

LAW OFFICES OF
MICRONESIAN LEGAL SERVICES CORPORATION

ATTORNEYS AND MICRONESIAN COUNSELORS

CABLE ADDRESS: MICROLEX

THEODORE R. MITCHELL
EXECUTIVE DIRECTOR

EDWARD C. KING
DEPUTY DIRECTOR

LORENZO L.G. CASRERA
DEPUTY DIRECTOR
FOR ADMINISTRATION

ROMAN T. TUDELA
COMPTROLLER

ANN E. ALLEN
DAVID W. ALLEN
DANIEL E. AQUINO
JESUS C. BORJA
ALAN B. BURDICK

MARIANO CARLOS
PAULA CASEY
JOSE S. DELA CRUZ
DELSON EMMES
FELIX R. FITZAL
ROBERT P. GALLAGHER
LAR HALPERN
JOHNES LICHE
DANIEL MACMEEKIN
SIONAG MACMEEKIN
WILFRED (BILL) R. MANN
ANTHOLING ROSKOW
RICHARD S. ROSS
ALBERT R. SNYDER
MOSES ULUDONG
HANS WILMUNDER
RUBEN ZACKHRAS

CENTRAL OFFICE
POST OFFICE BOX 826
SAIPAN, MARIANA ISLANDS 96950
TELEPHONE 6226, 6471, 6472

PALAU OFFICE
POST OFFICE BOX 57
KOROR, PALAU
WESTERN CAROLINE ISLANDS 96940

MARSHALLS OFFICE
POST OFFICE BOX 376
MAJURO
MARSHALL ISLANDS 96960

TRUK OFFICE
POST OFFICE BOX D
MOEN, TRUK
EASTERN CAROLINE ISLANDS 96942

PONAPE OFFICE
POST OFFICE BOX 120
KOLONIA, PONAPE
EASTERN CAROLINE ISLANDS 96941

MARIANAS OFFICE
POST OFFICE BOX 826
SAIPAN, MARIANA ISLANDS 96950
TELEPHONE 6243

YAP OFFICE
POST OFFICE BOX 208
COLONIA, YAP
WESTERN CAROLINE ISLANDS 96943

REPLY VIA AIR MAIL TO

Central Office

May 1, 1975

Felix Rabauliman & Abel Olopai
P.O. Box 4
Capitol Hill
Saipan, M.I. 96950

Dear Felix & Abel:

In accordance with your request during our recent conversations, I have drafted a proposed letter to be sent by you and other persons to the Secretary of the Interior, presumably still Rogers C.B. Morton, asking that the language for the plebiscite ballot be changed. We have also prepared a petition in support of the request.

As we discussed, I am enclosing the original copy of the letter, which I understand will be signed at your meeting tonight and returned to me tomorrow morning for photocopying and forwarding to various persons. Attached to this letter is a list of names of persons proposed to receive the letter. When you return the signed original copy, I would appreciate your notifying me of any additions or deletions you may desire.

Also enclosed are twenty two (22) copies of the petition, each with an unsigned copy of the letter attached. You may want to have all signators of the original copy of the letter also sign the copies attached to the petition, although this would not seem to be of critical importance.

I understand the petition will be circulated for signatures from tonight up through approximately May 10 when it will be sent to Interior in support of the request, together with a letter seeking prompt action.

03-022927

Felix Rabauliman & Abel Olopai
May 1, 1975
Page 2

Finally, I'm enclosing a proposed letter to be sent to MPSC Chairman Pangelinan requesting that your letter to Secretary Morton be reprinted in the Covenant newsletter.

I'd like also to confirm our relationship on this matter. None of the enclosures contain any reference to me or MLSC. This is primarily because of my impression that the Department of the Interior tends to react emotionally to MLSC requests and may be inclined to respond more favorably if the request comes from the people directly. At the same time, let me repeat that MLSC will have no hesitancy in standing with you. We are honored to be working with you on this issue and we have no desire or need for our own sake to keep our involvement secret. You therefore should have no hesitancy in disclosing our involvement at any time that you may want.

