

SUMMARY

12/10/73

U. S. Response to MPSC Paper on Applicability of Laws

- Topic of applicability of laws was major subject discussion in lawyers working group.
 - Definition of applicable laws is a complex and lengthy process which U.S. would like to see settled in some practical manner before new Government of Marianas comes into being.
 - Delighted when MPSC counsel suggested possible formula for settlement based on Guam example, but now disappointed that this has apparently been changed.
 - Nevertheless believe practical solution can be found which will be wholly acceptable.
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- Appreciate that there is an enormous body of federal law to be dealt with. This includes federal criminal law, federal grant programs, communications statutes, transportation, commerce, acts, regulatory statutes, federal services, etc.
 - Some federal statutes apply to all territories generally; some only to ^{named} certain/territories; others treat some territories as if they were a state.
 - Study of all of this a long and arduous process which will take many lawyers several years.
 - Key question is when we want new Government of the Northern Marianas to start operating under the federal legal system.
 - We had assumed this, by Marianas' choice, would be soon, i.e., as soon as new constitution approved and new government installed.

- This could be long before end of Trusteeship.
 - Also believe new Government would want to decide itself which federal laws should apply over long term.
 - Therefore US thought we needed to find a formula now which would permit new government to get underway without waiting for necessarily long study to be completed.
 - Formula would be one putting main body of law into effect, but exempting certain laws that were immediately identifiable as needing to be eliminated or modified.
 - US therefore pleased when MPSC Counsel suggested using Guam model.
 - We thought this meant Marianas would take over all federal laws applicable to Guam, except those identified, after consultation with Guamanians, as being inappropriate for immediate situation in Marianas or requiring modification to meet that changed situation.
 - This would require consultation and careful thought but would not involve in-depth analysis of federal law applying to Guam which also would take years.
 - Later, when new Marianas Government established, Joint Commission would be able to do thorough and leisurely job of analyzing these federal laws and any others and make definitive recommendations on how structure of federal law in Marianas should be modified to meet long-term Marianas needs.
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- Our study of MPSC paper indicates Commission may now have other ideas.
- It now appears MPSC wants a full scale study of federal laws in Guam before MPSC can agree on which should apply to Northern Marianas.
- In our view this would suffer from most of the disabilities of a full scale study of all federal law and would result in long delay before new Marianas Government could be established and worse, before this agreement may be concluded.
- We would certainly not be prepared to finance such a study; had thought joint commission study done after new government established would be paid for out of US support provided regular operating budget and spread over period of years.
- Determination in last analysis is for MPSC to make; timetable in hands of Marianas.

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- Perhaps we have misconstrued MPSC paper.
 - If so more than willing to be corrected and to discuss matter further at length.