

April 17, 1975

MWSC
03

MEMORANDUM FOR THE FILE

Subject: Meeting with Adrian deGraffenried

Adrian came to the office today to discuss a number of related matters.

1. OMSN is concerned about how to respond to charges by Rasa that American teachers will flood into the Marianas under the Covenant and displace local teachers. A news report and a telegram from Bergesen are attached. We discussed several possible responses. I encouraged Adrian not to mislead the people into believing that they could impose requirements based on residency or national background with respect to public employment. I did point out, however, that reasonable qualification could be established for teachers which would in practice favor local citizens -- the obvious example being fluency in Chamorro. Adrian is to get back to me.


2. Adrian presented a draft letter regarding separate administration to be sent from the Secretary to the High Commissioner. He would like our comments. I told him that, on a quick reading, I thought our comments would be pointless without the staff paper referred to in the letter. I also told him that the letter ought to provide more of a framework for the High Commissioner -- laying out, for example, what the relationship of the existing TT government, and the High Commissioner himself, will be to the Marianas under separate administration. Adrian undertook to send me a copy of the staff paper. He said that what is contemplated is the appointment of a "Resident Commissioner" for the Marianas who will have the same powers as the High Commissioner has with respect to the rest of Micronesia, until the Covenant comes into effect, at which time the Resident Commissioner's powers will be reduced in recognition of the guarantees of self-government provided in the Covenant.

3. Adrian gave me a copy of a telegram reflecting questions which had been raised in other districts concerning the Secretarial Order for the return of public land. No response is required; this was for our information only.

4. In the course of the conversation Adrian told me that Williams had in fact been offered the job of Director of the Office of Territorial Affairs, but had turned it down when Interior refused to elevate the position to the Assistant Secretary level. Adrian also told me that the rumors that Jim Wilson

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is leaving OMSN are true. Wilson has in fact already gone to be a special assistant to the Undersecretary of State, though this is not yet official. I asked Adrian who was running the office now that Wilson is gone, and he told me that Dick Scott was. Accordingly, I asked him again who was running the office and, alas, got the same response.


Michael S. Helfer

cc: Howard P. Willens, Esq.
Jay Lapin, Esq.



Department of State

TELEGRAM

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PAGE 01 161819Z

ACTION PGOV

54
ACTION INT-05

INFO OCT-01 IO-10 EA-10 SP-02 L-02 PA-02 CIAE-00 INR-07
NSAE-00 JUSE-00 /039 W
040886

P 160710Z APR 75
FM NCOMTERPACIS SAIPAN MARIANAS ISLANDS
TO RUEHC /SECSTATE WASHINGTON DC
COMTWELVE SAN FRANCISCO CA
JCS/SECDEF WASHINGTON DC
CINCPAC HONOLULU HI
WHITE HOUSE
INFO CINCPACREP GUAM/TTPI MARIANAS ISLANDS
RUEHDT /US MISSION TO UN NEW YORK NY

Amb
Wilson
Capt
Col Smith

MVTrent
Archer
de Graffenried

UNCLAS.
FROM STATUS LNC (B2)
PASS TO DEPT INTERIOR FOR OMSN (ACTION) AND DUTA (INFO)
COMTWELVE FOR AMBASSADOR WILLIAMS
STATE FOR EA IO/UNP, L/UNA
DEFENSE FOR OSD/ISA
WHITE HOUSE FOR NSC
USUN FOR AMBASSADOR WHITE
PASS JUSTICE FOR MARCUSE (OLC)
E.O. 11652: N/A
TAGS: PGOV TO

PAGE 02 RUHGSAAG202 UNCLAS.
SUBJECT: INTERPRETATION OF MARIANAS COVENANT
REF: NCOMTERPACIS 161102Z APRIL (MNS APRIL 15) SECOND ITEM
PUBLIC CONTROVERSY HAS ARISEN OVER TIME AT WHICH AMERICANS FROM
MAINLAND, E.G., TEACHERS WILL HAVE EQUAL EMPLOYMENT OPPORTUNITY
IN NORTHERN MARIANAS UNDER TERMS OF THE COVENANT. AS THIS IS A
MATTER OF SIGNIFICANCE IN UNDERSTANDING IMPACT OF COVENANT, IT
WILL BE APPRECIATED IF WE CAN HAVE DEFINITIVE INTERPRETATION ASAP.
BERGSEN.

