

DRAFT:AdeG:7/31/74:mjw

03  
5,9,2,4

MEMCON

Participants:

J.M. Wilson, Jr.  
Herman Marcuse  
Andre Surena  
Adrian de Graffenried

Howard Willens  
Michael Helfer  
Erica Ward

Date: July 31, 1974

Time: 10:15

JW: Two items discussed since last week.

A. Points for further resolution

B. Interim application of laws formula

MH: List issues for further resolution which were postponed during JW absence - not all inclusive of current outstanding issues.

JW: #1. U.S.

HW: Concerned formal approval by USC regarding chances of changes in Constitution.

(b) Potential for delay; want to move expeditiously for new Marianas government. U.S. Presidential approval expedite process. Recognize interests of USC so suggested waiting formula after which U.S. President acts if USC doesn't.

JW: Some USC interests, no definitive judgment of USC however. Prefer Executive Branch, is so Presidential ; consult more fully, however, with USC and proposed at time of consultation the period of waiting formula proposed by MPSC.

HW: USC distinguish between status agreement and constitution - approval?

JW: - Can't say.

03 - 030445

MH: Agree to draft formula?

JW: Yes, subject to consultation.

HW: Problem is getting USC to focus on issue at present.

JW: Need to draft to 2 alternatives: (1) Straight U.S. Presidential approval; (2) Waiting period (30 days).

HW: Need an "unless" clause to trigger President action.

HM: Don't want "unless" clause but pure time clause.

AS: Waiting clause essentially a consultation process.

MH: Yes.

JW: #2

HW: Time, constitutional convention be a pol. responsive instrument, but may need more than 1 constitutional convention. Recognize USC concerns on PR constitutional convention and hope USC less concerned if review both at same time.

JW: U.S. Article IV more elaborate where USC review 1st them go to people. U.S. reviewed, in light of approval process for status agreement and having status plebiscite prior to submission to USC. So, USC may insist on knowing local government prior to giving approval and might insist on seeing both at same time or having a local constitution to look at before approving status. So, let's do plebiscite 1st prior to going to USC with constitution.

HW: (c) obviously answered in affirmative then.

JW: Yes.

MH: (d) same is interim applicability?

JW: Yes and can drop (e), U.S. won't insist.

HW:

JW: 2 problems.

(1) Procedural with considering political overturns - whether we should attempt to get into USC by putting into status agreement; or whether USC should handle on its own.

(2) Substantive problem is what to include in the approach to USC.

HW: Both sides received same message - no rep.

MPSC draft gave a non-voting delegate then delegate upon X population. On procedures - MPSC feels appropriate to have rep. in Washington Rep. in status agreement; U.S. Executive intrusion into USC domain can be handled by noting that U.S. agreeing subject to USC review or in alternative fall back to saying U.S. agreed to support MPSC desires before USC. MPSC wants in draft agreement; look at as a Magna Carta for Marianas. MPSC wants to know if U.S. has approach USC on this issue of rep. in USC, and want consideration by USC.

JW: 2 comments - (1) is a subject to be treated as part of whole arrangement and recognize Marianas wants an answer before they vote; (2) don't want to put in agreement something which will kill it; could have exchange of letters confirming support; or letter to USC on this giving support to MPSC desire. Need to consult with USC on substance and how to handle on substance is sympathy for rep. when local population reaches level as say in VI; also USC may want to put Guam and Marianas together in future and if so, a separate rep. for Marianas and for Guam may note to USC that this is an obstacle.

HW: Per original MPSC draft, Marianas would be rep. by Guam but MPSC rejected; wanted an America Samoa rep. rather than share Won Pat. Want MPSC to reconsider if USC can note they could share Won Pat until X population and own rep.

HW: Is true, if Marianas reaches 50-60,000 and a separate rep. could act as a barrier; would like to present alternative to MPSC that could share Guam until future date.

JW: U.S. executive has been sympathetic to MPSC desires. Think best approach is put squarely to USC to see if they could accept MPSC approach. Won Pat has been approached, and chuckles in a friendly fashion.

MH: Don't want Won Pat to find out from Chairman - would want him to find out from USG.

JW: Agree - we have good relations with Won Pat.

