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November 14, 1973

Herman Marcuse, Esq.
Room 5216
Department of Justice
Office of Legal Counsel
Washington, D. C. 20530

Dear Herman:

Enclosed is a draft Citizenship Proposal which I believe incorporates your technical comments made at our last meeting of the Joint Working Group of Lawyers. You should understand that this draft does not represent the position of the Marianas Commission; indeed, I cannot represent that it will be the draft which Howard recommends to the Commission during his preparatory sessions in Saipan. It is, however, consistent with our general approach in earlier drafts and, I trust, accurately reflects our technical discussions in the Joint Working Group.

Sincerely,

Jay F. Lapin

Enclosure

01-05330

November 14, 1973

UNITED STATES CITIZENSHIP AND NATIONALITY
IN THE MARIANAS

(a) The following persons, and their minor children under the age of eighteen years on the date of termination of the Trusteeship, who are not citizens or nationals of the United States under any other provision of law, and who have taken no affirmative steps to preserve or acquire foreign nationality, are declared to be citizens of the United States;

(1) All persons born in the Marianas who are citizens of the Trust Territory of the Pacific Islands on the date of termination of the Trusteeship, and who on that date reside or are domiciled in the Marianas or in the United States, the Virgin Islands, Guam, the Commonwealth of Puerto Rico or any other possession or territory of the United States;

(2) All persons who are citizens of the Trust Territory of the Pacific Islands on the date of termination of the Trusteeship, and who have been domiciled continuously in the Marianas since January 1, 1974; and

(3) All persons who were lawfully residing as permanent residents of the Trust Territory of the Pacific Islands prior to January 1, 1974, and who have

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been domiciled continuously in the Marianas since that date, and who, on the date of termination of the Trusteeship, owe no allegiance to any foreign state.

(b) Any person who becomes a citizen of the United States solely by virtue of the provisions of paragraphs (1) through (3) of subsection (a) may within six months after the date of termination of the Trusteeship, or within six months after reaching the age of eighteen years, whichever date is the later one, make a declaration under oath before a court in the district wherein he resides in the form as follows:

"I . . . being duly sworn, hereby declare my intention to become a national but not a citizen of the United States."

Any person who makes this declaration shall be a national but not a citizen of the United States; provided further, that any person hereinbefore described who, within the period allowed for making the aforesaid declaration, shall have taken any affirmative steps to preserve or acquire foreign nationality, shall not be a citizen or national of the United States.

(c) All persons born in the Marianas on or after the date of termination of the Trusteeship, and subject to the jurisdiction of the United States, shall be citizens of the United States.

(d) Notwithstanding the foregoing, persons residing in the Marianas after the date of termination of the Trusteeship shall have a right to become naturalized citizens of the United States to the same extent as persons similarly situated but residing in a State; for purposes of satisfying any residence or physical presence requirement under the nationality and naturalization laws of the United States, residence or physical presence, respectively in the Marianas after the date of termination of the Trusteeship shall qualify to the same extent as residence or physical presence, respectively, in a State; the courts of general jurisdiction established under the Constitution of the Marianas shall have jurisdiction to naturalize persons as citizens of the United States in accordance with applicable law.

(e) For the purposes of subsection (a) hereof, domicile means that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which he has the intention of returning whenever he is absent, even for an extended period.