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July 30, 1974

MEMORANDUM FOR HOWARD WILLENS

Attached is a draft of the Agenda for the Joint Drafting Committee meeting Wednesday. I will have it retyped to have it eliminate the bracketed material before presentation to the United States.

Michael S. Helfer

Attachment

1) 2/24

DRAFT  
July 29, 1974

AGENDA FOR THE MEETING OF THE JOINT  
DRAFTING COMMITTEE-July 31, 1974

Marianas Constitution

(a) Will the President or the U.S. Congress approve the Marianas Constitution on behalf of the United States (C.A. Section 1201(c); Cov. Section 303)? [Waiting clause recommended].

(b) Will the people of the Marianas approve the Marianas Constitution before or after it is approved by the United States (C.A. Section 1202(d); Cov. Section 304)?

(c) Will the Marianas Constitutional Convention be permitted to begin before the U.S. Congress approves the status agreement (C.A. Section 1202(a); Cov. Section 302)?

(d) What mechanism will be established to assure that as much of the Marianas Constitution as can lawfully come into effect prior to termination of the trusteeship does come into effect? [Recommend provision in status agreement that all of the approved local constitution come into effect except portions found by the President to be inconsistent with the trusteeship agreement].

(e) Will the Executive Branch of the Commonwealth Government be charged with the responsibility for faithfully executing the laws of the United States (Cov. Section 307)? [U.S. will agree to eliminate this provision].

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Washington Representative

How will the status agreement deal with a Washington representative for the Commonwealth (C.A. Sections 1101-02)?

Land Issues

(a) Will the status agreement require or simply permit the Commonwealth to restrict land alienation to persons of Marianan descent (C.A. Section 208(b)(1); Cov. Section 302)?

(b) Will the status agreement require the Commonwealth to regulate the extent of individual holdings of public land (Cov. Section 402)? [With respect to (a) and (b), U.S. may be willing to settle for a statement that the MPSC will support such provisions in the Commonwealth Constitution].

Applicability of U.S. Constitution

What is the U.S. position with respect to a provision permitting the Commonwealth Legislature to reflect interests other than merely population (C.A. Section 208(b)(2))? [Congressional opposition seen].

Mutual Consent

(a) Why is it not necessary to make the citizenship provisions of the status agreement, particularly the grant of citizenship to persons born in the Marianas after

termination of the trusteeship, subject to mutual consent (C.A. Section 303; Cov. 203)? [Marcuse position is that these provisions are unnecessary if we make the first sentence of the Fourteenth Amendment applicable; the applicability of that sentence will itself be subject to mutual consent and probably cannot be altered in any event].

(b) Why is it not necessary to make the provisions of the status agreement dealing with phase 2 funding subject to mutual consent? [Marcuse's position is that this will be an agreement in the nature of a contract and will be enforceable against the United States in the Court of Claims; he has no opposition to provisions in the status agreement so stating].

Other

What is the U.S. position with respect to the Commonwealth's membership in certain types of regional or international organizations (C.A. Section 1002(b); see also December 19, 1973 draft covenant Title V)?

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