HW: Problem is how he could represent differing interests between Guam/Mariana Island.

JW: Same problem with Carson City and Reno.

HW: Need to have our MPSC Chairman spend some time on hill and them across the table to see if the USC will deny.

JW: Lets put this on a special consultation.

HW: A need for America Samoa type rep. in ?

JW: No problem.

MH: America Samoa procedure is not to have anything in agreement.

HW: But MPSC wants in agreement.

AS: Isn't basic difference rights on hill.

HW: No more rights on hill than I do.

JW: America Samoa have a special statute?

MH: Early PR was recognized in one of acts in early 1900's got letter from Gov. certifying - MPSC will check.

JW: Lanc. alientation issue; this may be one we ought to "split" (noting differences in approaches) since MPSC not want to be required.

MH: Want a provision specify permit vice require Marianas Government to regulate land alienation.

HW: U.S. seems to look for a commitment by Marianas leaders they will support such restriction. If this is true could do outside but letters. But, if U.S. doing due to USC reactions, MPSC feels USC not want mandatory provisions today as they did 10-15 years ago. Is legal contrary to U.S. experience.

MH: Difficulty is (1) growth of Marianas where not advisable to have land restrictions and (2)

HW: If mandatory, should be only for a fixed period of time because the requirement is . Want to prevent in Marianas what is happening in Guam/Hawaii.

JW: Aside from liberal tendencies of USC members, is that some Marianas residents may otherwise wake up they have lost their birthright.

HW: How can Japanese investment Guam reduce dep. on USG? problems?

JW: (1) take over public X for private use (2) depriving local people of means of livelihood by of lands and an increase in U.S. grants.

MH: Loss of jobs may have to do more with immigration than loss land.

JW: Fong gave U.S. long lecture about foreign investments.

HW: Mink dubious about Hawaii public land approach.

JW: Burton adamant; in behind mandatory requirement.

HW: How about a "time duration"?

JW: Is new, will consider.

AS: Don't understand MPSC views.

MH: As economy becomes more sophisticated - new ways to hold wealth may want to own corp. shares in lieu of land; on Guam, problem is selling for too low a value.

JW: U.S. will think about MPSC "time" approach for requiring Marianas restrictions.

On drafting, MPSC want to include in constitution or through local laws.

MH: MPSC draft contains both.

HW: Recommend be in Constitution.

JW: How about soft approach for inclusion into constitution. Is really up to Marianas whether they want in constitution or regulate through local laws.

HW: As to #2 of land issue, could agree it is against U.S. legal tradition, especially if a "right winger".

JW: Is same argument as Hawaii land act.

HW: Don't want it in Constitution, would have M.L. Authority control and restrict; thus want outside agreement as is now being done. Any strong USC input?

JW: Strong USC sentiment in favor of.

HW: Believe they are more flexible.

HW: Problem is keeping public land from being chewed up into small via homestading.

JW: Issue is normally considered "internal matters" outside preview of USG, so should be addressed here in the agreement.

HW: U.S. satisfied with just recognition that Marianas will regulate; and no problem with having any limitation?

JW: Yes - up to Marianas to determine exact extent of land holding.

HW: Exact regulations would be in MLA charter.

JW: Thing to do is draft with a "split" approach; U.S. will go back to USC with it.

**030450**

HW: U.S. should note that MLA charter will address this issue.

JW: OK

JW: 1 man, 1 vote problem; not sure Marianas concerns are clear.  
Understand Tinian and Rota concerns but how to translate practically.

HW: Rota and Tinian concerned that Saipan majority would have disproportionate influence; some separatist feelings and some legal risks to having an upper house based on a non-population basis.

JW: Proposal would be bicameral?

HW: Wouldn't want to specify address in agreement. Is a problem e.g. i representative from Tinian in MDL yet he rep. only 680 vice 10,000 in Saipan. This is an internal matter for Marianas Constitution to address, only want to preserve that option.

AS: If we had this, almost certain USC would want to review Marianas constitution.

HW: Hadn't thought of this. Is a good point.

JW: Problem is too much gov. for TTPI.

HW: True; simplest problem is to ignore, but then Tinian/Rota may feel ignored so that they may insist their concern must be protected.

