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PASS TO ERWIN CANHAM

RE UR TELEX REQUESTING GUIDANCE TO INTERPRETATION OF SECRETARIAL ORDER.

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FIRST, DOMICILE IS LARGELY A MATTER OF A PERSONS INTENT. THE BASIC POINT OF REFERENCE IN DETERMINING DOMICILE FOR THE PLEBISCITE IS OF COURSE SEC 7(B) OF SECRETARIAL ORDER 2973, NOTING THAT THE VRB MUST TAKE INTO ACCOUNT ALL RELEVANT FACTORS RELATED TO THE QUESTION OF DOMICILE. AS STATED IN THE ORDER, THE FACTORS LISTED IN SECTION 7(B) ARE NOT EXCLUSIVE. THEREFORE, IT IS CERTAINLY RELEVANT FOR VRB TO CONSIDER POSSESSION OF AN ALIEN REGISTRATION CARD AS EVIDENCE OF ABSENCE OF DOMICILE IN THE NMI, HOWEVER, POSSESSION WOULD NOT BE CONCLUSIVE EVIDENCE BECAUSE THE PRESUMPTION CREATED BY THE POSSESSION OF SUCH A CARD CAN BE REBUTTED BY OTHER EVIDENCE. REGARDING INDIVIDUAL QUESTIONS INVOLVING REGISTRATION UNDER US IMMIGRATION OR NATURALIZATION LAWS, WE WOULD ADVISE CONSULTATION WITH THE US IMMIGRATION OFFICER ON GUAM AS TO IMPACT ON DOMICILE IN THE NMI.

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SECOND. RECEIPT OF PAY DIFFERENTIALS FOR EMPLOYMENT IN THE NMI CERTAINLY IS EVIDENCE OF A PERSONS INTENT TO RETAIN A DOMICILE OUTSIDE THE NMI. THIS EVIDENCE ALSO MAY BE REBUTTED BY MORE PERSUASIVE EVIDENCE TO THE CONTRARY. (FYI: IF SUCH PERSON IS CERTIFIED AS DOMICILED IN THE NMI FOR THE PLEBISCITE, THE TRUST TERRITORY ADMINISTRATION MAY CONSIDER THAT FACT IN EVALUATING HIS CONTINUING ELIGIBILITY FOR PAY DIFFERENTIALS AND PREFERENTIAL HOUSING. END FYI).

THIRD, FOR YOUR PURPOSES, NO PERSON WHO HAS FILED AN AFFIDAVIT OF REGISTRATION SHOULD BE PERMITTED TO RETRACT HIS AFFIDAVIT SINCE THERE IS NOTHING IN THE PLEBISCITE REGISTRATION PROCEDURES ALLOWING RETRACTION. THE VRB SHOULD MAKE A RULING ON WHETHER THE INDIVIDUAL IS OR IS NOT DOMICILED IN THE NMI. AFTER THE DECISION IS PUBLISHED IT MAY BE CHALLENGED AND TAKEN BEFORE THE VRB EN BANC AND FROM THAT BODY TO THE SPECIAL PLEBISCITE APPELATE COURT WHICH WOULD ISSUE A FINAL RULING. IF A PERSON WISHES TO RETAIN HIS PAY DIFFERENTIALS, HE MAY WELL DECIDE NOT TO CONTEST A DECISION THAT HE IS NOT DOMICILED IN THE NMI.

FOURTH, IT WOULD, OF COURSE, BE INADVISABLE FOR THE TRUST TERRITORY TO INJECT ITSELF INTO THE PLEBISCITE REGISTRATION MATTER, AS SUCH MAY BE INTERPRETED AS AN ATTEMPT TO INFLUENCE VOTER REGISTRATION BY THREATENING TO WITHDRAW PAY DIFFERENTIALS AND HOUSING ALLOWANCES OF TTPI EMPLOYEES. HOWEVER, IN INTERESTS OF FAIRNESS TO POTENTIAL VOTERS, THE TTPI MAY WISH TO ISSUE AN ATTORNEY GENERAL RULING REGARDING PAY DIFFERENTIALS AND HOUSING ALLOWANCES AND QUALIFICATIONS THEREFOR. THE RULING CERTAINLY WOULD BECOME WIDELY KNOWN AND SHOULD PROVIDE SUFFICIENT PRIOR NOTICE TO INDIVIDUALS NOW RECEIVING THESE BENEFITS OF THE CONSEQUENCES THAT WILL OCCUR SHOULD THEY ESTABLISH AND MAINTAIN THAT THEY ARE IN FACT DOMICILED IN THE NMI.

FIFTH. WE ARE EXPLORING ALL FEASIBLE AVENUES REGARDING YOUR REQUEST FOR INDEPENDENT LEGAL COUNSEL AND HOPE TO HAVE FAVORABLE WORD TO YOU SHORTLY.

CORRECTION  
PARAGRAPH THREE NEXT TO LAST LINE SHOULD READ

HE MAY WELL DECIDE NOT TO CONTEST A DECISION THAT HE IS NOT DOMICILED

ACTING DOTA RICE SENDS.

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