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C O N F I D E N T I A L // N05700 // (SECTION ONE OF TWO)
FROM STATUS LNO SAIPAN
PRELIMINARY MEETING ON MARIANAS STATUS

1. U.S. ADVANCE TEAM MET WITH MARIANAS STATUS COMMISSION (MSC) 10 MAY IN SAIPAN MUNICIPAL LEGISLATURE BUILDING FOR 2 AND 1/2 HOURS AND EXCHANGED OPENING PRELIMINARY POSITIONS REGARDING FUTURE POTENTIAL STATUS FOR MARIANA ISLANDS. GENERAL ATMOSPHERE WAS WARM AND OPEN WITH MSC MEMBERS ANXIOUS TO RECEIVE U.S. POSITIONS. MSC PRESENTED ITS POSITION ON STATUS AND REQUESTED U.S. PRESENT ALL ITS POSITIONS. U.S. TEAM COMPLIED FOLLOWING WASHINGTON GUIDANCE.

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2. MSC APPEARED TO BE RECEPTIVE TO U.S. PREFERRED STATUS ALTERNATIVE, BUT ISSUES ARE CLEAR. GENERALIZED PRESENTATION OF FINANCIAL STATISTICS RELATING TO U.S. MILITARY CONSTRUCTION AND ECONOMIC IMPACT WILL BE RECEIVED AND MAY HAVE CONTRIBUTED TOWARD MAKING U.S. MILITARY LAND NEEDS MORE ACCEPTABLE.

3. SUBSTANCE OF MSC PRESENTATION STATUS FOLLOWS:
A. FORM. BASED ON ITS STUDY OF PUERTO RICAN SITUATION AND COMMONWEALTH PROPOSAL OF 1970 MSC SAID IT PREFERENCES "COMMONWEALTH" STATUS. FEATURES MSC PROPOSAL INCLUDE:

- (1) PROVISION FOR AMENDMENT OR TERMINATION BY MUTUAL CONSENT;
- (2) PERIODIC REVIEW EACH FIVE YEARS UPON REQUEST OF EITHER

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PARTY;

(3) AGREEMENT IN FORM OF "COMPACT" WITH U.S. CONGRESS ENACTING MARIANAS FEDERAL RELATIONS ACT TO EFFECTUATE NEGOTIATED STATUS ARRANGEMENT;

(4) MARIANAS WOULD DRAFT OWN CONSTITUTION ESTABLISHING REPUBLICAN FORM OF GOVERNMENT WITH THREE SEPARATE BRANCHES AND BILL OF RIGHT TO BE AMENDABLE SO LONG AS CONSISTENT WITH MARIANAS FEDERAL RELATIONS ACT AND U.S. CONSTITUTION;

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(5) THERE WOULD ALSO BE LOCALLY ELECTED CHIEF EXECUTIVE.
B. APPLICATION OF U.S. CONSTITUTION. MSC ANTICIPATES RIGHTS OF MARIANAS PEOPLE WOULD BE FULLY PROTECTED BY PROVISIONS OF MARIANAS CONSTITUTION. IS ALSO PREPARED REVIEW SPECIFIC PROVISIONS U.S. CONSTITUTION TO DETERMINE WHICH SHOULD BE MADE APPLICABLE TO COMMONWEALTH. MSC DESIRES THAT PEOPLE BE GUARANTEED ALL OF THE SAME PROTECTION AGAINST ACTIONS OF FEDERAL GOVERNMENT AS ARE POSSESSED BY CITIZENS AND OTHER PERSONS RESIDING IN THE U.S., BUT HAS RESERVATIONS ABOUT FULL APPLICABILITY REQUIREMENTS FIFTH AND SEVENTH AMENDMENTS. ARTICLE FOUR, SECTION TWO CLAUSE ONE, SHOULD NOT APPLY IN THEIR VIEW AS IT MIGHT OBSTRUCT ABILITY OF MARIANAS TO CONTROL ALIENATION OF LOCAL LANDS.