JW: Our problem is USC, has not been discussed.

HW: Reynolds & Sims Lucas v. Colorado provide the basis; (1) no independence right for rep. by co. in a state as state is sovereign and can alter alignments of boundaries and (2)

JW: "At large rep." as Guam -? result

MH: Rota - Tinian have no rep.

JW: Maybe, maybe not.

HW: Want either an upper house or a single house that gives more rep. to Tinian/Rota than they now have.

**030451**

MH: If rep. basis would have Rota = 1; Tinian = 1 Saipan = 15.

HW: Our scheme would have 4/5 for Tinian and several for Rota vice 1 representative.

JW: What about ignoring issue.

HW: If ignored, then no protections to Tinian and Rota from USC that they could have interests represented in constitutional convention.

JW: ? clause is this?

MH: Equal protect clause of 14th amendment.

JW: If we go to a bicameral legislature under local constitution and then a court case.

MH: If courts rule against then reapportion houses by population; a legal argument could be made that exception to 14th clause is invalid much like exception for land alienation clause.

JW: How is rep. figured? would base population on Tinian be counted?

MH: Will research.

JW: Mutual consent items discussed earlier. As to these we want to keep as few as possible. No changes in citizenship without USC approval; no financial changes after approval as would be breach of faith.

MH: Politically is desirable to address fact that U.S. citizenship not to be taken away in status agreement.

JW: Could draft into the Article but not make subject to mutual consent.

MH: Yes, and would still apply 14th.

JW: Lets try drafting.

HW: If U.S. view it is enforceable obligation can we get language to this effect?

JW: Yes.



JW: Membership in International and Regional Organizations. Problem is Guam and other territories; discussion is raging argument no final decision. This is reason U.S. draft deleted the provision from its covenant. It has USC overtones. Will be resolved shortly and U.S. can then address.

HW: What is State view.

AS: Not resolved; U.S. State Department has problems with actions by territories that conflict with U.S. foreign policy. Best territories could expect would be "associate" membership; give opinions but no vote.

JW: So we'll have to put on shelf - should resolve in a month - 2 months.

HW: See why need uniform treatment; 1 member (Palacios) feels that loss of Marianas if associate membership right in U.N. organizations would inhibit growth potential of Marianas.

AS: Some membership requires dues; certain memberships may not return the same benefits and MPSC should address this.

HW: Need State to list of dubious to Marianas; J. Leonard has told them ADB is not for Marianas so there are some not of benefit to Marianas.

JW: Same problems in Guam and Puerto Rico. U.S. needs time to resolve - is out of our hands here in the office.

JW: On Application of Laws. Understand a new draft available.

MH: Yes - need to meet again.

HW: Want group to review before discussing.

JW: May want to delete Consolidated \_\_\_\_\_ Act in light of U.S. agreement for U.S. loans to farmers cooperatives; applicable laws provision on drafting, want to draft in "fool proof" fashion then simplify exceptions.

HW: Where do we start drafting?

030453

JW: Let's start from top of agenda, drafting process should clarify areas of agreement and disagreement.

HW: Can get through agenda by next week if we can meet twice next week. Will be going to the Marianas week after and want to discuss areas of agreement/disagreement with client.

JW: Let's meet next Tuesday/Thursday at 10:00, J. Wilson's office.

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JW: Two items discussed since last week.

- A. Points for further resolution
- B. Interim application of laws formula

MH: List <sup>TC</sup> issues for further resolution which were postponed during JW absence - not all inclusive of current outstanding issues. [list attached]

JW: #1. *whether the President or the U.S. Congress is to approve the Marianas Constitution. U.S. originally proposed that, then changed to MSC idea that USC might allow a new. MSC is original US?*

HW: *MSC is (a)* Concerned formal approval by USC regarding chances of <sup>USC</sup> changes in Constitution.

(b) Potential for delay; want to move expeditiously for new Marianas government. U.S. Presidential approval expedite process. <sup>Do</sup> Recognize interests of USC, <sup>however,</sup> so suggested waiting formula after which U.S. President acts if USC doesn't.

