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DRAFT
January 31, 1974

Notes of Meeting Held January 25, 1974 on
Mariana Status Agreement

In Attendance: H.P. Willens, J.F. Lapin, M.S. Helfer,
N.A. Kramer

1. Title of document: Covenant Agreement
2. Name of new Commonwealth: The Commonwealth of the Northern Mariana Islands v. Commonwealth of the Mariana Islands [Second strongly preferred by client].
3. How should this be enacted into law? [Research needed] U.S. suggested a Congressional Resolution.
 - a. As one entity or article by article.
[Clearly we want whole thing enacted at once.
Don't want Congress to take several cracks at this.
Also Congress will probably only be interested once.]
 - b. We want an arrangement whereby the only needed amendments to the U.S. Code will be conforming amendments, not implementing amendments.
Are we not more likely to obtain that purpose if this is enacted into law?
 - c. Why Act is better than Joint Resolution.
 1. Won't require implementing legislation.
 2. Act more dignified.
e.g. Puerto Rican agreement was enacted into law and HPW suggests that enactment has given it additional status.
 - d. Helfer alternative: a joint resolution which says that it is hereby resolved that the agreement should be law. One advantage of this is that Congress votes on the resolution and is less likely to examine its substance.
4. Conflicts with U.N. trusteeship agreement. [Research needed on U.N. trusteeship agreement. Whitman has annotated trusteeship agreement.]
 - a. Problem of degree of self-government possible while the U.N. trusteeship agreement is still in effect.
 1. Lapin view: Although probably cannot be truly self-governing until trusteeship ends (e.g., no U.S. citizenship) vestiges

of self-government would seem to be in accord with U.N. intent. Lapin suggests trying for full enforcement of the status agreement in transitional period with the exception of provisions which would be in clear conflict with the obligations of U.S. to the U.N. [Examination of what the conflicts would be].

2. Fall back provision: spell out what sections come into effect when.
 - b. What about the lease of land. Isn't there a provision in the trusteeship agreement which discusses land? (If so, does its existence argue for keeping land in the Land Corporation until termination to prevent take-over. Would it be desirable to state that during the transition period, if U.S. breaches agreement, its lease of the land will be resolved.
 - c. What are the provisions for termination? Can U.S. terminate unilaterally?
 - d. If the Status Agreement is irrevocable, does it violate the trusteeship agreement by changing the international status. If it is irrevocable, might not the Marianas have become part of the United States. If not irrevocable, then not a change in international status.
5. Problems of applying statehood model of limited power in federal government without using explicit analogy and getting around the IV-3-2 problem.
 - a. Use of word "exclusive".
 - b. Put it in Constitutional section - "except as otherwise provided".
6. What portions of agreement could be subject to change by Congress and what Sections could not.
7. Possible additions to agreement:
 - a. Definition section, e.g., Mariana Islands District of the Trust Territory of the Pacific Islands.
 - b. Preference for Micronesians in certain areas like § 9a of Guam Organic Act. (We probably don't need authorization for this. Could be put in Constitution if desired. But that should be checked.)
 - c. Savings provisions for court action and contract rights. Generally goes in Constitution. Guam Organic Act has this.

d. On termination of trusteeship agreement, what happens to assets and liabilities of TT government. e.g., ships, Saipan Trust; Transpac, Tax liabilities.

1. Who gets legal title.

2. Can this be put in the property section.

A comment was made in the meeting about getting personalty now. What did that refer to?