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TENORIO BERATZES

RASA, WAFNNAS SUPPORT TEACHERS

SAIPAN (COM) Mari-
 ans Congressmen Oscar
 Rasa and Jose Mafnas is-
 sued a statement Monday
 (Apr. 7) saying they in-
 tended to "fully support"
 the efforts of the teachers
 of Saipan if they decide
 to carry out plans to go
 on strike this week.

They said all school
 teachers, not only on
 Saipan but in the rest of
 Micronesia, were pro-
 mised reclassification of
 their job status and retro-
 active pay five months
 ago, but to day only
 four Saipan teachers have
 been reclassified.

They added that during
 recent meetings on Sai-
 pan with Department of
 Education officials, only

more promises have been
 made. Rasa and Mafnas
 said it is not appar-
 ent now that the Govern-
 ment "does not possess"
 the means to keep its
 promises because of the
 recent "freeze" on hir-
 ing and recently order-
 ed cut-backs on all tra-
 vels by TI officials.

The Marianas congress-
 men said there have even
 been "attempts to intimi-
 date certain teachers by
 the administration to
 force them not to strike
 on Saipan."

They added such acts
 only "confirm suspicions
 that the American-con-
 trolled administration
 does not have honorable
 intentions" to settle the

reclassification problem.

"I believe all avenues
 of settlement with the
 administration are clos-
 ed," Rasa said. "Why
 do some Americans in
 the Administration make
 promises to the Educa-
 tion Department employ-
 ees when they know the
 promises cannot be kept?"
 he said.

He said teachers have
 occupied a low place on
 the government pay
 scale too long, and that
 capable, dedicated mem-
 bers of the profession
 deserve fair compensa-
 tion for their efforts.

"Too large of a per-
 centage of the educa-
 tion budget continues to
 cont. p. 12

from p. 2
 a part of the United
 States.

He went on to say that
 he cannot understand
 why the Congress autho-
 rized the funds to be us-
 ed for what he called,
 "subversive political ac-
 tivities in the Marianas."

"I say subversive," Te-
 norio said, "and attach
 deep meaning to it be-
 cause I believe strongly
 that the aim of such pro-
 grams is designed with a
 malicious intention of
 undermining the Commot
 wealth movement in the
 Marianas district."

"It is very clear, from
 the action of the Con-
 gressional leadership,
 that his past pretense of
 'non involvement' and
 impartial attitude toward
 the wishes of the Mari-

ans people has been
 transformed and reincar-
 nated into a most violent,
 dangerous and coordina-
 ted subversive effort
 tactically camouflaged
 in the name of unity."

He told the leadership
 it was his understand that
 unity funds of Congress
 were to be used to pro-
 mote traditional discus-
 sion "which may lead to-
 ward better understanding
 and cooperation among
 them."

He reminded them that
 "unity cannot be bought,
 but can only be achieved
 by mutual respect for
 each other."

"I feel strongly that the
 public funds authorized
 and appropriated by your
 offices for its intended
 purposes is a flagrant
 violation of our solemn
 oath when we took office
 and furthermore, a clear
 demonstration of inten-
 tional abuse of our tax-
 payers money."

The good life...
 Winston belongs.



Rasa, Mafnas support teachers

from p. 11

go to American contract personnel, and not to local Micronesian classroom teachers.

He added that another major reason why he is supporting the teachers is because if the proposed Commonwealth Covenant is approved in June, "The people of the Marianas can expect many American teachers from Guam, Hawaii and the mainland coming to the Marianas seeking jobs."

"American teachers sign a "no strike" agree-

ment in their contracts before they are hired," Rasa said. "If the Marianas people became citizens under Commonwealth, we can expect American contract teachers who have agreed not to strike to replace Micronesian teachers."

He said the Marianas people "must understand that the provisions of

the Covenant will affect everybody in the Marianas in many important ways, as it will affect our teachers if the Marianas becomes a Commonwealth."

"The Marianas people better ask their Status Commission members exactly what rights these 'other' Americans will have in the Marianas."