C. APPLICATION OF U.S. LAWS. MSC PROPOSED AGREEMENT ON MAJOR FEDERAL LAWS WITH JOINT COMMISSION ESTABLISHED TO REVIEW ALL OTHER FEDERAL LAWS TO DETERMINE WHICH SHOULD APPLY IN MARIANAS. COMMISSION WOULD BE COMPARABLE TO GUAM COMMISSION OF EARLY 1950'S AND WOULD DEVELOP GENERAL GUIDELINES TO DETERMINE WHICH FUTURE U.S. LAWS SHOULD APPLY IN COMMONWEALTH AFTER STATUS UMPLEMENTED AND AFTER INITIAL COMMISSION LIST EXTENDED TO

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MARIANAS. MSC PREPARED TO ACCEPT IN PRINCIPLE SOME OF THE U.S. STATUTES SUCH AS U.S. CURRENCY AND POSTAL LAWS.

D. JUDICIARY. MSC RECOGNIZED THAT COMMONWEALTH SHOULD HAVE BENEFIT OF AND ACCESS TO FEDERAL JUDICIAL SYSTEM. MSC STILL DESIRES STUDY JURISDICTION OF FEDERAL COURTS FOR COMMONWEALTH

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IMPLICATIONS AND RELATIONSHIP WITH U.S. DISTRICT COURT OF GUAM. RELATIONSHIP TO ANY LOCAL COURT SYSTEM TO BE ESTABLISHED BY CONSTITUTION OF COMMONWEALTH.

E. NATIONAL SECURITY. MSC PROPOSED THAT U.S. POSSESS FULL RESPONSIBILITY AND AUTHORITY FOR MATTERS RELATED TO NATIONAL SECURITY AND DEFENSE BUT STRONGLY BELIEVES THAT USE OF LAND FOR THESE PURPOSES BE KEPT AT THE ABSOLUTE MINIMUM. IMPACT OF U.S. MILITARY ESTABLISHMENT AND USE OF LAND BY MILITARY ONE OF THE CENTRAL ISSUES TO BE DISCUSSED. MSC URGES U.S. RECOGNIZE DESIRE OF MARIANAS PEOPLE TO BE FULLY CONSULTED ABOUT ACTIONS AND PLANS OF THE U.S. IN EXERCISING ITS RESPONSIBILITIES IN THIS AREA. INSIST THEY DESERVE TO HAVE THEIR VIEWS TREATED WITH SAME DIGNITY AND RESPECT AS ARE ACCORDED RESIDENTS OF U.S.

F. FOREIGN AFFAIRS. MSC RECOGNIZED "PRIMARY RESPONSIBILITY OF THE U.S." BUT "COMPACT SHOULD PROVIDE FOR THE FULLEST POSSIBLE

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CONSULTATION BY THE U.S. WITH THE MARIANAS REGARDING FOREIGN AFFECTING THE MARIANAS." PROPOSES THAT CONSENT OF MARIANAS BE SECURED BEFORE TREATY NEGOTIATED BY U.S. RELATES SIGNIFICANTLY TO THE MARIANAS AND WANTS FULLEST OPPORTUNITY TO PARTICIPATE IN INTERNATIONAL OR REGIONAL ORGANIZATIONS CONCERNED WITH TRADE, CULTURAL, SOCIAL, EDUCATIONAL, TECHNICAL, SCIENTIFIC, OF COMPARABLE AREAS OF INTEREST. MSC RECOMMENDS COMPACT EXPRESSLY RECOGNIZE THIS DESIRE AND RIGHT ON THE PART OF THE MARIANAS AND COMMIT U.S. GOVERNMENT TO ASSIST EFFORTS BY THE MARIANAS TO PARTICIPATE MEANINGFULLY AND RESPONSIBLY IN INTERNATIONAL AFFAIRS.
G. REPRESENTATION IN U.S. CONGRESS. MSC PROPOSED NON-VOTING DELEGATED TO U.S. CONGRESS SEPARATE FROM GUAM. LONG RANGE GOAL WOULD BE VOTING MEMBER.

