

January 28, 1974

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MEMORANDUM FOR MR. HELFER AND MS. KRAMER

Subject: Review of Draft Status Agreement

During the course of our meeting Friday with Jay, I made several suggestions regarding provisions of the draft Status Agreement. I assume that you made careful notes of my comments and will incorporate them into your current review of the draft Status Agreement. I have some additional comments to make, especially regarding those provisions at the end of the agreement which were discussed late in the afternoon and to some extent after I left the meeting:

- (1) I will have to be persuaded that Section 901 is sufficiently specific and useful for our purposes. I had in mind a somewhat more formal approach which would obligate either party to meet at five-year intervals at the request of the other party to consider an agenda of problems or questions which have arisen during the preceding period. As drafted, the United States could delegate its obligations under Section 901 to the Secretary of the Interior, who would naturally redelegate to his subordinates, and the end result would not give us any truly new mechanism for reviewing the Status Agreement at an appropriately high level in the United States Government at five-year intervals. I want the obligation to be firmer, with specific reference to the inter-agency nature of the review (mentioning the Department of Defense and the Department of State as well as the Department of the Interior). In addition, I think we should consider suggesting the procedure by which agenda items are selected by the parties and impose upon both parties, at the very least, an obligation to bargain in good faith and to seek resolution of the problems based on the agenda. I have also thought that it might be tactful to suggest that the specific issue of integration with Guam would be placed on the agenda of these periodic review sessions.

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- (2) In connection with Section 903, I believe I made some reference to my thoughts that we look for ways to maximize the chances that the recommendations of the Joint Commission will be implemented.
- (3) Section 904 needs a good deal more thought. The present draft would, of course, require acceptance by the people of Guam. We might want to propose that, if the approach is rejected by the people of Guam, then the Marianas get their own non-voting delegate. I am not sure, however, that we really want to pursue this approach and want your best thoughts on this subject. I would also like to know what was the population in the Virgin Islands and Guam when they got their non-voting representative. I also would like to know what position Puerto Rico takes on this subject.
- (4) In connection with Section 1001(B)(ii), are we required to give the vote in the plebiscite to all of the residents of the Marianas described in this sub-section? This group will include many people who will not be eligible to become US citizens under earlier provisions of the draft agreement. Do we have any alternative here which would keep residents of other districts, who are also residents in the Marianas, from voting in the referendum?
- (5) With regard to Section 1002, is it definitely in our interest to wait until approval of the Status Agreement by the United States before we begin preparing the Constitution? This might defer our Constitutional Convention until 1976 at the earliest. Do we want more flexibility?
- (6) With regard to the second Section 1002 (on page 32), I have some doubt that we want to limit the beginning date of the Commonwealth of the Marianas until the next Liberation Day. In connection with (b)(ii), I believe that we want to preserve the right to have separate administration of the Marianas at an earlier date if the parties agree that this would be desirable.
- (7) I think I already have expressed some of my doubts about Section 1003(d). Even though the sub-section appears to leave the matter entirely in the hands of the United States, I think it may be viewed as

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giving us a second opportunity to reject the Commonwealth and opt for independence. Does this really serve our interests and is it necessary?

- (8) Regarding Section 1104, I think we ought to find a place earlier in the agreement for this section.
- (9) Regarding Section 1105, why should not the Commonwealth Government have the discretion whether or not to put amendments to the Status Agreement before the people? I am thinking, of course, of very insignificant amendments.

I would like the two of you to collaborate in reviewing the agreement in light of the comments made Friday, as well as your additional reflections after you have given the draft further study. Sometime next week I would like you to schedule a meeting on this subject, at which time I would like you to have a fairly firm idea of the specific research projects which need to be undertaken and the timetable on which you intend to proceed.

 HPW

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