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OFFICE OF MICRONESIAN STATUS NEGOTIATIONS

Washington, D.C. 20240

October 19, 1973

MEMORANDUM

To: Ambassador Franklin Haydn Williams, The President's
Personal Representative for Micronesian Status
Negotiations

From: Adrian L. de Graffenried, Legal Advisor

Subj: U.S./Marianas Lawyers Working Group

There have been two meetings with the MSC legal advisors, during which an agenda has been established for the meetings and a preliminary exchange of positions was made on U.S. citizenship. The next meeting is to be called by the MSC legal advisors after they have had the opportunity to review and examine: a computer print-out from the Department of Justice covering all U.S. federal laws specifically applicable to the TTPI and applicable generally to all U.S. territories; the U.S. proposal on citizenship; and positions on immigration and taxation. Howard Willens called last week and indicated that the next meeting might take place this coming week (October 22) that would focus on an MSC proposal regarding citizenship, immigration, and applicable tax laws.

Status of the Agenda Items:

1. Citizenship

The U.S. legal advisors have forwarded an initial

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proposal of the MSC legal group, which expects to forward a counter proposal at the next meeting. The attention thus far centers on how to present the option to the residents of the Mariana Islands (U.S. citizenship to apply automatically, or national status to apply with the later option of becoming a U.S. citizen). The next meeting should clarify and hopefully resolve this issue.

2. Applicable Laws

A computer print-out of all laws specifically applicable to the TTPI and of all laws applicable generally to all U.S. territories prepared by the Department of Justice has been given to the MSC attorneys. They are now focusing on tax and immigration provisions to determine how special treatment might be given the Marianas.

3. Article IV, 3, 2

The MSC legal advisor group is still reviewing this provision with their clients.

Discussion with Howard Willens:

1. Agenda for the next round of MSC status talks.

Howard Willens noted that it would be preferable from his clients viewpoint to establish an agenda that might cover 3-5 specific items which the status talks could center upon. Using an agenda, he felt,

might enable both sides to resolve specific issues. He noted that it was difficult for the MSC to obtain negotiating instructions and approval from their respective interest groups on broad, far-ranging issues. He felt it would be easier for the MSC members to obtain concurrence from their interest groups on specific, more narrow issues.

2. Marianas' Proposals

Howard Willens noted that they might be prepared to forward some specific proposals to the U.S. Delegation at the next round. He did not elaborate, however. Mr. Willens had questioned earlier the merits of being able to reach agreement on broad principles and whether it would be possible to be able to start drafting of any agreement; this would seem to indicate that the MSC did not have in mind any attempt to draft an agreement although they might come forward with some specific suggestions for some kind of language. Willens did note that the MSC had been told not to be too hopeful for the U.S. Government to readily agree to any MSC proposals because the U.S. Delegation would have to study the proposals and get their clearance from their respective departments, a lengthy process.

Observations

Although there is some concern by Willens on just how far the MSC can go without more concurrence by the district legislature, I believe he is just as concerned as we as to the recent resignations on the MSC and rumors relating to discord on the MSC as well as potential indictment of Santos following the Borja example on Tinian. There is also some lingering worry about receiving his fee and whether or not the U.S. might be too much in a hurry to finish the negotiations. I can imagine he would like to receive his money as well as improve his reputation via the MSC talks, so he might therefore not be in too much of a rush to complete his work. He also has a concern that the MSC members should be fully briefed on all the issues to be addressed in the next session of talks, consequently, going slow works to his all interests.