

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

Mariana Agreement

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TO : Captain Richard Y. Scott
Office of Micronesian Status Negotiations
Room 3356
Department of the Interior

DATE: October 9, 1973

FROM : Daniel R. Efroymsen
Office of Legal Counsel

DRE

SUBJECT: Draft Mariana Agreement dated September 27, 1973.

As requested at our last meeting, I am submitting comments on the Mariana Draft Agreement. Mr. Marcuse, who normally handles these matters, is presently out of the country and I am temporarily filling in for him. Because I do not possess Mr. Marcuse's background in these matters, nor his expertise, I am unable to provide the depth of review that he would provide. Also because I am new to these matters, I may in the comments that follow, raise matters that have already been considered and settled. If so, I assume you will inform me of this at our meeting on Thursday, October 11. With this brief preamble out of the way, my comments follow:

Section 103: I believe that the section should make clear that the specified provisions of the Constitution are meant to apply to the Commonwealth "as though it were a state." The reference to the amendments to the Constitution should be revised so that it is clear when the reference is to Amendments, and when it is to sections or clauses thereof. Additionally, is there some reason that the twenty-fourth Amendment (re poll taxes) is not also made applicable to the Commonwealth?

Section 106(b): I believe that the reference should be to "section 105 and 106(a)" vice "Section II". I assume that the purpose of section 106(b) is to give all persons in the Commonwealth the opportunity to avoid United States' citizenship. I also wonder why the age at which a person must make the choice is set at twenty-one years instead of eighteen years of age, as in earlier drafts of this provision.

Section 301(a): I think that the oath is to "support the Constitutions of the United States and the Marianas", not to "support the United States and the Constitutions of the Marianas."

NO