

MPC

Political Questions Seen...

By Diane Maddex
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SAIPAN— "It seems inappropriate...to discuss the circumstances for possible separation or divorce while we are in the midst of arranging a marriage based on both mutual affection and mutual interest."

With this self-styled "note of levity" from Ambassador Franklin Haydn Williams, U.S. and Marianas representatives came together in May to consider the solemn act of entering into a close and enduring relationship with the American political family.

Connubial metaphors abound in position papers on the future political organization of the Marianas that were discussed during the last round of U.S.-Marianas status talks. Held on Saipan from May 15 to June 4, the talks also covered economics-finance and land-and-military requirements under a proposed Marianas commonwealth.

A 132-page set of position papers detailing each delegation's views on these three subjects was recently presented to the Mariana Islands District Legislature, which created the Marianas Political Status Commission in May 1972.

The last group of position papers uncovers some of the commission's fears that the new political relationship will not be a marriage of equals. Fearing "unilateral action by the other party," the Marianas espoused a union that can be amended or terminated only by mutual consent. Fearing U.S. supremacy over national security and

defense, they sought vows of "dignity and respect" like those accorded other members of the American family.

As indicated in official communiqués issued during the talks, the two sides found many broad areas of agreement or foreseeable accommodation regarding the structure of the U.S.-Marianas political relationship—more so than with the subjects of finance and land.

A reading of the third set of papers, however, shows that the negotiators singled out two important matters requiring further serious deliberation:

--The applicability of U.S. laws to the Marianas, including constitutional powers of the U.S. Congress that might abridge the internal autonomy of the new Marianas commonwealth.

--The feasibility of offering Marianas residents an option of whether to become U.S. citizens or U.S. nationals.

'Self-Government'

"The commission believes that the people of the Marianas should have full self-government and absolute control over their internal affairs," says its position paper.

It then identified the immediate problem as "how to reconcile the desire of the Marianas for maximum self-government with the plenary powers of Congress under Article V, Section 3, Clause 2, of the U.S. Constitution" ("Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or

Will U.S. Constitution jeopardize preservation of Marianas land?



your concerns regarding land alienation can be allayed."

The U.S. delegation saw no problem in exempting the Marianas on local matters from those aspects of the Constitution's Fifth and Seventh Amendments relating to grand jury indictment and the right to trial by jury.

Legal advisers to both delegations are due to study the applicability of laws relating to taxes, immigration, customs, banking and currency, Social Security, labor, post office and maritime laws. The U.S. also agreed to a joint study of the entire matter of the applicability of federal legislation.

other Property belonging to the United States").

The Marianas stressed its interest in exploring with the U.S. some specific limitations on these Congressional powers that "would make clear that the Commonwealth of the Marianas has maximum (or paramount) control over its internal affairs...After such study, the commission may indeed conclude that there is, in fact, no practical alternative but to accept the full and uncircumscribed application of Article IV, Section 3, Clause 3.

"The members of the Commission are not at this time, however, ready to reach this conclusion," they said.

The Marianas also underscored its belief that the "privileges and immunities" clause of Article IV, Section 2, Clause 1 of the U.S. Constitution should not be applicable to the new commonwealth. It viewed the clause as a potential legal obstacle to the adoption of restraints on land transactions "designed to preserve the land for the benefit of persons of Marianas ancestry."

A total exemption from this clause, answered the U.S., "is too broad since American citizens should be accorded equal privileges and immunities other than in land... It is our belief that

exercising its responsibilities in this area.

"The people of the Marianas are understandably concerned about the use of their most valuable resource (land) for military purposes and deserve to have their views treated with the same dignity and respect as are accorded to residents of the United States."

The commission further proposed that the U.S. secure the consent of the Marianas before negotiating treaties significantly affecting it.

Said the U.S.: "The federal government will naturally welcome the advice of the commonwealth... However, consultation as a matter of right would be inappropriate. No other state, commonwealth or territory has that right.... We cannot agree to give the Mariana Islands a veto over such agreements."

And A Vote!

The papers also reveal that the Marianas leaders harbor a long-range aspiration of having a voting representative in the U.S. House of Representatives. But the U.S. admitted it was "not overly optimistic" that even the short-range objective—a non-voting delegate—could be arranged "because of the limited Marianas population."

"We have agreed nonetheless," said the U.S., "to fully support your request to the U.S. Congress."