It will outlast a lifetime

One of the most lamented changes in Micronesia today is the almost universal trend away from the thatched roofs. While people who do not live in such houses are often the vocal in their support of thatch, islanders generally agree that the thatch is just too short-lived to be practical. Now it appears that a simulated glass fibre thatch has been developed that cannot be detected by the casual observer. The thatch has been in use in England for sometime, and is manufactured under license in South Africa. John Fox, manager of a company that makes the thatch, says the advantages of simulated over natural thatch are that it is less fire risk, has a life span of about 100 years, and is resistant to infestation from birds and vermin. It may be fixed by unskilled labor with simple tools.

All the Way With HATHAWAY

INFORMED SOURCES in Washington say President Ford intends to nominate former Wyoming Governor Stanley Hathaway to succeed Interior Sec. Rogers C. B. Morton. An announcement is expected shortly.

WE EAT OUR OWN
PIES AND
CAKES



MA WINA'S BAKE SHOPPE
(TREASURE ISLE)

IF YOU HAVE A DREAM, COME TO US TO GET THE MATERIALS TO PUT THE DREAM TOGETHER.



APR 16 REC'D

Department of State

TELEGRAM

Copy filed Pub. Lands

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ACTION INT-05

INFO OCT-01 YO-10 EA-10 L-02 DODE-00 SS-15 SP-02

H-02 /054 W

Amb Wilson
Capt *MS*
Col Smith
MVTrent
Archer
de Gaffenried
Action -
INR-07
get copy to Wilson, unknown portion answers.

..... 022222

P 150525Z APR 75
FM HICOMTERPACIS SAIPAN MARIANAS ISLANDS
TO SECSTATE WASHINGTON DC

UNCLAS X PASS TO INTDEPT/DOIA. FROM HICOM.
TTTT NO. 158

THE FOLLOWING ARE QUESTIONS THAT WERE POSED TO THE AD HOC COMMITTEE ON ITS TOUR OF THE DISTRICTS RE SECRETARIAL ORDER 2969 CAN THE FOLLOWING BE DONE: 1. DISTRICT CREATE MORE THAN ONE ENTITY; 2 PART OF A CIP BE REJECTED; 3. DISTRICT LEGISLATURES ENACT LAWS PROVIDING THAT LANDS RETURNED MAY BE CONVEYED TO NON-MICRONESIANS UNDER SEC. 3(A) (4) OR TO NON-RESIDENT MICRONESIAN; 4. DISTAD VETO ACT CREATING ENTITY; 5. LEGAL ENTITY HOLD LANDS IN TRUST FOR ALL PEOPLE OF MICRONESIA; 6. CONGRESS OF MICRONESIA ENACT LAWS PERTAINING TO LANDS RETURNED UNDER ORDER; 7. LAND COMMISSIONS CONTINUE TO ADJUDICATE TITLE TO LANDS RETURNED; 8. LEGAL ENTITY EMPLOY AND USE LAND MANAGEMENT TO MANAGE RETURNED LAND; AND 9. ADJUDICATORY BODY HOLD HEARINGS ON LAND HERETOFORE DESIGNATED REGISTRATION AREA BY LAND COMMISSION. WHAT ARE THE INTERPRETATIONS OF THE FOLLOWING: 1. MEANING OF ACTIVELY USED BY CENTRAL GOVERNMENT AS ^{ACTIVITY} IT APPLIES TO DOCKS, AIRPORTS, ROADS, ETC; 2. STATUS OF PRIVATE LANDS

PAGE 02 RUHGSAA9234 UNCLAS X PASS TO INTDEPT/DOIA. FROM HICOM. LEASED BY GOVERNMENT NOT PRESENTLY USED OR HAS BEEN SUB-LEASED TO PRIVATE INDIVIDUALS; 3. THE STATUS OF KHAJALEIN ATOLL; 4. THE MEANING OF CURRENTLY PLANNED CIP; 5. STATUS OF HOMESTEAD PERMITS AND LEASES EXECUTED AXTER DATE OF ORDER; 6. MEANING OF SATISFACTORY TO THE HIGH COMMISSIONER IN SEC. 6; 7. EFFECT OF SEC. ORDER 2902 ON AIRPORTS AND DOCKS RETURNED UNDER SEC. ORDER 2969; 8. POWER OF DISTAD TO VETO DISTRICT LEGISLATION APPROPRIATING MONEY DERIVED FROM RETURNED LANDS AND OTHER ACTS DEALING WITH SUCH LANDS; 9.

