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September 24, 1974

MEMORANDUM FOR HOWARD P. WILLENS

SUBJECT: Marianas Status Agreement

Attached are copies of drafts of a portion of Title VIII (eminent domain), Title IX and Title X of the status agreement given to Herman Marcuse at our meeting today.

Also attached are an additional version of Title IX and a copy of a draft of Title I. Neither of these was given to Marcuse; the extra version of Title IX because I want to check with you about it, and Title I because it was not ready. I am going to send a copy of Title I to Marcuse and Wilson this afternoon or tomorrow morning.


Michael S. Helfer

Attachments

10857

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September 24, 1974

September 24, 1974

Dear Herman:
In accordance with our conversation this morning there is enclosed a draft of Title I of the Northern Mariana Status Agreement. I look forward to seeing you tomorrow afternoon at the meeting of the Joint Drafting Committee.

Herman Marcuse, Esq.
Office of Legal Counsel
Room 5230
Department of Justice
Washington, D. C.

Sincerely,

Michael S. Helfer

bcc: Howard Willens, Esq.

10859

TITLE I

Political Relationship

Section 101. The Northern Mariana Islands shall upon termination of the Trusteeship Agreement become a self-governing Commonwealth in political union with and under the sovereignty of the United States of America. The Northern Mariana Islands shall then be known as the "Commonwealth of the Northern Mariana Islands."

Section 102. The relations between the Commonwealth and the United States shall be governed by this Agreement.

Section 103. Notwithstanding any other provision of this Agreement, or of the Constitution or laws of the United States, or of the Constitution or laws of the Commonwealth, the fundamental provisions of this Agreement, listed as follows, may be modified only with the consent of the Government of the United States and the Government of the Commonwealth: [list].

Section 104. The people of the Commonwealth shall have and shall retain the right of local self-government and shall govern themselves with respect to local affairs in accordance with a Constitution of their own adoption. The Commonwealth shall not be considered an agency or instrumentality of the United States.

Section 105. The United States, in accordance with Article IV, Section 3, Clause 2 of the Constitution of the United States, may, except as otherwise provided in this Agreement, make legislation applicable within the Commonwealth, provided that legislation which the United States could not make applicable within a State of the Union may be made applicable within the Commonwealth only if such legislation specifically provides that it shall be applicable within the Commonwealth and if, taking into account the right of local self-government of the people of the Commonwealth, there is a compelling national interest in the application of such legislation within the Commonwealth.

Section 106. The United States shall have full responsibility for and authority with respect to the foreign affairs and defense of the Commonwealth. In the exercise of this authority, the Government of the United States shall give sympathetic consideration to the advice of the Government of the Commonwealth on matters directly affecting the Commonwealth.

Section 107. This Agreement, together with the provisions of the Constitution treaties or laws of the United States applicable within the Commonwealth, shall be the supreme law of the Commonwealth and the courts of the Commonwealth shall be bound thereby, anything in the

Constitution or laws of the Commonwealth to the contrary notwithstanding.

Section 108. [Delegate/Resident Commissioner -- see Title X.]

Section 109. [Consultation -- see Section 901.]

Section 110. All members of the legislature of the Commonwealth and all officers and employees of the Government of the Commonwealth shall take an oath or affirmation to support this Agreement, the provisions of the Constitution and laws of the United States applicable within the Commonwealth, and the Constitution and laws of the Commonwealth.

Section 111. It is the intention of the parties to this Agreement that cases or controversies arising hereunder shall be justiciable in courts established by the United States and that the undertakings by the United States and by the Commonwealth provided for in this Agreement shall be enforceable in such courts.

1666 K STREET, N. W.
WASHINGTON, D. C. 20006

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September 24, 1974

Herman Marcuse, Esq.
Office of Legal Counsel
Room 5230
Department of Justice
Washington, D. C.

Dear Herman:

In accordance with our conversation this morning there is enclosed a draft of Title I of the Marianas Status Agreement. I look forward to seeing you tomorrow afternoon at the meeting of the Joint Drafting Committee.

Sincerely,


Michael S. Helfer

Enclosure
cc: James Wilson, Esq.

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