JW: Some USC interests, <sup>on equal</sup> no definitive judgment of USC however. <sup>we</sup> Prefer Executive Branch, <sup>US</sup> so Presidential <sup>approval</sup>; consult more fully, however, with USC and proposed <sup>we adjust</sup> at time of consultation, the "period of waiting" formula proposed by MPSC.

HW: <sup>Can</sup> USC distinguish between status agreement and constitution approval?

JW: Can't say.

MH: Agree to draft formula?

JW: Yes, subject to <sup>USE</sup> consultation.

HW: Problem is getting USC to focus on issue at present

*considering impact of precedent*

JW: Need to draft <sup>to</sup> 2 alternatives: (1) Straight U.S. Presidential approval; (2) Waiting period (30 days) clause.

HW: <sup>also</sup> Need an "unless" clause to trigger President action <sup>for the "waiting" period</sup>

HM: Don't want "unless" clause but <sup>a</sup> pure time clause (30 days)

AS: <sup>to</sup> "waiting" clause essentially a consultation process.

MH: Yes, would permit US President to check with views of US Congress <sup>activity</sup>

JW: <sup>It is</sup> #2. <sup>manus</sup> approval by its Constitution.

HW: <sup>Time</sup> constitutional convention <sup>will</sup> be a <sup>politically</sup> responsive instrument.

but may need more than 1 constitutional convention <sup>to set true local views</sup> Recognize USC concerns

on PR constitutional convention and hope USC less concerned if review both <sup>at same time</sup> <sup>document and Constitution</sup> at same time.

JW: U.S. Article IV <sup>more</sup> elaborate; <sup>where</sup> USC review 1st them go to people. U.S. reviewed, <sup>in</sup> light of approval process for <sup>full association</sup> status agreement and having <sup>Commonwealth</sup> status plebiscite prior to submission to USC. So, USC may insist on knowing <sup>form and structure of</sup> local <sup>documents</sup> government prior to giving approval and might insist on seeing both <sup>at same time</sup> or having a local constitution to look at before approving status. So, let's do plebiscite 1st prior to going to USC with constitution.

HW: (c) <sup>(requiring American Constitution Convention prior to USC review of status agreement)</sup> obviously answered in affirmative then.

JW: Yes. <sup>(reflecting purpose of Commonwealth Constitution before any of Treaty)</sup>

MH: (d) same is interim applicability? <sup>by USC</sup>

JW: Yes and can drop (e), U.S. won't insist.

HW: This brings us to Was <sup>Waigler?</sup> Rep. What is US <sup>view?</sup>

11-11-11

*We have*  
JW: 2 problems!

(1) Procedural with considering <sup>able</sup> political <sup>to us</sup> overturns - (whether we should attempt to get into USC <sup>provision</sup> by putting into status agreement; or whether USC should handle on its own.)

(2) Substantive problem is what to include in the approach <sup>to</sup> USC.

HW: Both sides received same message - no <sup>USC</sup> representation for Marianas.

MPSC draft gave a non-voting delegate then <sup>a voting</sup> delegate upon "X" level of <sup>issue of</sup> population. On procedures - MPSC feels appropriate to have <sup>represent</sup> Washington Rep. in status agreement; U.S. Executive intrusion into USC domain can be handled by noting that U.S. <sup>is only</sup> agreeing subject to USC review or in alternative <sup>that says</sup> fall back to saying U.S. <sup>has</sup> agreed to support MPSC desires before USC <sup>in its judgement</sup> MPSC wants in draft agreement <sup>to</sup> look at <sup>represent</sup> as a Magna Carta for Marianas. MPSC wants to know if U.S. has approach <sup>ed</sup> USC on this issue of rep. in USC, and want <sup>represented</sup> consideration by USC.

JW: 2 comments - (1) <sup>this</sup> is a subject to be treated as part of whole <sup>status</sup> arrangement and recognize Marianas wants an answer before they vote; (2) don't want to put in agreement something which will kill it; could have exchange of letters confirming <sup>US</sup> support; or, letter to USC on this giving support to MPSC desire. Need to consult with USC on substance and how <sup>they want</sup> to handle on substance, <sup>US</sup> is sympathy for rep. when local population reaches level as say in VI; also, USC may want to put Guam and Marianas together in future and if <sup>there</sup> is a separate rep. for Marianas and for Guam <sup>the MPSC approach</sup> may note to USC that this is an obstacle <sup>in unification</sup>.