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STATUS OF KUSAIE PUBLIC LAND WHEN KUSAIE BECOMES SEPARATE DISTRICT;
10. STATUS OF DOCK OR AIRPORT NOW HELD OR WHICH MAY BE HELD BY A
PORT OR DOCK AUTHORITY CREATED BY CONGRESS OF MICRONESIA OR
DISTRICT LEGISLATURE; 11. STATUS OF PRIVATE INDIVIDUALS HAVING
IMPROVED FILL LAND BY DISTAD PERMISSION; 12. AUTHORITY OF HIGH
COMMISSIONER OVER LEASES TO NON-MICRONESIANS. SEE 1 TTC 13, 14.
STATUS OF TENANTS AT WILL AFTER DATE OF OGDER BUT BEFORE CONTENTS OF
ORDER KNOWN; 14. IS LEGAL ENTITY PART OF EXECUTIVE BRANCH? ARE
EMPLOYEES OF ENTITY SUBJECT TO TTPI PERSONNEL REGULATION? CAN
DISTRICT LEGISLATURE CREATE ENTITY AS PART OF THE EXECUTIVE BRANCH IF
IT SO DESIRES; AND 15. WHO FUNDS LAND SURVEYS OF TRANSFERRED LANDS
FOR LEASING, HOMESTEADING, ETC., BY ENTITY. COLEMAN

EO7

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PROPOSED LETTER TO HIGH COMMISSIONER REGARDING PLANNING
FOR SEPARATE ADMINISTRATION - 17 APRIL 1975

Dear Mr. High Commissioner:

Of critical importance to a smooth and efficient transition to self-government in the Marianas if the Covenant is approved is the early development of effective contingency plans for the administration of that district separate from the remainder of the Trust Territory. This letter sets out my views on your role and that of the Trust Territory Government in this regard and defines for your use guidelines to be followed in drawing up detailed contingency plans for separate administration.

These plans when finally approved by the Department, will provide the basis for the issuance of a Secretarial Order which will prescribe the measures to be taken in the Marianas under separate administration. That order will become effective as soon as possible after the Marianas people have approved Commonwealth status in the plebiscite now scheduled for June 17, 1975. The Northern Marianas will continue to remain legally a part of the Trust Territory of the Pacific Islands until the date of Trusteeship termination.

On September 7, 1974 the Marianas District Legislature indicated popular support for separate administration by passing unanimously Resolution No. 1-1974, which contained the joint position of the Marianas Political Status Commission and the District Legislature that a separate administration of the Marianas should commence just after the people have approved Commonwealth in their plebiscite. The United States

agreed to this request. It should be further noted that, dating from the time of the original requests in Session IV of the negotiations, Ambassador Williams has consistently stated that the question of separate administration including its planning and implementation policies is the ultimate responsibility of the Department of the Interior. The Office of Territorial Affairs has already started contingency planning for separate administration and has developed broad policy guidelines along legal and functional lines. It is of course necessary for these guidelines to be substantially expanded so that the specific administrative details can be properly worked out. The enclosed [Office of Territorial Affairs staff] paper addresses these matters.

In view of the importance attached to this exercise, it is requested that you delegate to the Deputy High Commissioner, who is intimately familiar with the Marianas District, primary responsibility for the further development of separate administration contingency plans for the Marianas. It is requested that he be provided on a priority basis staff assistance he may need from the Trust Territory Government as he carries out this important mission.

The Deputy High Commissioner should submit to the Office of Territorial Affairs by May 15, 1975 a detailed report containing his recommendations based on the legal and organizational guidelines contained in the above mentioned staff paper. This report should include, inter alia, the following additional material:

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- a fully defined organizational plan for the executive branch of the Marianas under separate administration;
 - a recommended practicable method by which important functions now performed exclusively by the Marianas District Government or the Headquarters Government can continue to be shared until the Marianas District is ready to assume responsibility for the performance of these functions;
 - position descriptions, classifications and personnel information on any new or revised government positions that may be required;
 - an approach to how those Marianas residents now working in the Headquarters and other District Governments can be (re)integrated into the Marianas Government should they so desire (a letter to MPSC Chairman from Mr. Arthur Akina of Personnel on this matter is enclosed);
 - draft revisions to Secretarial Order No. 2918 to accomplish separate administration along with a survey of the Trust Territory Code sections which will require immediate amendment;
 - recommendations regarding the Marianas Legislature and the Judiciary as they will be affected by separate administration;
- and
- recommendations regarding continued funding with reimbursement by Trust Territory Headquarters of certain activities not within the capability of the separately administered Marianas District.