H. CITIZENSHIP. MSC PROPOSED THAT EACH CITIZEN OF MARIANAS DETERMINE WHETHER HE WILL BE A U.S. NATIONAL OR U.S. CITIZEN AND THAT COMPACT PROVIDE LEGAL MACHINERY FOR THIS DETERMINATION. ISSUE SHOULD BE SUBMITTED IN PLEBISCITE SAME TIME AS COMPACT AND CONSTITUTION. MAJORITY VOTE WOULD DETERMINE WHICH ONE WOULD APPLY TO EVERYONE EXCEPT THOSE WHO OPT ON INDIVIDUAL BASIS FOR THE OTHER.

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4. SECOND MEETING BETWEEN MSC AND U.S. TEAM TOOK PLACE 11
MAY IN WHICH BOTH SIDES ASKED QUESTIONS TO CLARIFY POSITIONS
ADVANCED IN INITIAL PRESENTATIONS. U.S. TEAM COMPIED QUESTIONS
TO MSC STATUS PRESENTATION OF MSC ON PURELY FACTUAL BASIS.
MEANING OF REQUEST FOR "COMPACT" AND WHETHER THIS INDICATED THAT
THE MSC DESIRED AND INCORPORATED STATUS, PROCEDURE SUGGESTED
FOR DETERMINATION OF CITIZENSHIP. HOW CLOSELY MARIANAS
CONSTITUTION BILL OF RIGHTS WOULD BE MODELED AFTER U.S.
CONSTITUTION AND WHETHER IT WOULD FOLLOW TH U.N. DECLARATION
ON HUMAM RIGHTS; CLARIFICATION ON THE SPECIFIC PARTS OF FIFTH
AND SEVENTH AMENDMENTS MSC DID NOT DESIRE. MSC RESPONDED AS
FOLLOWS; COMPACT REQUEST BASED ON LEGAL PRECEDENTS ESTABLISHED
FOR PUERTO RICO COMMONWEALTH; MECHANICS OF CITIZENSHIP
DETERMINATION IS NOT FIXED AND MSC WELCOMES U.S. SUGGESTIONS
TO ASSIST CLARIFICATION OF THIS METHOD; MSC DID NOT CONSIDER U.N.
DECLARATION BUT WILL RECONSIDER THIS POSITION; FULL BILL OF RIGHTS
YET TO BE DETERMINED BUT WOULD WELCOME U.S. SUGGESTIONS ON
THIS POINT; FIFTH AND SEVENTH AMENDMENT PROVISIONS RELATING TO
INDICTMENT BY GRAND JURY AND REQUIREMENT FOR A TRIAL BY JURY
DO NOT FIT INTO MARIANAS LOCAL REQUIREMENTS THEREFORE MSC
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WHITE HOUSE WASH DC
CINCPAC HAWAII
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REQUESTS THAT OTHER U.S. CONSTITUTION PROVISIONS LIKEWISE
BE EXAMINED WITH LOCAL SITUATION IN MIND AND WHAT
SITUATION REALLY REQUIRES.

5. MSC SPENT THE REMAINDER OF MORNING - SOME THREE HOURS -
ASKING FOUR CLARIFICATION ON U.S. MILITARY REQUIREMENTS,
PRINCIPALLY THOSE ON TINIAN, AND EXTENT OF U.S. BENEFITS
AVAILABLE TO RESIDENTS AND TO LOCAL BUSINESSMEN, EMPHASIS
CENTERED UPON MONEY, EMPLOYMENT AND ECONOMIC OPPORTUNITIES,
RESETTLEMENT BENEFITS, TIME FRAME, EXTENT OF U.S. ASSISTANCE TO
RESIDENTS REMAINING ON TINIAN IN THE FORM OF INFRASTRUCTURE
FACILITIES, MEDICAL AID, SCHOOLS, ETC.