HW: Per original MPSC <sup>draft</sup>, Marianas would be rep. by Guam but MPSC <sup>is</sup> rejected; wanted an America Samoa rep. <sup>rather than share Won Pat.</sup> Want MPSC to reconsider if USC can note they <sup>could share Won Pat until X</sup> population and own rep.

*this is the issue*

*and they receive a level of representation,*

HW: Is true; if Marianas reaches 50-60,000 and <sup>we discuss,</sup> a separate rep. could act as a barrier; would like to present alternative to MPSC that <sup>Guamans</sup> could share Guam until future date.

JW: U.S. executive has been sympathetic to MPSC desires. Think best approach is <sup>to it</sup> put squarely to USC to see if they could accept MPSC approach.

Won Pat has been approached, and chuckles in a friendly fashion.

MH: <sup>we</sup> Don't want Won Pat to find out <sup>about this approach</sup> from Chairman - would want him to find out from USG. *so as to get him on our side.*

JW: Agree - we have good relations with Won Pat, *so there is no problem.*

HW: Problem is how he could represent differing interests between Guam/Mariana Islands

JW: Same problem <sup>a US Representative has</sup> with Carson City and Reno.

HW: <sup>we</sup> Need to have our MPSC Chairman spend some time on hill and <sup>set them</sup> across the table <sup>for the US Representative</sup> to see if the USC will deny <sup>representation to the Marianas.</sup>

JW: Lets put this <sup>as the IC</sup> on a special consultation <sup>item</sup>.

HW: A need for America Samoa type rep. <sup>take a part of the status agreement?</sup>

JW: No problem.

HM: America Samoa procedure is not to have anything in agreement.

HW: But MPSC wants in agreement. *Relieve Samoa has its representation set out by federal legislation*

AS: Isn't basic difference <sup>between A. Samoa and MPSC approach the same?</sup> rights on hill <sup>the</sup>

HW: No more rights on hill than I do.

JW: *Don't* America Samoa have a special statute?

MH: Early <sup>in history, President-Commissioner</sup> PR history was recognized in one of the Organic acts (in early 1900's) <sup>got letter from Gov. certifying</sup> MPSC will check.

JW: Land alienation issue; this may be one we ought to "split" <sup>to</sup> (noting differences in approaches) since MPSC <sup>not</sup> want to be required.

*include...*  
*check*  
*Cons. Board.*

MH: Want a provision <sup>that will specify</sup> permit vice require Marianas Government to regulate land alienation.

HW: U.S. seems to look for a commitment by Marianas leaders they will support such restriction. If this is true could do outside by <sup>exchange of</sup> letters. But, if U.S. doing <sup>this</sup> due to USC reactions, MPSC feels USC <sup>will</sup> not want mandatory provisions today as they did 10-15 years ago. <sup>this</sup> Is legal <sup>is</sup> contrary to U.S. experience.

MH: Difficulty is (1) growth of Marianas where not advisable to have land restrictions and (2) <sup>whether local authorities have rights to make their own decisions on this sensitive matter.</sup>

HW: If mandatory, should be only for a fixed period of time because the requirement is <sup>paternalistic</sup>. <sup>agree we</sup> Want to prevent in Marianas what is <sup>happening</sup> in Guam/Hawaii; <sup>but only force them to act for a certain period.</sup>

JW: <sup>Aside from liberal tendencies of USC members, is that some Marianas residents may otherwise wake up <sup>and find</sup> they have lost their birthright.</sup>

HW: How can Japanese investment Guam reduce dep. on USG? <sup>what are US's</sup> problems?

JW: <sup>Several: people put pressure to</sup> (1) take over public <sup>land</sup> for private use (2) depriving local people of means of livelihood by <sup>loss of their</sup> <sup>of lands</sup> and an increase in U.S. grants <sup>to support</sup>

MH: Loss of jobs may have to do more with immigration <sup>through speculation calls</sup> than loss land.

JW: <sup>watch how well that</sup> Fong gave U.S. long lecture about <sup>foreign investments</sup> <sup>regulations</sup>

HW: Mink dubious about Hawaii public land approach.

