

May 22, 1973

MEMORANDUM OF CONVERSATION

Participants:	Ambassador Williams	Sen. Pangelinan
	Mr. Wilson	Mr. Santos
	Capt. Crowe	Mr. Willens
	Mr. Marcuse	Mr. White
	Mr. Whittington	

The meeting began at 2:30 pm and continued to 3:45 pm.

Senator Pangelinan began the meeting by saying that their Commission was concerned and wanted to know if there were serious problems on the self-government issue. He then passed out a written position of the MSC.

Mr. Willens then went on to express their concerns in this area. He said that it was largely an affair of the unknown; that while it was a difficult area to understand they were trying to determine how to have maximum control over internal affairs within this Congressional legislative power. Their intent was not to avoid legislation applicable to the states and territories generally. Rather, they were concerned as to how the Marianas could have control over such local matters as land, economic development, education, etc., and how Congress could, too. He said there were two ways to try and allay the MSC's concern; first, through exceptions and legislative history, and second, to study precedents in other territorial areas and allay practical fears. He said there was a lack of awareness as to the practical significance of this issue and that the MSC does not feel sufficiently informed to make a decision. Mr. Willens said that he felt limited and that the consultants felt limited in their ability to do this because there had not

been detailed preparation on this issue, indeed by either side. He said he would do this in the future to determine what is practically and politically feasible, that the issue is of sufficient importance and complexity to put it on the agenda for further work in D. C.

Ambassador Williams said that maybe we have run out of alternatives from the U. S. Congressional and Executive point of view--within a territorial relationship. Mr. Willens said that they recognized the U. S. position and limitations. In response to Ambassador Williams suggestion, Mr. Willens said that they were not looking for a status superior to states, that they were only talking about a limitation of 4-3-2 power, but maybe looking for something different from other territories. Captain Crowe said that we were right on the limitations already from a practical and political standpoint, particularly with our mutual consent concessions of yesterday. Mr. White said there was no attempt to get something new, just something agreeable and practical and feasible.

Mr. Wilson discussed the Puerto Rico example, saying that we had basically agreed on a Puerto Rico-type of relationship with an express 4-3-2 admission. Were they asking for something different from us? Mr. Willens said that he didn't know since courts looked at the strange way in which the Puerto Rico arrangement was put together despite U. S. sovereignty. He wished to avoid the Puerto Rico problem if possible, perhaps by exceptions or legislative history.

Mr. Marcuse questioned whether it would be sufficient to say in the legislative history that 4-3-2 applies with the understanding that the intention was not to use it to interfere in internal affairs. Mr. Willens said this was a possibility that he would like to look at. Mr. Willens raised this issue in the form of a reservation to be looked at later. Mr. Willens indicated that he thought this was accurate. Mr. Wilson expressed the thought that if the MSC concerns were put out on the table, we might be able to allay some of their fears by citing, for example, U. S. history in the Marianas where the Congress has had wide legislative authority. Also, if there were major reservations, we might want, instead, to put them directly into the agreement, e.g., land. Isn't it better to put our concerns on the table? Mr. White said after they have had enough time to do research to see if there is a problem. Ambassador Williams said that this is a practical, political problem, that he was told by some in Congress not to bring back anything like Puerto Rico or they wouldn't buy it. This is a negotiation in an academic exercise. Mr. Marcuse said that we have considered/^{the} Puerto Rico precedent basically an academic problem, that we wanted to set up some thing practical. Mr. Willens said that he was not yet able to reassure his client but that he wants to advise the MSC as to what is practical. Ambassador Williams said that we were led to believe that the real concern was mutual consent on the basic structure and that if mutual consent applied then 4-3-2 is satisfactory. Mr. Willens said this was basically inaccurate but that he had not discussed this particular area of self-government with their lawyers.

Ambassador Williams asked if this problem could be overcome by working it into the mutual consent provisions. Mr. Willens said that he would want to study this, that it might be o.k. to put land alienation into mutual consent, but that he is concerned that mutual consent is merely from a legislative standpoint--practical and political problems.

Senator Pangelinan said they were not overly demanding in this area of local government but that they do have concerns respecting status, the constitution and land alienation where they have a feeling of the unknown. Captain Crowe said that mutual consent would become a serious political problem if we moved from basic elements of the status to other less essential things.

Ambassador Williams asked if people in the Marianas had considered these types of questions over the years when they said that they wanted to join the U. S. political family. Senator Pangelinan said that the intention has always been and still is to join the United States but that they had never had the opportunity before to study the problem in such detail. Ambassador Williams asked if the MSC thought we were moving too quickly. Senator Pangelinan replied that if this matter of local self government was the only problem in the area of political status then we are all right. He said that this is the only problem that the MSC now sees and it may not be a problem at all. Mr. Santos said that MSC members have to go out and get public support. He himself had done this but other members need more time to study the

legal issues. Mr. Wilson said that as an American, he took a number of things on faith. Mr. Willens said that the Marianas are willing to do this and that they had come a very long way. He said they were hopeful to get a statement of the area of final agreement before too long. Ambassador Williams asked what we would do after reaching agreement, start drafting? Mr. Willens said this would be quite appropriate.

Ambassador Williams asked if their basic fear was of Congressional action in local matters or of being forgotten. Senator Pangelinan said he thought it was the former--that isolation is not much of a problem any more, despite the distance to the U. S.

Ambassador Williams asked if the educational process on the MSC might be a valuable tool in helping out with this problem of self government. Mr. Willens said that they had discussed this possibility but did not feel that it would be helpful at this point since highly personal views had been expressed. He said that the MSC wanted to distill the issue somewhat to see if there really was a problem. Senator Pangelinan said that they might find themselves more confused than they are now. Ambassador Williams said it might be useful to talk with the MSC on this but that we would put this aside for the time being. Captain Crowe said that we put some other issues aside the other day but brought this up because it caught us by surprise and because, potentially, it is very fundamental. We consider 4-3-2 the cornerstone of the relationship.

Mr. Wilson asked whether it was fair to say:

The two delegations have a preliminary understanding that Article IV, Section 3, Clause 2 will apply in our future relationship. This is a tentative agreement made subject to our working out an arrangement under which modifications of the basic agreement establishing our future relationship are made only by mutual consent. This tentative understanding is also subject to the reservation on the part of the Marianas that they may change their mind later on after they have studied and discussed the matter further as it relates to self government of the Marianas.

Mr. Willens said that this should not be a real problem and that they would like to go ahead.

Ambassador Williams said that he would like to think of the next step of the negotiations and get back to the MSC. He said that he needed to go by both his instructions and what his instincts tell him about Congressional thinking. Senator Pangelinan said that they were now doing in written ^{form} / . . . Mr. Willens' oral statement on the agreements between the parties in the area of status. Ambassador Williams said that he appreciated this on their part. He said that the statement yesterday on mutual consent was a concession and it was also conditional. He said that he was not trying to push anyone on the MSC into a corner to get agreement on status but that he wanted to know if there are problems in this area. The meeting adjourned with the understanding that Ambassador Williams would get in further contact with the MSC representatives.