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August 28, 1973

MEMORANDUM FOR FILE

Subject: Current Status of Work Assignments

I met with Messrs. Lapin, Carter and Helfer on Monday, August 27, and reviewed the current status of our various assignments for the Marianas Political Status Commission. The following is a summary of our discussion:

1. In the course of our work in connection with the Committee on Political Status/Legal Issues we have undertaken a review of certain important federal laws on the basis of which we intend to make a proposal as to their applicability to the Marianas under a new political status. The following list indicates where we are in this area:

- (a) Income Tax/Customs - work in progress by Messrs. Lake and Hanes.

Immigration - Mr. Carter has done an initial memorandum on this subject and will continue his work in this area and broaden it to include an analysis of some of the legal issues regarding the ability of the Marianas to restrict immigration. (e.g., Project #7 set forth in memorandum of June 19, 1973).

Labor Laws - Mr. Lapin has done some initial work in this area on the basis of which a short working paper can be submitted to the United States Delegation.

Maritime Laws - Mr. Helfer will undertake to prepare a short working paper on this subject.

Banking Laws - Mr. Lapin will undertake to prepare a short working paper on this subject.

We have agreed to defer any work on the additional subjects of the postal, currency and welfare laws.

- (b) In connection with the many questions raised regarding Article 4, Section 3, Clause 2 of the Constitution, we agreed that a substantial memorandum should be prepared for the client which collects the research

OL-05119

which has been done over the summer on various aspects of this problem, analyzes the alternatives available to the client and makes a recommendation. Mr. Lapin has responsibility for this project, but it was agreed that we need not submit anything on this subject to the U.S. Delegation during the next few meetings of the Working Committee.

- (c) With respect to the applicability of various provisions of the U.S. Constitution, it was agreed that Mr. Carter would continue to have responsibility for this topic. It was agreed that a memorandum for the client should be prepared on this subject along the same lines as the memorandum described above
2. In connection with the working group on economics and financial support, we have responsibility for providing support for the legal planning component of Phase 1. In this connection, we have requested some information from Mr. White. Mr. Carter has responsibility for this project and will attempt to prepare a memorandum on this subject by September 15, which should be submitted to the working committee through Mr. Leonard. The memorandum will identify the various tasks to be undertaken and the manpower needs associated with each of these assignments.
 3. Work is currently underway regarding the establishment of a Marianas public corporation. (See Item #5 of the June 19 memorandum). Mr. Mode has responsibility for this assignment and is concentrating initially on the use of a public corporation to receive the public lands to be returned by the United States to the Marianas.
 4. We need to have a position paper on transitional issues to present to the client for review and subsequent submission to the U.S. Delegation. Mr. Lapin has responsibility for this project, but we have agreed that it has a fairly low priority at this time. (See Item #6 of the June 19 memorandum).
 5. We intend to undertake a project regarding eminent domain as set forth in Item #8 of the June 19 memorandum. Mr. Helfer has done some preliminary work in this area and will undertake responsibility for preparing a memorandum to the client on this subject.

6. We do not currently have any work underway regarding restrictions on land alienation. (See Item #9 of June 19 memorandum). We have agreed that this subject may require additional research and analysis before the next round of negotiations and may be a subject for discussion in the working group on political/legal issues because of its inter-relationship with provisions of the U.S. Constitution. Mr. Carter tentatively has responsibility for this subject.
7. We have no specific project underway regarding procedures to be used in connection with land valuation in the Marianas. (See Item #10 of June 19 memorandum). Some of Mr. Helfer's work may touch on this subject, but we have agreed to defer any substantial work in this area until we have discussed it further with Mr. White and Mr. Leonard.
8. Mr. Helfer is currently preparing an analysis of military leases. (See Item #11 of June 19 memorandum). This memorandum is exploring both the applicable legal constraints to which the military is subject and the practice which is followed by the military for purchasing or leasing land for military use.
9. We do not have any project underway regarding the resettlement of Tinian residents. (See Item #12 of June 19 memorandum). Mr. Lapin has ascertained that the statute referred to by the U.S. Delegation is by its terms applicable to the trust territory.
10. We have agreed to defer work at this time regarding the periodic review of the status agreement. This is on the agenda of the working committee on political/legal issues. (See Item 13 of the June 19 memorandum).
11. We have agreed to defer legal work in connection with the resolution of land disputes in the Marianas. (See Item #14 of the June 19 memorandum). This matter is covered generally in the initial pre-planning studies done by Mr. Leonard and should be discussed further with Mr. White.
12. We have not undertaken any research with respect to the NEPA issues which might be raised in connection with the use by the military of land on Tinian. (See Item #15 of the June 19 memorandum). Mr. Lapin will have general responsibility for pursuing this subject and

to consider any litigation which might be instigated by us in the event that the United States commences construction of the military base before it is agreed to during the course of our negotiations.

13. Mr. Bewley has undertaken work regarding the use of local contractors by the United States in connection with the construction of the base on Tinian. (See Item #16 of the June 19 memorandum).
14. We are in the process of preparing a general memorandum for use in connection with conferences with Members of Congress and their staffs or other persons with an interest in our work on behalf of the Marianas Political Status Commission. Mr. Lapin has prepared a draft of this memorandum, which is now undergoing review and revision. Once it is completed, we expect to undertake a series of meetings on the Hill to explain the position of our client in connection with the negotiations.
15. We are also exploring ways of encouraging the U.S. Delegation to review their proposals for Tinian and Saipan in light of the objections presented by our client during the last round of negotiations. Mr. Carter is generally responsible for identifying the channels to be pursued in this connection, both at the White House and the Department of Defense. We also plan to ask Mr. Wilson in the near future whether the United States has undertaken any revision of its military proposals. In this connection, we are also waiting for word from our client regarding our authority to hire a military consultant to assist us in these negotiations.

H. P. Willens