If there is no satisfactory response from Interior within the next few weeks we are prepared to consider with you the possibility of legal action aimed at forcing a change in the ballot language.

If at any time you want to discuss any of these matters further, please let me know.

Sincerely,



Edward C. King

EK/ms

Enclosures

[May 1975]

15
5,617

Petition For Rewording Of The
Plebiscite Ballot

We, the undersigned, for the reasons stated in the attached letter to the Honorable Rogers C.B. Morton, hereby request that the "No" ballot for the June 13, 1975 plebiscite of the people of the Northern Mariana Islands to decide whether we wish to become a Commonwealth of the United States in accordance with the terms of the Covenant signed on February 15, 1975, be changed from the following language prescribed in the Secretarial Proclamation of April 14, 1975:

NO - I vote against Commonwealth in political union with the United States as set forth in the Covenant recognizing 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.

---and that it be amended to read as follows:

NO - I vote against Commonwealth in political union with the United States as set forth in the Covenant.

<u>NAME</u>	<u>RESIDENCE</u>
_____	_____
_____	_____
_____	_____
_____	_____

01
5,67

P.O. Box 4
Capitol Hill
Saipan, M.I. 96950
May 1, 1975

Edward DLG. Pangelinan
Chairman
Micronesia Political Status
Commission
Chalan Kanoa
Saipan, M.I. 96950

Dear Ed:

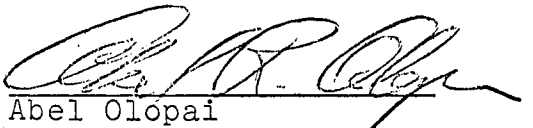
Enclosed is a copy of the letter which we have sent to Secretary of the Interior Morton seeking changes in the ballot language for the forthcoming June 17 plebiscite.

You have at several public meetings offered to print views in the Covenant Newsletter even though those views might not correspond with your own. We seek your support of our request to Secretary Morton but, even if you do not feel it appropriate to support the substance of our request of him, we would greatly appreciate your printing a copy of the enclosed letter in the next issue of the Covenant Newsletter so that the people may be made aware of the very important issues discussed in the letter.

If for any reason you feel unable to comply with our request, or if you wish to discuss this matter further, please advise.

Very truly yours,


Felix Rabauliman


Abel Olopai

Enclosure

01
5,617

P.O. Box 4
Capitol Hill
Saipan, M.I. 96950
May 1, 1975

The Honorable Rogers C.B. Morton
Secretary of the Interior
Office of the Dept. of Interior
Washington, D.C. 20525

Dear Secretary Morton:

We are concerned citizens of the Trust Territory of the Pacific Islands, residents of the Northern Mariana Islands. We share your stated desire that the plebiscite of the people of the Northern Mariana Islands to decide whether they wish to become a Commonwealth of the United States in accordance with the terms of the Covenant signed on February 15, 1975, be held in a "fair and impartial manner."

We have brought to the attention of the plebiscite commissioner, Erwin D. Canham, grave problems with the wording of the ballot which you have prescribed for the plebiscite in your Proclamation of April 11. Mr. Canham suggested that we advise you of our concerns.

We believe that the "No" ballot contains internally inconsistent, misleading and even biased language. Unnecessary references lengthen the ballot and will confuse voters, perhaps even cause some to vote for the simpler, "Yes" ballot, as the only one they understand.

"Yes" Ballot Is Addressed To The Issue

As you know, the real issue that will face the people of the Marianas will be whether they wish to vote for or against Commonwealth in political union with the United States as set forth in the Covenant. There are many ancillary issues which may have some bearing upon how people will vote on this specific proposition. If the ballot were to be truly full and complete it might reprint the entire Covenant. You apparently agree that would be likely to confuse and distract voters. We therefore applaud your prescribed wording of the "Yes" ballot:

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.

We note with approval that this language involves no attempt to have the voter "recognize" the various effects of a "Yes" vote. The language appropriately contains no reference to the fact that if "Yes" prevails, the Constitution of the Northern Marianas Islands will not be "the supreme law of the land" in the Marianas where it conflicts with the Covenant or the United States Constitution, or federal laws applying to the Northern Marianas.