The report should clearly keep in mind the possibility that the Government of the Marianas under separate administration

could become operational as early as the summer of 1975 but will last only until the Marianas has established its own elected Government under its new Constitution and the Covenant.

It should also be kept in mind that governmental arrangements which the Deputy High Commissioner's report will recommend will be considered an interim step only and should, to the greatest extent possible, minimize alteration of the present Marianas District governmental structure. It should in no way attempt to do the work which only the Marianas Constitutional Convention can do.

Finally, with the exception of the \$1.5 million to be made available to the Office of Transitional Planning and Studies (previously called the Transition Secretariat), no plans should be made for new Federal funding for the separation of the administration of the Marianas. Rather, the interim government should be funded by allocations from presently authorized funds for the Trust Territory as a whole. The new government which will take over from the interim government will be funded under Article VII of the Covenant.

Since the Deputy High Commissioner, with his multiple responsibilities will not be able to devote full time to developing separate administration plans, he should appoint a special separate administration planning committee to function under his chairmanship and to devote as much time as may be necessary on a priority basis to develop the report by May 15, 1975. Members who are appointed Trust Territory and

Marianas District Government employees shall receive no additional compensation for this work but shall be detailed to the Deputy High Commissioner for the duration of this ad hoc committee's work.

Administrative costs and secretarial services for the committee should be borne by the committee members' respective offices. Members of the committee will include the Deputy District Administrator of the Marianas District, the Marianas District Program and Budget Officer, a senior representative or judge from the Trust Territory High Court, a representative from the Headquarters or District Personnel Division, a representative of the Marianas District Legislature and a representative of the Marianas Political Status Commission.

At the request of the Deputy High Commissioner, representatives from other Headquarters and District Offices and Divisions shall supply technical advice and assistance to the committee. Legal assistance, especially as it relates to revision of Secretarial Order No. 2918 and the Trust Territory Code, will be rendered by the Office of Territorial Affairs.

Additionally, as requested in Marianas District Legislature Resolution No. 1-1974 and as was proposed in the political status negotiations, the ad hoc separate administration committee shall consult and seek the views of the Marianas Political Status Commission and the Marianas District Legislature and shall keep

them fully informed of progress being made in the contingency planning. This consultation will be facilitated by the inclusion in the separate administration committee of a member from the District Legislature and the Marianas Political Status Commission. It should be made clear, however, that final responsibility for decisions with respect to separate administration of the Marianas and for all elements related to this issue resides with this Department; the responsibility for developing a report and recommendations is delegated through you to the Deputy High Commissioner.

To summarize, you are requested to take the following immediate actions:

1. Assign to the Deputy High Commissioner the primary responsibility for drafting and submitting to the Office of Territorial Affairs by May 15, 1975, a report containing recommendations concerning contingency plans for the separate administration of the Marianas District.
2. Appoint a separate administration special committee made up of specified Trust Territory and Marianas District Government officials and a member each from the Marianas District Legislature and the Marianas Political Status Commission, who will have the responsibility, under the chairmanship of the Deputy High Commissioner, for drafting the report on separate administration.
3. Instruct all Department, Division and Office heads of the Headquarters Government to cooperate fully with the Deputy

High Commissioner in the furtherance of his responsibilities in this regard; and

4. Assure that the views of the Marianas Political Status Commission and the Marianas District Legislature Holdover Committee are heard and given full consideration in the preparation of the ad hoc committee's report and recommendations.

Sincerely yours,

Secretary of the Interior

Enc:

1. Off. of Territorial Affairs Staff Rept on Separate Admin. in the Marianas.
2. MPSC Working Paper on Sep. Admin dated May 30, 1974
3. Ltr of Mr. Arthur Akina to Sen. Pangelinan date Aug 18, 1974

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