Tinian will be used for combined air, sea and land amphibious exercises for active operational U.S. military forces in the Western Pacific. Under the land arrangements of the Covenant the United States will have powers of eminent domain but such powers will be exercised only as a last resort. Finally the Covenant provided that for the first 25 years title to land in the Northern Marianas can only be acquired and retained by people of Northern Marianas descent including both Carolinians and Chamorros. After the first 25 years the provisions protecting the Marianas against alienation of its lands may or may not be extended by the new government as it wishes.

Before leaving the land provisions I would like to add that the United States has proposed to lease back to the future Commonwealth government and to private individuals much of the land that is to be acquired for present and for future defense needs. On Tinian 6,458 acres will be available for agricultural purposes on a dollar per year per acre basis. On Saipan some of the military reserve area in the harbor will be leased back and the remainder will be used for a public park in memory of the American war dead and those from the Marianas who lost their lives in the Marianas Campaign. Additionally agreements have been reached on joint use arrangements for harbors and airports and civilian access to beaches and other areas lying within the leased

military lands.

Ninth. The Northern Marianas will have a resident representative in Washington accredited to all of the departments and agencies of the United States government. His status vis-a-vis the U.S. Congress will be up to the latter to decide.

Tenth. Before the Covenant can become effective it must be approved in a plebiscite by more than 55% of the votes cast and by both Houses of the U.S. Congress. Even if approved by both, a few provisions of the Covenant such as U.S. citizenship will not come into effect until the President has proclaimed the termination of the Trusteeship Agreement for all of the Trust Territory of the Pacific Islands.

These are the highlights of the Covenant. In some areas, accommodations and compromises were necessary in order to reach agreements. Throughout a determined effort was made to satisfy the legitimate interests of the Marianas Political Status Commission in seeking full internal self-government within the limits of the framework of the American Constitutional system. In most cases the historical experience of the federal relations with other territories was taken into full consideration, especially Guam. The views of members of the American Congress were also given full weight and many of the provisions of the Covenant reflect the advice and the wishes of the Congress, especially in the area concerning the

applicability of U.S. laws to the new Commonwealth.

The next important step will be the plebiscite. Last Friday, April 11, the White House released the text of a Secretarial Proclamation and Order by the Secretary of the Interior setting June 17, 1975 as the date for the plebiscite. At the same time the President announced the designation of Mr. Erwin Canham, editor emeritus of the Christian Science Monitor as the Plebiscite Commissioner.

The U.S. Government takes most seriously its responsibilities as Administering Authority to see that a fair and impartial plebiscite is held on the Covenant which will assure that the people of the Northern Marianas have indeed been given the opportunity to exercise in complete freedom their right of self-determination through a clear vote on their future status. The U.S. Government will invite the United Nations to send observers to inspect any and all phases of the plebiscite and the Secretarial Proclamation makes clear that members of the U.S. Congress will also be welcome as observers.

In order to supervise this plebiscite and assure its impartiality the Administration set out to find a distinguished American of great integrity and unconnected in any way with the U.S. Government, to serve as Plebiscite Commissioner. I am sure you agree that Mr. Canham more than meets this challenging criteria. He leaves tomorrow to take up his duties in Saipan.

Foremost among those duties will be the vote itself which will be conducted under the Plebiscite Commissioner's responsibility and authority. He will appoint a Voter Registration Board of eight full time members. In addition representatives from the Municipal Councils of Saipan, Tinian and Rota will sit on the board when it acts as a full body on matters involving their respective municipalities. The Voter Registration Board members will be joined by Village Commissioners in each of the present voting districts when registering voters in such districts.

Voter qualifications are set out in the Secretarial Order and apply normal standards of domicile in the Northern Marianas as a test of eligibility. The objective is to assure that the vote is truly representative of those who really intend to make the Northern Marianas their permanent home. In general the present municipal voter registration list is expected to be used as a basis for registration in the plebiscite. Appeals will be heard by the Board sitting as a full body and a special Plebiscite Appellate Court will be established to take appeals from the Board.

The Plebiscite Commissioner has also been given the responsibility for carrying out an impartial Plebiscite Education Program which will explain to the people the provisions of the Covenant and outline for them clearly the other options which will be open to them in the event they do not favor the Covenant.

The Plebiscite Commissioner will be assisted by an executive

director who will be able to draw upon personnel and resources of the Trust Territory Headquarters and the District Administration. The Plebiscite Commissioner will be advised by an Advisory Committee drawn from all important segments of Marianas society.