JW: Burton adamant; <sup>he</sup> <sup>is</sup> behind <sup>the</sup> mandatory requirement.

HW: How about a "time duration" <sup>clause</sup>?

JW: Is new, <sup>US</sup> will consider.

AS: Don't understand MPSC views. <sup>why do you think that?</sup>

MH: As economy becomes more sophisticated <sup>new ways to hold wealth,</sup> <sup>may want to own corp. shares in lieu of</sup> land; on Guam, problem is selling <sup>for too low a value.</sup>

I have no objection to this document.

JW: U.S. will think about MPSC "time" approach for requiring Marianas restrictions *on land alienation.*  
On drafting, <sup>also</sup> MPSC <sup>will</sup> want to include <sup>a provision</sup> in constitution or <sup>exact restrictions</sup> through local laws.

MH: MPSC draft contains both.

HW: Recommend be in Constitution.

JW: How about soft approach for inclusion into <sup>Commonwealth</sup> constitution. Is really up to Marianas whether they want in constitution or regulate through local laws.

HW: As to #2 of land issue, could agree it is against U.S. legal tradition, especially if <sup>we</sup> a "right winger" <sup>is well</sup> in Congress.

JW: Is same argument as Hawaii land act.

HW: Don't want it in Constitution, would have M.L. Authority control and restrict; thus want <sup>public land alienation issue handled</sup> outside agreement as is now being done. Any strong USC input? <sup>Return of public lands</sup>

JW: Strong USC sentiment in favor of <sup>repairs to be put into states</sup> <sup>members of USC</sup> agreement

HW: Believe they are more flexible. <sup>How this indicates.</sup>

HW: <sup>Real</sup> Problem is keeping public land from being chewed up into small <sup>holdings</sup> via homesteading.

JW: <sup>this</sup> Issue is normally considered "internal matters" outside preview of USG, so should be addressed here in the agreement <sup>which will be reviewed</sup> <sup>approved by the Congress.</sup>

HW: U.S. satisfied with just recognition that Marianas will regulate; <sup>there appears to be</sup> and no problem with having any limitation?

JW: Yes <sup>we would be satisfied with that, otherwise it is</sup> - up to Marianas to determine exact extent of land holding.

HW: Exact regulations would be in M.L.A. charter.

JW: Thing to do is draft with a "split" approach; U.S. will go back to USC with it.



*To use*  
HW: U.S. should note that MLA charter will address this issue.

JW: OK

JW: 1 man, 1 vote problem; not sure Marianas concerns are clear.  
Understand Tinian and Rota concerns *about Saipan domination* but how to translate *them* practically?

HW: Rota and Tinian *we* concerned that Saipan majority would have disproportionate influence; *as a* some separatist feelings and some legal risks to having an upper house based on a non-population basis. *eg. can't overrule this.*

JW: *MDSC legislative structure* Proposal would be bicameral?

HW: Wouldn't want to specify address in *status* agreement. Is a problem, e.g. *results* 1 representative from Tinian in MDL, yet he rep only 680 vice 10,000 in Saipan. This is an internal matter for Marianas Constitution to address, *we* only want to preserve that option *for them to review.*

AS: If we had this *exception*, almost certain USC would want to review Marianas constitution.

HW: Hadn't thought of this. Is a good point.

JW: Problem is too much gov. *structure* for TTPI *at present.*

HW: True; simplest problem *is to ignore*, but then Tinian/Rota may feel ignored so that they may insist their concern must be protected. *in the*

JW: Our problem is USC, *this* has not been discussed.

HW: *Reynolds & Sims* Lucas v. Colorado provide the basis; (1) no independence right for rep. by co. in a state *legislature* as state is sovereign

and can alter alignments of boundaries and (2) *States have authority to determine structure of representation in state legislature.*

JW: "At large rep." as Guam *result*

HW: Rota - Tinian *what* have no rep. *on P.O. decision begins?*

JW: Maybe, maybe not.

HW: Want either an upper house *one primary structure* or a single house that gives more rep. to Tinian/Rota than they now have.