The language also requires no statement of recognition that if "Yes" prevails, citizens here will be required to pay income taxes at rates specified by the United States Government. Nor is there specific mention that no provision is made for our representation in the Congress of the United States, although Congress will have power to enact laws binding the people here.

Finally, there is no specific recognition that a "Yes" vote will mean that Marianas citizens will have no defense against a possible influx of United States citizens and businesses who may put great stress on the physical resources of the islands, drive up the price of land so that few Marianas citizens will have the wherewithal to buy or retain land, take jobs and business opportunities from people here, and ultimately may destroy the character of the Marianas as being essentially the home islands of Chamorro and Carolinian persons.

All of these considerations, and many more, are embraced within a "Yes" vote, yet you have rightly recognized that specific reference to them would be confusing and seen as having political or biased overtones.

"No" Ballot Is Confusing
Inconsistent And Biased

Your wording of the "No" ballot is in startling contrast. As with "Yes", various rights and possibilities may flow from voting "No." The difference is that the "No" ballot for some reason includes reference to a selected few of those possibilities. This confuses, and serves no discernible purpose whatever:

NO - I vote against Commonwealth in political union with the United States as set forth in the Covenant recognizing 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.

A. The Covenant Is At Issue, Not The Commonwealth Concept - Some here are for Commonwealth with the United States but disapprove of some specific terms "set forth in the Covenant."

These will be hopelessly confused by the "No" phraseology. The "Yes" ballot, and the first part of the "No", say the issue is whether the voter favors "Commonwealth as set forth in the Covenant." Under that language, most would believe a vote against this particular Covenant would not necessarily be against Commonwealth.

Yet the ballot spells out some (but of course not all) results "if Commonwealth is rejected." Since the language is in the "No" ballot, it suggests that "No" will be considered a vote against Commonwealth under any terms. This fundamental internal inconsistency makes it impossible for any voter to know, with certainty, the scope of the issue presented.

Perhaps the intended message is that, if this Covenant is rejected, the people of the Marianas will never again be given the opportunity for Commonwealth. With all due respect, we wonder whether you have the authority or the prescience to speak for the United States on this issue, forever. Even if you do it would seem preferable to communicate the message as a part of general education preparatory to the plebiscite rather than by innuendo within the ballot.

If you for some reason regard it proper and critical that the ballot communicate that a "No" vote will be considered a permanent and irrevocable vote against Commonwealth in any form, we respectfully request that the "Yes" and "No" ballots be amended to leave no doubt as to that fact.

If the ballot is not intended to carry such an implication, the words, "if Commonwealth is rejected" should be deleted altogether.

B. Northern Marianas Status As A Trust Territory District Will Not Be Changed By The Plebiscite - The "No" ballot says that, if Commonwealth is rejected, the "Northern Mariana Islands will remain as a District of the Trust Territory..." Isn't that equally true if the plebiscite vote is "Yes"? In either event, the Northern Marianas will remain a district of the Trust Territory for precisely the same time - until the Trusteeship Agreement is terminated.

C. Voting "No" Will Not Affect The Present Right To Seek Alternative Political Status - The "No" ballot also says that if Commonwealth is rejected, the Northern Mariana Islands will have the right to participate with the other Districts in determination of an alternative future political status.

That is strange information indeed to be set out in the "No" ballot. Representatives of the Marianas presently participate in negotiations with the Joint Status Committee of the Congress of Micronesia looking toward political status for all of Micronesia. It seems hardly worth noting that the situation will remain unchanged if the vote is "No."

If there is relevance to the point, it presumably is that the result of a "No" vote will be different than "Yes." Is the "No" ballot language actually trying to tell us that if the vote is "Yes", then the people of the Northern Marianas will no longer have the right to participate with other districts in a search for satisfactory political status?

Does that then mean that even if Micronesians in other districts should ultimately decide that they wish to join with the United States and the Northern Mariana Islands in a Commonwealth arrangement, the people of the Northern Marianas will be prevented from participating in any such discussions?