6. PARTICULAR MSC MILITARY QUESTIONS. PUBLIC ACCESS TO BEACH
AREAS; USE OF UTILITIES, ROADS, ETC. WITHIN THE MILITARY BASE;
JOINT USE OF UTILITIES, ROADS, ETC. TO PREVENT LOCAL GOVERNMENT
EXPENDITURES FROM BEING EXCESSIVE; LEVEL OF HUD STANDARD HOUSING
TO BE FURNISHED - LOW INCOME RESIDENTS OR MIDDLE OR HIGH INCOME
HOUSING; ASSURANCE THAT TINIAN REQUIREMENT IS ABSOLUTE
MINIMUM NEEDED; POSSIBILITY THAT FUNDS FOR LOCAL LANDS HELD BY
TINIAN RESIDENTS MIGHT BE PLACED INTO TRUST FUND AND
POSSIBILITY OF EXCHANGE OF LANDS IN CALIFORNIA FOR THOSE TO

PAGE TWO RUHNSAA7324: C O N F I D E N T I A L
BE OBTAINED IN TINIAN; EXTENT LOCAL BUSINESS MIGHT BE PERMITTED
TO ESTABLISH THEMSELVES ON TINIAN NEXT TO MILITARY FACILITIES;

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ABILITY OF LOCAL RESIDENTS TO OBTAIN BUSINESS FACILITIES ON BASE TO SERVE MILITARY NEEDS; APPLICATION U.S. MINIMUM WAGE APPLY; U.S. PREFERENCE TO LOCAL CONTRACTORS AND SUPPLIERS OF MATERIALS AND FOOD; U.S. ABILITY TO CONTROL ALIENS IMPORTED TO BUILD BASE AFTER CONSTRUCTION COMPLETED; EXERCISE BY MARIANAS GOVERNMENT OF JOINT JURISDICTION WITH U.S. MILITARY OVER TINIAN SO AS TO CONTROL INGRESS OF CIVILIAN POPULATION AND JURISDICTION MARIANAS COURTS HAVE ON MATTERS ARISING ON TINIAN AND OVER TINIAN PERSONNEL; INSURANCE BY U.S. THAT NO CHEMICAL OR BIOLOGICAL WEAPONS WOULD BE STORED ON TINIAN; ENVIRONMENTAL IMPACT STUDY; U.S. UTILIZATION OF MILITARY RETENTION AREAS PRIOR TO AGREEMENT ON STATUS; POSSIBILITY FOR RELEASE AS SOON AS POSSIBLE OF THOSE MILITARY RETENTION AREAS NOT NEEDED TO PERMIT HOMESTEAD APPLICANTS TO OBTAIN NEEDED LAND; U.S. WILLINGNESS TO CONSIDER 30 YEAR LEASE OF TINIAN SUBJECT TO RENEWAL PROVISIONS; U.S. RESPONSE OF TINIAN PEOPLE REFUSED TO RELOCATE AT ALL DESPITE CONTRARY EARLIER STATEMENTS BY LOCAL COUNCIL; POSSIBILITY FOR LARGE BUSINESS INVESTMENTS ON TINIAN SUCH AS HOTELS AND SUPERMARKETS TO

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SERVE TOURISTS AND LOCAL RESIDENTS ON LANDS NOT PRESENTLY NEEDED BY U.S. MILITARY; POSSIBILITY FOR JOINT CONTROL OVER AREA ADJACENT TO ISLEY FIELD; MARIANAS ABILITY TO RESTRICT U.S. MILITARY PERSONNEL TO TINIAN OR RESTRICT U.S. MILITARY PERSONNEL FROM CERTAIN AREAS; POSSIBILITY FOR LOCAL GOVERNMENTAL OFFICE ON TINIAN SUCH AS AN LNO TO AFFORD CONTACT WITH REMAINING TINIAN RESIDENTS; POSSIBLE LEASE OF MAUG ISLANDS AS SUBSTITUTE FOR PARALLON DE MEDINILLA. U.S. REPLIES FOLLOWED POSITION OUTLINED IN MARIANAS STUDY WITH SOME SPECIFICS DEFERRED UNTIL NEGOTIATIONS BEGIN.

