

DRAFT:JMW:MW:4/11/73

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TALKING POINTS FOR PANGELINAN DISCUSSIONS.

I. Scope of current discussions

A. Substantive questions to be considered.

1. Replies to Marianas Q&A in Saipan.
2. The issues to be explored next round.
  - a. Alternatives for political status.
  - b. Land.
    - (1) Military requirement.
    - (2) Return of Public lands.
    - (3) Protection against future alienation.
  - c. Financial and economic questions
  - d. Transitional arrangements.
3. The nature of the future agreement (instrument of association or what?)

B. Procedural Matters

1. Schedule of upcoming events and meetings.
2. Structure and organization of talks.
3. Treatment of COM and SJR 38.

II. Substantive Questions

A. Replies to Marianas Q&A in Saipan.

1. Formal replies herewith.
2. Some answers deferred till talks.
3. Some further internal consultations still necessary on U.S. side.
4. Question of publication/press handling of Q&A (No need to Publicize.)

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B. Issues to be explored next round.

1. Posed here as series of questions to be jointly explored rather than U.S. positions, which will come later.

2. Political Status Alternatives

a. Possible forms of association.

(1) Modified commonwealth status (on 1970 plan)

(2) Unincorporated territorial status.

(3) Unification with Guam - with possible alternatives as to degree and timing.

(4) Other ideas.

b. Labels relatively unimportant. Essential question is what position to take on specific components and available alternatives in each component.

c. Applicability of Federal laws and regulations.

(1) Applicability of U.S. Constitution and Bill of Rights.

(a) Dependent to some degree on type of status selected.

(b) Optional applications

(2) Applicability of Federal Legislation.

(a) Mandatory legislation.

(b) Optional legislation

Desired  
Undesired.

d. Nationality and Citizenship

(1) Benefits

- (2) Limitations
  - (a) Economic
  - (b) Political
  - (c) Educational
  - (d) Other.
- e. National Representation
  - (1) Voting and non-voting delegates.
  - (2) With Guam.
  - (3) Separate representation.
- f. Judicial and Court System
  - (1) Relations to Federal Court System.
  - (2) Relationship to Guam and others.
- g. Organization of Local Government.
  - (1) Possible Marianas Constitution.
    - (a) Compatibility with U.S. Constitution.
    - (b) Bill of Rights.
    - (c) Other requirements.
      - Republican form of government.
      - Separation of powers.
  - (2) Possible Organic Act or other legislation.
  - (3) Carry over of local legislation.
    - (a) Marianas District
    - (b) Congress of Micronesia.
  - (4) Carry over of local administrative rulings.

To obtain title  
 EXTEND SOVEREIGNTY  
 US needs to  
 have US CONGRESS  
 APPROVE STATUS  
 by JOINT RESOLUTION  
 AT LEAST

- (a) DISTAD decisions and regulations.
- (b) TTPI administration.

3. Land Questions

a. Military requirements.

- (1) Present needs - to be outlined in talks.
- (2) Future needs.
- (3) Possible methods of acquisition.
  - (a) Lease versus purchase.
  - (b) Resettlement
    - Voluntary and involuntary.
    - Alternative relocation sites.
  - (c) Reimbursement.
- (4) Private land settlement.
- (5) Public land settlement.
  - (a) Entity with which to deal.
  - (b) Outstanding disputes.
  - (c) Outstanding leases etc.

b. Federal non-military land requirements.

- (1) Government Services
- (2) Coast Guard

c. Return of public lands to the Marianas

- (1) See Q&A on basic position and question of when land to be returned.

(2) To whom is it to be returned?

- Legal entity concerned.

- Limitations on action.

(3) Handling of COM and TTPI administration interests in public lands.

(4) Settlement of outstanding disputes.

(5) Submerged lands.

d. Protection against land alienation.

(1) Alternatives available.

(a) Local legislation.

(b) Constitutional provisions.

(c) Trust and holding companies.

(d) Other

(2) Public and private land.

(3) Legal problems and alternatives.

e. Federal eminent domain.

(1) Alternatives

(2) Precedents.

4. Financial and Economic Questions

a. Application of Federal programs

(1) Programs of automatic applicability under varying statuses.

a. Social Security

b. Welfare

c. Housing

d. Education

- e. Loans
- f. Highways
- g. Others
- (2) Programs of optional applicability.
- (3) Estimated Economic impact and benefits.
  
- b. Special support arrangements.
  - (1) Present levels of support.
  - (2) Future prospects.
    - (a) Possibilities for matched revenues.
    - (b) Other contingencies.
  
- c. Financial and economic benefits from military activities.
  - (1) Direct benefits.
    - (a) Construction
    - (b) Leases
    - (c) Salaries
  - (2) Indirect benefits
    - (a) Local purchases.
    - (b) Services
    - (c) Maintenance and construction fall-out.
    - (d) Other.
  
- d. Other economic benefits
  - a. Business expenditure.
  - b. Foreign trade and investment
  - c. Tourism related to U.S. association.
  - d. Other

5. Nature of the Agreement.

- a. Legal instrumentality.
- b. Legislative alternatives.

6. Transitional Arrangements

- a. Interim legal implementation
  - (1) Alternatives
    - (a) Legislation
    - (b) Executive Order
    - (c) Secretarial Order amendment.
  - (2) Timing.
- b. Procedures for Implementation of Agreement.
  - (1) Approval procedures.
    - (a) Marianas
    - (b) United States
  - (2) Plebiscite arrangements.
    - (a) Nature of vote.
    - (b) Necessary majorities.
    - (c) U.N. participation.
  - (3) UNTC and SC clearances.
  - (4) Relationship to rest of TTPI.
  - (5) Political Education
- c. Interior administrative implementation.
  - (1) Separation from rest of TTPI.
    - (a) Separation of government functions.
      - Executive
      - Legislative
      - Judiciary.

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- (b) Timing
- (c) Relocation of TTPI Administration and Congress.
- (d) Possible procedures for local constitutional approval and implementation.

- d. Interim military activities.
- e. Interim financial and economic activities.
  - (1) Separate Marianas budget
  - (2) Foreign investment and MFN.
  - (3) Trade and Commercial arrangements.

### III. Procedural Matters

#### A. Future Schedule

- 1. Internal Marianas meetings.
- 2. Preliminary discussions - Week of May 1?
  - Wilson advance trip.
- 3. Formal opening - Week May 7?
- 4. UNTC break - June 8.

#### B. Structure and Organization of Talks.

- 1. Plenary and working session.
- 2. Sub-Committee structure.
  - a. Status
  - b. Land
  - c. Finance
  - d. Transition - later.
  - e. Political education- later
- 3. Records and proceedings.
- 4. Press and other media.



C. Treatment of Congress of Micronesia.

1. Reactions and response to SJR-38.
2. Marianas membership in COM.
  - a. TTPI Constitution.
  - b. Joint Committee on Future Status
3. Positions in U.N. Trusteeship Council (review).