

01  
5

RICHARD H. WILMER  
LLOYD N. CUTLER  
JOHN H. PICKERING  
MANUEL F. COHEN  
HUGH R. H. SMITH  
LOUIS F. OBERDORFER  
J. ROGER WOLLENBERG  
CHARLES C. GLOVER, III  
MARSHALL HORNBLLOWER  
HENRY T. RATHBUN  
REUSEN CLARK  
SAMUEL J. LANAHAN  
WILLIAM R. PERLIK  
SAMUEL A. STERN  
ARNOLD M. LERMAN  
ROBERT P. STRANAHAN, JR.  
MAX O. TRUITT, JR.  
JOEL ROSENBLUM  
HOWARD P. WILLENS  
ANDREW T. A. MACDONALD  
ROBERT A. HAMMOND, III  
DANIEL K. MAYERS  
TIMOTHY B. DYK  
DAVID R. ANDERSON  
J. RODERICK HELLER, III  
ARTHUR F. MATHEWS  
JAMES S. CAMPBELL  
DENNIS M. FLANNERY  
DANIEL MARCUS  
JAMES ROBERTSON  
EZEKIEL G. STODDARD  
ALFRED E. DAVIDSON  
GERARD C. SMITH  
COUNSEL

WILMER, CUTLER & PICKERING  
FARRAGUT BUILDING  
900 17TH STREET, N. W.  
WASHINGTON, D. C. 20006

CABLE ADDRESS: WICRING, WASH., D. C.  
INTERNATIONAL TELEX: 440-239  
TELEX: 89-2402  
TELEPHONE 202-296-8800

EUROPEAN OFFICE  
5, CHEAPSIDE  
LONDON, EC2V 6AA, ENGLAND  
TELEPHONE 01-236-2401  
TELEX 851 883242  
CABLE ADDRESS: WICRING, LONDON

RICHARD A. ALLEN  
PETER A. BELL  
PETER D. BEWLEY  
PETER W. BILLINGS, JR.  
STEPHEN F. BLACK  
TIMOTHY N. BLACK  
MICHAEL L. BURACK  
BARRY E. CARTER  
RICHARD W. CASS  
BARRY O. CHASE  
RAYMOND C. CLEVENGER, III  
LOUIS R. COHEN  
JAMES R. FARRAND  
ROBERT A. GERARD  
PAUL D. GEWIRTZ  
C. BOYDEN GRAY  
RONALD J. GREENE  
ROBERT C. HACKER  
DAVID G. HANES  
ALLEN H. HARRISON, JR.  
CHARLES E. HILL  
C. LORING JETTON, JR.  
SALLY KATZEN  
NEIL J. KING  
MICHAEL R. KLEIN  
JOHN H. KORNS  
NOEL ANKETELL KRAMER  
F. DAVID LAKE, JR.  
WILLIAM T. LAKE  
JAY F. LAPIN  
ROBERT B. MCCAWE  
A. DOUGLAS MELAMED  
DAVID E. MENOTTI  
PAUL J. MODE, JR.  
ROBERT R. MORRIS  
DANIEL D. POLSBY  
STEPHEN B. PRESSER  
JOHN ROUNSAVILLE, JR.  
DANIEL C. SCHWARTZ  
THEODORE S. SIMS  
DOUGLAS G. THOMPSON, JR.  
STEPHEN A. WEISWASSER  
ALAN S. WEITZ  
VAUGHN C. WILLIAMS  
GARY D. WILSON  
WALTER T. WINSLOW, JR.

August 27, 1973

Mr. C. Brewster Chapman, Jr.  
Assistant Solicitor, Territories  
Division of General Law  
Department of Interior, Room 6412  
C St. between 18th & 19th Sts.  
Washington, D.C. 20240

Dear Brewster,

As we discussed on August 22 at the first meeting of the Committee on Political Status/Legal Issues, I was to prepare a letter summarizing the results of our meeting and to send it to you for your concurrence.

The meeting opened at 10:30 a.m. and lasted 1-1/2 hours. The U.S. representatives in attendance were you, Herman Marcuse and O. Thomas Johnson; the representatives for the Marianas included James Leonard, Jay Lapin, Barry Carter, Gil Kujovich, and me. We agreed to an agenda for this and future meetings. The agenda is:

1. U.S. citizenship and nationality.
2. Application of certain "important" federal laws to the Marianas in their new political status.\*/  
\* /

\* / It was understood that a Commission or some other group would address at some later point the question of applying the great bulk of remaining federal legislation to the Marianas.

3. The extent of federal authority in the Marianas under Article 4, Section 3, clause 2 of the U.S. Constitution.
4. Refinement of the mutual consent provision in the Joint Communiqué.
  - a. What provisions of the status agreement are "fundamental"?
  - b. How will mutual consent be expressed?
5. The applicability of Constitutional provisions including the privileges and immunities clause.
  - a. To what extent should the provisions apply to actions by the U.S. Government?
  - b. To what extent should the provisions apply to actions by the Marianas Government?
6. Extension of the federal court system to the Marianas and its relationship to local courts.
7. Preparation of possible review provisions for the status agreement (e.g., five-year formal review).

As for setting priorities for the Committee's immediate work, it was decided that items 1 through 3 were most important. The other items would be addressed roughly in their numerical order. The representatives then proceeded to discuss some of the items in detail:

1. U.S. Citizenship and Nationality.

After reflecting on the following issues (among others), it was agreed that the U.S. representatives will draft a provision for discussion at the next meeting.

- a. Should U.S. citizenship be automatic unless an individual takes affirmative steps to avoid it or should the individual be required to take some step (e.g., an oath) to become a U.S. citizen?

- b. For those who initially become U.S. nationals, might any residency requirement outside of the

Marianas to attain U.S. citizenship be eliminated by including the Marianas in the jurisdiction of a federal district court?

c. What would be the requirements for attaining nationality or citizenship for non-Marianas citizens who resided in the Marianas at the time of the new political status? For those who subsequently moved to the Marianas?

2. Applicability of U.S. Laws.

Herman Marcuse will have the Department of Justice use its computer records of U.S. statutes to determine:

a. What U.S. laws are presently applicable to the Trust Territory of the Pacific Islands.

b. What U.S. laws are presently applicable to the Commonwealth of Puerto Rico and/or U.S. territories.

Using this list the Marianas side will then be responsible for indicating very tentatively which laws the Marianas will want to apply in their new political status. The United States representatives will also prepare views. Important laws which either are to apply or not apply will be carefully studied.

3. The Extent of Federal Authority in the Marianas under Article 4, Section 3, Clause 2.

I strongly urged that the Committee consider as a future approach for its work the following: Starting with the benchmark of the extent of federal authority in the states, the Marianas side would attempt to identify areas of federal legislative authority in the states that should not extend to the Marianas. The United States side would be expected to indicate areas of federal authority not possessed by the United States with respect to the states which should pertain in the Marianas. At your urging, however, the Committee delayed deciding on its approach toward agenda item 3 until it had before it the lists of U.S. laws referred to under agenda item 2 above.

The next meeting is scheduled for Tuesday, September 11, at 9:30 a.m. in Mr. Chapman's office. It is expected that assignments agreed to above will be completed by then.

If you agree with this summary of the results of our meeting, could you sign the enclosed copy of this letter and return it to me? If you do not agree, could you either call me or, alternatively, make what corrections you think appropriate and return the copy to me?

Sincerely,

Howard P. Willens