

03  
5

March 21, 1973

MEMORANDUM FOR HOWARD WILLENS, JAY LAPIN AND GERRY GOLDMAN

SUBJECT: Further Work on Analogies

Attached <sup>are</sup> ~~is~~ a rough outline of political status alternatives for the Marianas and a brief list of <sup>the</sup> ~~which~~ analogies <sup>which</sup> I think need to be studied. I would tentatively suggest that we proceed to locate and summarize the relevant legal and factual materials for the analogies I have listed. This effort should provide the necessary background for us and point the way to specific legal issues which will need to be studied in greater detail -- e.g., the implications of U.S. citizenship, possible methods for terminating or amending the political status arrangement.

Barry Carter *BC*

cc: Nancy Schuh

01-03776

A Rough Outline of Political  
Status Alternatives  
for Marianas

1. Statehood

- A. Apparently the first step would be to make the Marianas an incorporated territory.
- B. This alternative would be politically impossible for many reasons.
- (1) One reason is the small size of the Marianas (1971 population of 13,000). Even if associated with Guam, the population would still be small (Guam's 1970 population was 86,900, of which 52,400 were Guamanians). The rest of the Trust Territory is apparently not interested in the statehood option.<sup>1/</sup>
- C. This alternative need not be studied further.

2. Unincorporated Territory

A. Organized Territories

- (1) Analogies: Virgin Islands and Guam. Also apparently a draft bill proposed in January 1970 by the U.S. Delegation to the Micronesian Delegation.
- (2) All, especially Guam, should be studied in some detail.

---

<sup>1/</sup> The U.S. state with the smallest population is Alaska. Its 1970 population was 302,000.

B. Unorganized Territories

(1) Analogies: American Samoa (1970 population of 27,160); Johnston Atoll, Kingman Reef, Navassa Island, Palmyra Island, and Swan Islands (populated?); and, Midway and Wake Islands (no native population).

(2) American Samoa should be studied in detail.

C. In General. Research the doctrine of incorporation.

E.g., Dorr v. United States, 195 U.S. 138 (1904);

Balzac v. Porto Rico, 258 U.S. 298 (1922).

3. Commonwealth

A. Analogies: Puerto Rico (1970 population of 2.7 million), the U.S. proposal of May 1970 to the Micronesians, and Bahamas (1970 population of 168,000).

B. The first two should be studied in detail and the Bahamas briefly.

4. Free Association

A. Analogies: The draft Compact of Free Association of August 1972; a Micronesian proposal in May 1970; Cook Islands (1970 population of ?); and St. Vincent (population of 89,100) (one of the West Indian Associated States, an arrangement with Britain in which the association is terminable by either Britain or the State).

B. The first three should be studied in some detail and St. Vincent briefly.

5. Independence

- A. Some analogies: Nauru (1970 population of 7,000) (independence in 1968 after being a U.N. trusteeship under joint Australian, British, and New Zealand administration; some ties to British Commonwealth); Western Samoa (1971 population of 143,550) (independence in 1962 after being a U.N. trusteeship administered by New Zealand); Philippines (1970 population of 36.7 million) (full independence in 1946); Fiji (1970 population of 533,000) (independence from Great Britain in 1970); Kingdom of Tonga (estimated 1971 population of 90,000) (independence in 1970 after ties with Great Britain);
- B. Nauru and Western Samoa might be studied briefly, but independence does not seem to be the preference of the Marianas.

DRAFT  
3/21/73

ANALOGIES TO STUDY

1. Statehood
  - none
2. Unincorporated Territories
  - A. Organized:
    - (1) Guam (in detail)
    - (2) Virgin Islands (for additional ideas beyond Guam)
    - (3) The U.S. draft bill of Jan. 1970 (in detail)
  - B. Unorganized
    - (1) American Samoa (in detail)
  - C. In General
    - (1) The doctrine of incorporation (in detail)
3. Commonwealth
  - A. Puerto Rico (in detail)
  - B. The U.S. proposal of May 1970 (in detail)
  - C. Bahamas (briefly)
4. Free Association
  - A. The draft Compact of Free Association of August 1972 (in detail)
  - B. Micronesian proposal of May 1970 (in detail)
  - C. Cook Islands (in detail)
  - D. St. Vincent (briefly)
5. Independence
  - A. Nauru (briefly)
  - B. Western Samoa (briefly)

03780