7. COMMENT. WIDE, THOUGHTFUL, AND APPARENTLY UNINHIBITED PARTICIPATION IN SECOND MEETING BY MEMBERS OF MSC WAS GRATIFYING. ALMOST ENTIRE TIME OF 2 1/2 HOUR SESSION CONSISTED OF SUBSTANTIVE QUESTION AND ANSWER EXCHANGE BETWEEN MSC AND U.S. REPRESENTATIVE. PRINCIPAL FOCUS WAS ON TINIAN, EXTENT OF MILITARY LAND NEEDS, RELOCATION OF SAN JOSE VILLAGE, AND RANGE OF ISSUES PERTAINING TO U.S. MILITARY - MICRONESIAN CIVILIAN RELOCATION.

8. FOR MOST PART, MSC'S AMERICAN LEGAL ADVISORS WERE SILENT.

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AS WAS CHAIRMAN PANGELINAN, THUS GIVING FLOOR TO MEMBERS WHO

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READILY AVAILED THEMSELVES OF OPPORTUNITY TO VOICE THEIR
CONCERNS AND PURSUE THEIR INTERESTS. PARTICIPATION INDICATED
CONSIDERABLE AMOUNT OF HOMEWORK HAD BEEN DONE.
9. ON REQUIREMENT FOR SAN JOSE RELOCATION TINIAN REPRESENTATIVE
HERMAN MANGLONA MADE CATEGORICAL STATEMENT THAT "PEOPLE OF
TINIAN DO NOT WANT TO MOVE." HIS YOUNGER COLLEAGUE HOCOQ
EXPRESSED SIMILAR VIEW IN RESTRAINED BUT SOMEWHAT EMOTIONAL
COMMENT TO STATUS LND OFF THE FLOOR, EXCEPT FOR DANNY MUNA'S
QUERY AS TO WHAT WE WOULD DO IF PEOPLE OF TINIAN "RESIST RELOCATION",
SAIPANESE AND ROTANESE DID NOT PICK UP THIS POINT. ALL AGREED
HOWEVER, ON NEED FOR JOINT MSC/U.S. BRIEFING FOR PEOPLE OF TINIAN.
10. REIMPORTATION OF ALIEN LABOR FOR CONSTRUCTION WORK EMPHASIS
WAS ON IMPACT ON COMMUNITY, WHERE FEARS EXPRESSED ON UNCONTROLLED
CONDUCT OF ALIEN LABORERS AND THEIR PROCLIVITY FOR REMAINING
BEHIND IN NUMBERS WHEN CONSTRUCTION WAS COMPLETED.
11. MOOD OF MEETING AND PARTICIPANTS WAS SERIOUS BUT FRIENDLY.
MSC MEMBERS SEEMED TO SHARE FEELING EXPRESSED BY CHAIRMAN
PANGELINAN TO ONE OF U.S. REPS THAT "FUTURE OF OURSELVES AND
OUR CHILDREN IS AT STAKE."
12. CONSIDERING ECONOMIC INTERESTS ALSO INVOLVED, IT IS CLEAR

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THAT MSC MEMBERS REGARD FORTHCOMING TALKS AS SIGNIFICANT, IF
NOT DEFINITIVE, ARE PREPARED FOR SUBSTANTIVE SESSION, AND
WHILE RECOGNIZING THAT THEIR DESIRED SEPARATE STATUS IS CLOSELY
ASSOCIATED WITH THE LAND THEY HAVE AVAILABLE FOR MILITARY USE,
THEY ARE AWARE OF BOTH PROBLEMS AND BENEFITS AND WILL BE
CORRESPONDINGLY CAUTIOUS IN NEGOTIATIONS. TRENT
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