*1974 0000777*

MH: If rep. basis would have Rota = 1; Tinian = 1 Saipan = 15.

*proposed non-population basis*

HW: Our scheme would have 4/5 for Tinian and several for Rota vice 1 representative.

JW: What about ignoring <sup>this?</sup> issue.

HW: If ignored, then no protections to Tinian and Rota from USC that they could have interests represented in constitutional convention. <sup>in a legislative assembly for the Commonwealth.</sup>

JW: <sup>that</sup> clause is this?

MH: Equal protect<sup>ion</sup> clause of 14th amendment.

JW: If we go to a bicameral legislature under local constitution and then a court case <sup>under MPSC approval</sup> overrules it, then what?

MH: If courts rule against, then reapportion houses by population; a legal argument could be made that <sup>our 14th amendment</sup> exception to 14th clause is invalid much like exception for land alienation clause <sup>is unconstitutional.</sup>

JW: How is rep. <sup>population basis</sup> figured? Would base population on Tinian be counted?

MH: Will research. <sup>to comparing with the congressional process,</sup>

JW: Mutual consent items discussed earlier. As to these we want to keep as few as possible. No changes in citizenship without USC approval; no financial changes after approval as would be breach of faith.

MH: Politically is desirable to address fact that U.S. citizenship not to be taken away in <sup>the</sup> status agreement. <sup>MPSC members must consent to info</sup>

JW: Could draft into the Article <sup>III</sup> but not make subject to mutual consent.

MH: Yes, <sup>we could do that</sup> and would still apply 14th. <sup>use</sup> amendment clause.

JW: Lets try drafting <sup>this</sup> then.

HW: If U.S. view <sup>is that</sup> it is enforceable obligation, can we get language to this effect? <sup>by letter</sup>

JW: Yes.

1974 0000777

POOR QUALITY ORIGINAL

*internal US government*  
03/20/72  
12/17/72

JW: Membership in International and Regional Organizations. Problem is Guam and other territories; discussion is <sup>now a</sup> raging argument, no final decision. This is reason U.S. draft deleted the provision from <sup>note that</sup> its covenant. It has USC overtones. <sup>this</sup> Will be resolved shortly and U.S. can then address.

HW: What is State view.

AS: Not resolved; U.S. State Department has problems with actions by territories that conflict with U.S. foreign policy. Best territories could expect would be "associate" membership; <sup>this would let them</sup> give opinions but not vote. <sup>US would</sup> ~~not~~ <sup>not present conflicting views from US perspective</sup>

JW: So we'll have to put on shelf - should resolve in a month - 2 months.

HW: <sup>We</sup> See why <sup>US</sup> need; <sup>in this matter, however,</sup> uniform treatment; 1 member (Palacios) feels that loss of Marianas <sup>of</sup> associate membership right in U.N. organizations would inhibit growth potential of Marianas.

AS: Some membership <sup>in these organizations</sup> requires dues; certain memberships may not return the same benefits and MPSC should address this.

HW: Need State to <sup>get us</sup> list of <sup>dubious</sup> <sup>to Marianas; J. Leonard</sup> has told them ADB is not for Marianas so there are some <sup>not of benefit to</sup> Marianas. <sup>MPSC knows</sup>

JW: <sup>We have</sup> Same problems in Guam and Puerto Rico. U.S. needs time to resolve - is out of our hands here in the office.

JW: On Application of Laws. Understand a new draft available. (attached)

MH: Yes - need to meet again.

HW: Want <sup>US legal</sup> group to review before discussing. <sup>Palacios has</sup>

JW: May want to delete Consolidated <sup>Act in light of U.S.</sup> agreement for U.S. loans to farmers cooperatives; applicable laws provision on drafting, <sup>we</sup> want to draft in <sup>fool proof</sup> "fool proof" fashion then simplify <sup>the</sup> exceptions.

HW: Where do we start drafting?

JW: Let's start from top of agenda, drafting process should clarify areas of agreement and disagreement.

HW: Can get through agenda by next week if we can meet twice next week. Will be going to the Marianas week after <sup>NEXT</sup> and want to discuss areas of agreement/disagreement with client.

JW: Let's meet next Tuesday/Thursday at 10:00, J. Wilson's office.