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MEMORANDUM FOR THE FILE

SUBJECT: Other Items of Interest at the August 22
Meeting of the Committee on Political Status/
Legal Issues

The attached letter from Howard Willens to
C. Brewster Chapman summarizes the results of the first
meeting of the Committee on Political Status/Legal Issues.
Other items of interest which came up in the meeting include:

1. U.S. Citizenship and Nationality.

Chapman prefers that the procedure for the
Marianas people becoming U.S. citizens not be automatic --
i.e., they become citizens unless they indicate otherwise.
Rather he prefers that each individual would have to signify
affirmatively that he wants to be a citizen, presumably by
taking an oath.

Herman Marcuse expressed serious doubts
whether a citizen of a foreign country, such as the
Philippines or the new Micronesia, could become a U.S.
citizen or even a U.S. national without renouncing his
other citizenship.

2. Article 4, Section 3, Clause 2.

As noted in the attached letter, Chapman
hesitated to accept as a working approach in defining
federal sovereignty over the Marianas the following:

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Federal powers would include those which the Federal Government has in relation to the states plus any specifically stated additional powers (if any). He apparently hesitated only because he was not prepared to address the issue at this early stage. Marcuse and O. Thomas Johnson seemed attracted to the approach. Marcuse tentatively suggested that the only additional power which the United States might even consider would be some limited power over intra-state commerce.

3. Applicability of Privileges and Immunities Clause.

There was complete agreement among the U.S. representatives on the need for limits on the transfer of interests in land in the Marianas. The U.S. representatives seemed willing to assist the Marianas in drafting specific exceptions to the privileges and immunities clause to allow this.

4. Possible Review Provisions.

In response to a suggestion that there be a provision in the status agreement for a formal review every five years, Chapman seemed willing to accept some arrangement. However, he seemed to lean toward a formal internal review within the Marianas followed by voluntary action by the Department of Interior. He argued that the Interior Department was sensitive to the needs of the Marianas. He specifically

suggested the analogy of the American Samoa and Guam where he said there was a mechanism for a period like Constitutional convention. He said the Interior Department had always supported the recommended changes, except when some suggestion was really "far out." [The history, especially in 1968, does not support Chapman's broad claim.]

5. Use of a Treaty.

Chapman strongly opposed the use of any U.S.-Marianas treaty as the document embodying or accompanying the status agreement. He said that it meant that "the U.N. and others" would scrutinize the arrangement more carefully. [Since the United Nations will be involved in the termination of the Trusteeship anyway, it would appear that Chapman's real reason is that he prefers to deal with the Interior Committees of Congress rather than the more unfamiliar Foreign Relations Committees; the treaty would probably put the matter within the Foreign Relations Committees.]

Howard Willens said the Marianas were withholding judgment on what would be the best legal document until they had studied the issue further. However, he noted that the question of the sovereignty of the Marianas people was a matter of major concern.

Barry Carter

cc: Mr. Pangelinan
Mr. White
Mr. Willens
Mr. Lapin

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