Again, this seems far too much to try to convey in a simple ballot. But if it is in your judgment imperative to include such information in the ballot, the statement should be plainly made in "Yes", not suggested by indirection in the "No" ballot.

This language may be intended to tell the people of the Marianas that, if they vote "No", they will have no right to seek political status other than in participation with the other Trust Territory districts.

That would radically change the plebiscite issue. The issue would not be whether people are for or against the Covenant. It would be whether the people here prefer this Covenant as against some unknown status in union with the rest of Micronesia.

Such an interpretation fits with the implication that a "No" will be considered a vote against Commonwealth in any form, not just as set forth in the Covenant.

We can only be confused by all this. English is your native language, not ours. Why would you not state your meaning plainly? If you mean to tell us that by voting "No", we will be deprived of the right to negotiate separately with the United States for Commonwealth or some alternative political status, why do you not say that? Why merely suggest the absence of rights by naming one right which we will have?

If no implication that a "No" vote will deprive us of the right to continue separate negotiations is intended, then we ask deletion of that language from the "No" ballot.

D. "No" Language Unnecessarily Injects Bias And Emotion Into The Vote - Finally, we believe it only fair to apprise you of a general impression that exists in the Northern Marianas. Many people here contend that the reference in the "No" ballot to "other Districts" has been inserted, not to assist voters to understand the issue before them, but to encourage them to cast "Yes" ballots for emotional reasons, which almost warrant the label racism.

You surely are aware that significant numbers of persons in the Northern Marianas consider themselves somehow inherently superior to other Micronesian peoples. It is not an overstatement to say that some persons would opt for practically any form of political arrangement with almost any nation, in order to separate from other Micronesians, thereby confirming their own superiority.

Most unfortunately the present "No" language plays upon this aspiration for superiority. The "No" ballot will pointedly suggest to the voter, at the crucial moment, that a "No" vote means further participation with the other Trust Territory districts. As already pointed out, that is not necessarily so. A "No" vote will not alter the period of time during which the Northern Marianas will remain a Trust Territory district, and it need not preclude the possibility of separate political status, even Commonwealth, for the Marianas.

Nevertheless the plain implication is there. This will cause some persons to cast their plebiscite ballot, not on the basis of being for or against "Commonwealth as set forth in the Covenant", but instead because of their desire to be seen as distinct from and superior to persons in the "other Districts."

We acknowledge this may be the motivating factor for many persons regardless of the ballot wording. This does not alter the fact that ballot language should be aimed at minimizing, not maximizing, such undesirable motivation.

Conclusion And Recommendation

Everything after the word "Covenant" in the "No" ballot is superfluous and even misleading. Because of that unnecessary language, peripheral issues are implied, there are actual inconsistencies in the ballot, and unsavory emotional and political considerations are emphasized.

There can be little doubt that, whatever the intent of the drafter, the unnecessary language in the "No" ballot will discourage people from voting for the "No", which cannot possibly be understood, and encourage them to vote for the simpler and understandable "Yes."

You have said the plebiscite should be fair and impartial. Surely the people of the Northern Marianas and of the United States fully agree. Nobody has any interest in permitting this crucial decision to be influenced by considerations other than whether people are for or against Commonwealth as set forth in the Covenant.

We therefore respectfully request deletion of all language in the "No" ballot after the word Covenant, so that, leaving the "Yes" ballot unchanged, the ballots would read 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.

Unless such a change is made, there can be no "fair and impartial" plebiscite. We respectfully urge your prompt and full consideration of this request.

Very truly yours,

<i>Paul R. Lopez</i>	<i>Flip Tabawa</i>
<i>Felicidad Agunoro</i>	<i>J. M. ...</i>
<i>Shijonjai</i>	<i>Billie</i>
<i>Augustine Lagabuel</i>	<i>Simeon Agate</i>
<i>Norman R. ...</i>	<i>J. ...</i>
<i>Basiano</i>	<i>H. ...</i>
	<i>S. O. Towae</i>