

15
2,4,5

JMWilson:6-21-74:kkc

TALKING POINTS FOR MEETING WITH WILLENS - 6/21

- 1 - Round up of remaining tasks after Marianas IV
 - Land Committee
 - U.S. members
 - Schedule
 - Agenda and T/R
 - Preparations for Phase I
 - Job descriptions
 - Preliminary recruiting
 - Preliminary steps on financing
 - Consultations with Congress
 - Reaffirmation of support
 - Reaffirmation of views re nature of relationship and agreement
 - Drafting Committee
- 2 - Work of Drafting Committee
 - a - Nature of instrument
 - (1) - Rationale for U.S. approach
 - (a) Executive agreement out, since two sovereigns not involved
 - (b) Organic Act out, since Trusteeship involved
 - (c) Need for unique approach
 - Preamble/General Principle/Articles/Covenant

06-416700

- (2) - MPSC draft straight executive agreement
 - (3) - Need for a "political" instrument
 - (a) Understandable by man on street
 - (b) Clear and uncomplicated
 - (c) Broad principles of relationship
 - (4) - Executive and Congressional insistence on holding to an absolute minimum exceptions from rules applying to other territories
 - (5) - Subsequent enabling legislation
 - (a) Need for general formulae on application of laws to avoid excessive body of enabling laws
 - (b) Practical impossibility of avoiding all enabling legislation, e.g., appropriations
 - (c) Instrument to have "effect of law" through approval by both houses of Congress (Joint Resolution approach)
 - (d) Work of Joint Commission on Application of Laws.
 - (6) - Need for conceptual agreement before embarking on actual drafting
- b - Areas of possible substantive difference
- (1) - No restrictions on U.S. sovereignty
 - (a) Reaffirmation of unacceptability of Puerto Rico approach
 - (b) Guam model except where specific exceptions agreed to

- (2) - Exceptions on constitution, land and financial support
- (3) - "Mutual Consent" exceptions to federal plenary powers
 - (a) Need for specific definition of truly fundamental items
 - (b) A very limited list of basics
 - (c) Impossibility of excepting 2/3 of agreement
- (4) - Exceptions to general rules applying to other U.S. territories
 - (a) Internal Revenue Code
 - Tax havens
 - Complexities
 - Other local taxes
 - Congressional attitudes
 - (b) Jones Act on Inter Coastal Shipping
 - (c) Application of Immigration and Naturalization legislation
 - (d) Social Security Legislation
 - (e) Banking legislation.
- c - Areas needing further elaboration
 - (1) - Eminent domain
 - (2) - Land alienation
 - (3) - Washington representation

(4) - Transitional arrangements

(a) Effective dates of provisions

(b) Powers of the President and Interior Secretary
in Trusteeship period

3 - Procedures for Getting Ahead

a - Agreement on nature of instrument

b - Outline of agreement

c - Drafting of agreed items by sub-committees

d - Discussion of items needing further elaboration

e - Isolation of items where differences remain

(1) - Split drafts

(2) - Referral process prior to Marianas V

f - ~~Other~~ Drafting Committee membership

(1) - U.S.:

- Marcuse

- Surena

- deGraffenried

- Others on substantive issues

(2) - MPSC

g - Schedule of future work

(1) - JMW to Guam and Saipan July 4-18

(2) - Willens to Saipan July 23-August 6 and August ___

(3) - Deputy Chairmen