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October 24, 1975

HERZBERG

Mr. Fred M. Zeder
Director of Territorial Affairs
Department of the Interior
Washington, D. C. 20240

Dear Mr. Zeder:

You have orally requested that we present to you in written form the Congress of Micronesia's position on major issues relating to the "Mariana Covenant" and the proposed administrative separation of the Mariana Islands District from the other five districts of the Trust Territory by means of the Interior Secretarial Order prior to the installation of the Mariana Islands constitutional government and prior to the termination of the Trusteeship Agreement. We are happy to comply with your request.

By way of background, the United States House of Representatives considered, approved and sent to the United States Senate H.J. Res. No. 549 (Report No. 94-364), which simply "approves" the "Covenant to Establish a Commonwealth of the Mariana Islands in Political Union with the United States of America." Public hearings on this legislation were held by Senator Jackson's Committee just before the summer recess of the United States Congress, and the subject legislation has just recently been reported out with favorable recommendation for passage. We understand that the Senate Foreign Relations and Armed Forces Committees have both expressed interest in holding advisory hearings on the same measure prior to formal action by the United States Senate.

That the United States Senate favorably acts on the Marianas Covenant legislation is understandably a matter of utmost concern to the leadership and people of the Mariana Islands District. To them, the passage of this legislation in the United States Congress is paramount and overriding. The Marianas leadership is anxious to have this particular legislation approved immediately, and the process of transition towards a commonwealth status begin promptly.

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The Congress of Micronesia is more than willing to accommodate the expressed desire and aspirations of the people in the Marianas Islands. The Congress, however, is not prepared to support the approval of the Marianas Covenant and will actively oppose any steps to separate the Marianas from the other five districts unless and until the interests of the other five districts of the Trust Territory are adequately and equitably protected. This is to say that if the Marianas District must inevitably separate and achieve a new political status different from the other five districts it reasonably follows that adequate safeguards and measures must be taken concomitantly to protect the interests of the other Micronesians.

In this regard, the Congress of Micronesia insists that consideration be given to two basic issues of great concern to the other five districts. These must be taken into account as the Marianas Covenant legislation goes through the legislative process and as the United States Government devises the mechanics, terms and structure of the proposed separate administration of the Marianas District. These two issues are as follows:

1. It is only equitable that concomitant with the approval of the Marianas covenant adequate legislative provisions and commitments be made by the United States Government to participate in the financing of the relocation and construction of a new Capitol for the other five districts of the Trust Territory. This assurance, while presumed by some, has never officially been stated.
2. Separate administration of the Marianas District must not be effectuated at the expense and to the detriment of the other five districts. Accordingly, it is the desire of the Congress of Micronesia that any separation of the Marianas District be accomplished by means of Secretarial Orders that will allow the Marianas District to assume self-government under its own constitution and the other districts to devise their own government and new political status.

Thus we request that the U.S. Government commit itself to participate in the funding of the new Capitol of Micronesia. We feel that this commitment could be best set forth as part of the joint resolution approving the Covenant. There may, however, be other means to do this which the Congress will find acceptable.

Secondly, we acknowledge and accept the desirability of a form of separate administration for the Government of the Marianas after approval of the covenant. However, in providing this separation the following provisions must be adhered to:

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(a) There shall be no apportionment of the Trust Territory budget and no allocation of any funds to the Marianas Government. The present budgetary system currently being used by the Trust Territory in funding programs of the various districts shall continue as in the past.

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(b) The Trust Territory Government shall continue to provide the same level of services in the Marianas under a unified budget, and shall exercise the same taxing authority as is currently exercised.

No!

(c) The Trust Territory Government shall seek funds and shall appropriate such funds as are available for the purpose of preparing the Marianas Government for the assumption of local autonomy upon the installation of the constitutional government. During this period, sufficient administrative and legislative discretion should be granted the Marianas District Government in order to allow this District to initiate adequate planning and preparation for its constitution and structure of a new government under its own constitution.

In order to accomplish the foregoing and knowing full well the position taken by the Marianas Ad Hoc Committee on the issue of separation, the Congress of Micronesia is proposing the attached amendments to the Memorandum of Understanding and the Secretarial Orders proposed by the Ad Hoc Committee in its report to the Secretary of the Interior dated September 5, 1975.

In so doing, the Congress of Micronesia is in essence compromising its earlier unqualified position of opposing the separation of the Marianas. It now feels that there can be a separation, allowing Marianas to begin its efforts to prepare for eventual self-government. At the same time, our proposed mechanics of such separation of the Marianas would not unduly overburden the existing governmental structure so as to render it ineffective or inefficient. It also provides protection to the other districts in terms of revenues and other factors.

It is the position of the Congress of Micronesia that if these amendments can be incorporated into the Marianas Ad Hoc Committee drafts of the proposed Secretarial Order, and the commitment for a new capitol obtained, the Congress of Micronesia is prepared to join the Marianas leadership in advocating early approval of the covenant and the issuance of the Secretarial Order providing for the separate administration.

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It must be recognized that time is of the essence at this point and we would, therefore, like to receive your comments and views regarding our amendments and whether or not they are acceptable to the U.S. Government. We expect that the U.S. Senate will be acting on the covenant legislation at any time and, therefore, we appreciate receiving your views as soon as possible.

If you require any additional information on the position of the Congress regarding this important matter, please do not hesitate to let us know.

Sincerely yours,

Kaleb Udui
Kaleb Udui
Legislative Counsel
Congress of Micronesia

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