The Proclamation sets out the form of the vote which is as follows:

- Yes - I vote for Commonwealth as set forth in the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.
- No - I vote against Commonwealth in political union with the United States as set forth in the Covenant recognising that, if Commonwealth is rejected, the Northern Mariana Islands will remain as a district of the Trust Territory with the right to participate with the other districts in the determination of an alternative future political status."

The formulation of the language of the plebiscite ballot took into consideration the expressed views of the United Nations Trusteeship Council, and the Marianas Political Status Commission. The drafting was a cooperative effort between the United States and the Marianas Political Status Commission and the language was deliberately designed to make it clear to the people that a "NO" vote means that the Marianas would be free to seek an alternative future status in concert with the other districts of the Trust Territory of the Pacific Islands. This will be fully explained in the objective plebiscite education program to be conducted under the direction of Mr. Canham.

If the Covenant is approved by the people several more steps will have to be taken before the Commonwealth of the Northern Marianas comes into full being. The U.S. Congress must give its approval; a Northern Marianas Constitutional Convention will have to be called, a constitution drafted, adopted by popular vote and then approved by the U.S. Government; elections must be held for a new government, the new government will have to be installed and finally when the Trusteeship Agreement is terminated for all of the six districts of the Trust Territory of the Pacific Islands estimated for 1981, the President will proclaim the full establishment of the new American Commonwealth of the Northern Mariana Islands. Of all of these steps I consider the plebiscite and the approval of the Covenant by the U.S. Congress to be naturally the most critical.

The Congress of the United States has a long history of interest in the Trust Territory and the question of the future political status of these islands. The Congressionally approved 1947 agreement with the United Nations approves future self-government, presumably within the American political system, as one of the alternatives. The people of the Marianas have also been encouraged by past indications of the Congress' willingness to facilitate their desire for political union with the United States. Over the past ten years the Congress has considered various measures to this end and draft organic acts which would have given the Marianas and the other dist-



rixts U.S. territorial status have been introduced in both the Senate and House. Additionally members of the Senate and House Committees on Interior and Insular Affairs have visited and held informal discussions with the full Marianas Political Status Commission on status questions. The interest of this Sub-Committee has been particularly welcomed by the leadership and by the people in the Marianas and the friendly advice given the MPSC by members of this Sub-Committee who visited Saipan and Tinian a year ago January proved to be helpful to both sides as the talks progressed.

We have felt that since the Covenant in its final form was to be presented to the U.S. Congress for either approval or disapproval but not amendment, that it was absolutely necessary that the Administration make sure that its negotiating positions should not be contrary to known Congressional views. We have thus endeavored not only to keep the two Interior Committees fully informed but have actively sought the views of key leaders of the Congress on every critical issue before and after each round in the negotiations. In short we believe, Mr. Chairman, that as a result of these close and continuous consultations that we have an agreement that is consistent in principle with the known views and wishes of the House and Senate Interior Committees.

This concludes my interim briefing and my report to you on the wind-up of the Marianas status talks. Let me close by voicing my special appreciation to the Chairman for the careful

attention and the time he has given these talks and for his advice and encouragement which he has given me throughout the various phases of these important negotiations. My thanks, also go to members of the subcommittee's staff who have always been most cooperative and accommodating.

Thank you.

April 15, 1975

MEMORANDUM FOR MR. WILLENS

Re: Briefing on Marianas Political Status  
before Subcommittee on Territories of  
the House Interior Committee

Ambassador Williams presented his briefing a copy of which you have received or will receive shortly. Congressman Burton concentrated his questioning on eliciting assurances of no interferences with the Marianas plebiscite due to take place June 17. His subcommittee has not met to discuss the Covenant so as not to influence the free will of the Marianas people. He stressed this should not be interpreted as opposition to the Covenant, Burton alluded to the possibility of enacting some sort of "enabling legislation" prior to the plebiscite in the event the picture as far as acceptance looked bleak. The details are unclear, but the language would take the form of a declaration of a neutral position on the part of the Subcommittee, emphasizing it is not opposed to acceptance of the Covenant. The minority counsel, in a brief conversation afterward, said he regards this course of action as "dangerous".

14149

Voter registration

Burton emphasized his desire to have no pre-registration requirement, so that the maximum number of voters could register in to questioning by Burton as to whether the requirement to register could be waived in the outer islands, Williams said large numbers of people are not involved and that existing voter registration lists will serve as a basis for registering voters, even in the outer islands.

