

POSITION OF MARIANAS POLITICAL STATUS COMMISSION  
ON SUBJECT OF SELF-GOVERNMENT

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In its position paper of May 10, 1973, the Commission stated (at p. 5) that within certain constraints "the Commission believes that the people of the Marianas should have full self-government and absolute control over their internal affairs." The Commission also indicated that it wanted the people of the Marianas under the proposed Commonwealth to have the "attributes of a self-governing people." The United States has also recognized in its statements that the people of the Marianas should have "maximum" self-government consistent with the U. S. Constitution and relevant Federal legislation. The specific question which has been identified in our recent working sessions is how to reconcile the desire of the Marianas for maximum self-government with the plenary powers of Congress under Article IV, Section 3, Clause 2, of the U. S. Constitution.

The Commission is not prepared to make any specific proposal on this subject at this time. The legal and practical aspects of this problem are extremely complex and require additional study, we believe, by both parties to these negotiations. The Commission recognizes that sovereignty over the Marianas will be clearly vested in the United States. The Commission is not in any way seeking exemption from Federal legislation applicable to the states or territories which is enacted by Congress under Constitutional powers other than Article IV, Section 3, Clause 2. We are interested only in exploring--together with the U. S. Delegation--whether some specific limitations on the plenary powers of Congress under Article IV, Section 3, Clause 2, can be developed which would make clear that the Commonwealth of

the Marianas has maximum (or paramount) control over its internal affairs. Many approaches are possible, some involving express exemptions to Article IV, and others involving legislative history alone, but each must be reviewed carefully from a legal, practical, and political standpoint.

Under these circumstances, the Commission is requesting the U. S. Delegation to recognize that this is an appropriate area for future study and discussion. After such study, the Commission may indeed conclude that there is, in fact, no practical alternative but to accept the full and uncircumscribed application of Article IV, Section 3, Clause 2. The members of the Commission are not at this time, however, ready to reach this conclusion. We respectfully request the U. S. Delegation to appreciate our position on this matter and add this topic to the list of items requiring further detailed consideration.