

12-10 <sup>13</sup>/<sub>561</sub>

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12/9/73

**TALKING POINTS - APPLICABILITY OF LAWS**

- Applicability of laws was a major item on the agenda of the joint lawyers working group.
- Applicability of federal law is, as was recognized in the joint lawyers working group, a very complex and lengthy process.
- As you know, we are dealing with:
  - 1-- Federal grants
  - 2-- Federal criminal law
  - 3-- Communication statutes
  - 4-- Transportation statutes
  - 5-- commerce acts
  - 6-- regulatory statutes
  - 7-- federal services
- Some federal statutes apply to all territories generally.
- Some statutes specify only certain territories, excluding others.
- Others treat some territories as if they were a state of the union.
- As a consequence, for the benefit of the Northern Mariana Islands and for the ease of administration, both groups felt that some expedited approach should be taken.
- The U.S. lawyers group agreed to the recommendation offered by your counsel that:
  - General federal laws now applicable to Guam would apply to the Northern Mariana Islands during an interim period <sup>between</sup> ~~after~~

*the time*  
[a change in status ~~and~~ after] the new Government

of the Northern Mariana Islands is established -  
and *the trusteeship is terminated* before ~~the statutory commission makes its recom-~~  
~~mendations upon termination of the trusteeship.~~

- This would permit MSC/Government of Northern Mariana Islands officials to consult with legal experts and government officials on Guam who have considerable experience with the operation of these laws.
- Government of Mariana Islands could determine which federal laws appeared problematical for Guam and which of these laws the Northern Mariana Islands would want to persuade the U.S. Congress to modify for the Northern Marianas.
- Determine which federal laws Government of Northern Mariana Islands may want ~~to persuade~~ the U. S. Congress to avoid making applicable to the Northern Mariana Islands.
- Would also enable the Government of the Northern Mariana Islands to survey a full range of federal laws it may want the U. S. Congress to extend after the interim period.
- There should also be provisions for a continuation of existing federal laws now applicable to TTPI and permit a carry-over of local legislation, etc.
- We feel this is the most satisfactory approach because this should also permit assurance that there would be a workable federal government structure in the Northern Mariana Islands within which the U. S. could operate to exercise its responsibilities after a change in status.

- As noted in our last session we also propose creation of a joint statutory commission which would determine which federal laws should apply to the Northern Mariana Islands after the interim period.

-- Your proposal indicates that there first be a study of those federal statutes now applicable in Guam before <sup>the</sup> they are extended to the Northern Mariana Islands during the interim period.]

-- Such an effort would be extremely costly and unduly time-consuming, especially in light of the fact that these laws would be extended only during a short interim time period.

-- Such a study would also unduly delay the immediate benefits for the Northern Marianas of the U. S. federal programs and services.

-- Sur consideration of time, benefits to be derived, and costs involved we feel such a study is not essential.

-- However, this is a determination you must make. Nevertheless, if you determine you want to make such a study of the laws generally applicable to Guam before they are extended to the Northern Marianas, we could not support a request to the U. S. Congress for financial assistance.

-- As your chairman noted with reference to our financial negotiations with the Joint Committee on Future Status of the Congress of Micronesia, the U. S. Government is limited in its funding.

- Such a study would take several lawyers several years to prepare a full analysis of the federal legislation and is something best left until after the new Government of the Northern Marianas is established and can have Commission members look at the whole problem in thorough and \_\_\_\_\_ fashion.

-- Joint Statutory Commission approach we propose should have the ~~best~~ opportunity to fully examine full range of federal programs and services and provide legal and constitutional expertise of the federal government in this analysis, then it would recommend to U. S. Congress which laws:

- (1) Extended to Northern Marianas should not be continued, and
- (2) Which other federal laws should apply.

-- Should again point out that analysis of federal legislation would be a very lengthy process under either of our proposals.

- It is true that the recommendations of the Guam Statutory Commission were not fully adopted at one time but we should point out that these recommendations have subsequently been adopted for the large part. For the rest of the recommendations, new changes in federal law have taken care of the Statutory Commission's findings.

-- Without the extension of legislation as proposed, it may be some while before the U. S. Congress would act to extend these programs to the Northern Mariana Islands. Difficult to predict U. S. Congress reaction -- and more likely U. S. Congress ~~would be~~ willing to extend some federal programs now made available for Guam to Government of Northern Mariana Islands, certainly on an interim basis.

- By extending to the Northern Marianan Islands the federal laws now applicable to Guam the Northern Marianas would be fully protected and would have the added advantage of being able to study federal legislation through the Joint Commission and would be able to take advantage of additional federal programs without delay.