Congressman Clausen suggested the possibility of political intrigue in such a unique situation and that safeguards should be used to guard against this. To this, as well as to other questions concerning the plebiscite, Williams, suggested it is up to the Plebiscite Commissioner and its newly appointed Commissioner. One built-in safeguard, he stated, is the political education program.

Equal representation for Tinian and Rota is viewed by Ambassador Williams in his statement as possibly having a problem in the courts due to the one man, one vote rule. However, during the session, the majority of committee members were favorably inclined toward equal representation. It was decided that sufficient precedent exists in Micronesia as well as the U.S. Congress.

According to Ambassador Williams, the Plebiscite Commissioner will have broad discretionary powers regarding educational effort. In response to Burton questioning on what steps have been taken to avoid financial involvement

by other countries trying to influence the outcome of the election (he heard at a conference he attended in Hawaii that certain business interests would like to see the plebiscite fail.), Williams stated the U.S. would need concrete evidence of any such efforts.

In response to questioning on what mechanisms might be built in to the situation to protect against involvement by private enterprise, Williams suggested the Plebiscite Commissioner could look into it. Burton then demanded a record of the advertising expenditures (in column inches) during the pre-plebiscite period using a randomly selected comparable period of time as a control.

The only antagonistic questioning came from Congressman Vigorito who wondered why \$20 million was required for so few people. He was reassured that the land to be leased would require that much in rents alone. He allowed he didn't think he could accommodate the idea of a non-voting delegate to the U.S. Congress from the Marianas.

Williams stated the responsibility for the publication and distribution of educational material for the plebiscite is in the hands of the Plebiscite Commissioner. He suggested a primer translated into these languages and a list of questions and answers.

The Interior Department will cover costs of the plebiscite, including printing of materials. If its resources are exhausted, additional funds may have to be sought elsewhere i.e. elsewhere in the Executive Branch or U.N.

Rules and regulations on the plebiscite will be issued by the Commissioner and the U.N. will be kept informed. It may send observers as well. When questioned about the probable participation in the plebiscite, Williams didn't know.

Later in the afternoon, Congressman Guerrero representing the Marianas District in the COM made an appearance at the table. His concerns fell into the following categories:

1) Earlier Burton had mentioned a \$20,000 fund voted by the COM to people in the Marianas for the purpose of opposing the plebiscite. Williams described this as \$10,000 set aside for the promotion of unity in Micronesia. He said it was made available to private individuals in the Northern Marianas without consultation with political figures.

Guerrero attempted to clarify the issue saying it was a \$3,000 fund originally to be divided up among the districts for the purpose of promoting Micronesian unity. Instead, it was sent to the Northern Marianas.

He was speaking softly, but I believe he said the money had been given to 2 COM members, Abus? and Mafnas? He assumes the operation was secretive.

Guerrero fears interference from the other districts -- implored the committee for ways to avoid this. He said the other districts are "fed" by the Marianas, and therefore do not want it to split. Benitez at this point, interjected wanting to know what constitutes "interference", an important question because the term must be defined. On this subject, Williams has not given it any thought. He didn't know what form the no-vote group opposition was taking, but there is no boycott.

In response to questioning by Benitez, Williams thinks the plebiscite can proceed on June 17, with no further action by Congress.

2) War claims - Thus far, according to Guerrero war claims are being processed slowly and only at the rate of 10% on the dollar. Emmett Rice insisted the war claims payment are proceeding on schedule and at the rate of 16 2/3 cents on the dollar as a prepayment. That level will ultimately reach 42 cents. But the amounts of money allocated is only less than half of what is needed. The COM passed a resolution directing the governments of the U.S. and Japan to make the 100% payment.

3) Alienation of land - Guerrero wondered what changes would take place regarding protection of the Marianas land from outside domination following the change in status. He didn't understand how the Marianas people could be American citizens and still forbid other American citizens from owning land. Burton reassured him that no change would take place because the Covenant is not subject to any unilateral change in its terms.

4) If Plebiscite votes "No" - Again it was difficult to hear, but Guerrero inquired whether in the event of improper participation by the other districts the N. Marianas could have further separate status talks with the U.S. Burton replied the islands would then be treated together.

5) Taxes - Guerrero said some people in the Marianas are afraid they will be over taxed, some beyond their incomes. Burton reassured him that since income is much lower in the islands, possibly 90% would pay no taxes at all.

6) Migration - particularly of Philipinos taking over the labor force as has occurred in Guam. Thinks once the status is changed, there will be free migration. Burton said there is no need to worry as the Marianas will have local control over immigration matters.

Nancy Schuh

14154

cc: Mr. Helfer