The U.S. also bowed to a Marianas proposal that the U.S. Congress, rather than the President, approve the Marianas constitution. It also agreed that subsequent amendments could be reviewed by the federal courts rather than the Executive Branch.

The position papers further indicate that the U.S. delegation quickly tried to dispose of suggestions from the Marianas that the bonds of their proposed political union be loosened somewhat by provisions for mutual consent to amendments to the relationship and periodic review at five-year intervals.

at 6:38 p.m., and sunset at 6:09 a.m., with sunset five women, Island Court jury vindicated yesterday when E. Private investigator John E. McNell was charged with involving guilty verdict after deliberation

Citizens Or Not?

"Citizenship," said the Marianas commission, "is obviously one of the critical aspects of any future political status for the Marianas."

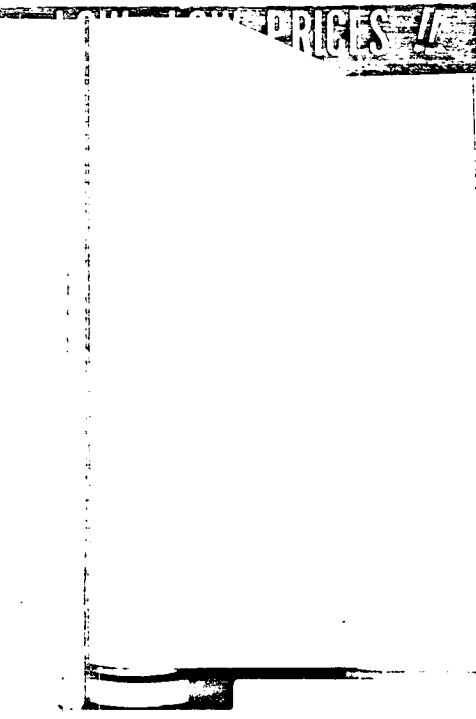
The U.S. proposed that Marianas residents have the opportunity of becoming U.S. citizens, while the commission left open the door between citizenship and U.S. national status—a distinction the U.S. said it did "not fully understand."

"It has been our assumption that those rejecting citizenship will become resident aliens in the new commonwealth," said the U.S. "The concept of 'U.S. national' has little practical significance" and would prove to be "a serious administrative inconvenience."

The Marianas proposed that the choice be put before the people by referendum along with the future political status agreement. It suggested that the statutes reflect the majority vote of the people out provide an option for the minority to select the



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...In Marianas, U.S. Talks

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structural changes in the commonwealth arrangement."

Williams added that the lines of communication between the Marianas and Washington should always be open, obviating the need for reviews only at stated intervals.

He also said his delegation was "somewhat surprised" that the Marianas did not want to wholly "embrace" the U.S. federal court system.

"If it is your desire," Williams said, "we have no problem with your establishing, as the Territory of Guam has done, local courts to adjudicate local matters."

"It is our understanding that you wish to discuss

U.S. suggests combining Guam, Marianas courts to handle cases

with us further the question of whether to establish local appellate courts for litigation arising on such matters, or whether to have the appellate procedure be through the U.S. judicial system. In turn," he added, "we seem to be agreed that U.S. federal courts will handle matters relating to federal law. In this regard it probably will be appropriate to reconstitute the present U.S. District Court in Guam to cover the Marianas and Guam."

Summarizing the basic issue of self-government for the Marianas, the commission's position paper says: "The commission's recommendation for a commonwealth by compact (with the U.S.) is based largely upon examination of the Puerto Rico precedent. It is generally recognized-- by the United Nations, the U.S. Congress, the U.S. Executive Branch and the courts--that the commonwealth status

possessed by Puerto Rico is superior to the status of an unincorporated territory. In advancing this proposal, the commission has also endeavored to build upon the commonwealth proposal advanced by the United States in May of 1970.

"The Marianas Political Commission strongly believes the proposed compact of commonwealth will provide the fullest opportunity for self-government in the Marianas and create a political status which the people of the Marianas can accept with dignity through a solemn act of

self-determination." Answered the U.S.: "We too have tried to follow the May 1970 commonwealth proposal in many substantive matters, but not the specific example of Puerto Rico."

"I hope I have made it clear," stressed Williams, "that we are talking about a close and enduring association achieved by an agreement. This may not be the same thing you are talking about in your 'compact.'"

Whether it is or not may come to light when the next round of status talks get underway this fall.

