

OFFICE OF THE SECRETARY OF DEFENSE

8 October 1974

Memo For Mr. Almond, OGC(IA)

Capt. Smith, Army JAG

Maj. Gehring, Navy JAG ←

Mr. Allen, SAFGC

SUBJECT: Draft Marianas Agreement

Attached is a new draft Marianas agreement, just received from the Office of Micronesian Status Negotiations.

Your review and comments or suggestions would be appreciated on the following basis:

Article 8 (Land) - by noon on Thursday,  
10 October

Remainder of text - by COB Tuesday,  
15 October

*PEB*  
Philip E. Barringer  
Director, Foreign Military  
Rights Affairs (x56386)

Attachment - a/s

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07 413016

DASD-4

DRAFT  
October 3, 1974

ARTICLE I

Political Relationship

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

Section 102. The relations between the Northern Mariana Islands and the United States will be governed by this Agreement which, together with the provisions of the Constitution, treaties or laws of the United States applicable within the Commonwealth, will be the supreme law of the Commonwealth.

Section 103. The people of the Commonwealth will have the right to govern themselves with respect to local affairs in accordance with a Constitution of their own adoption.

Section 104. The United States will have complete responsibility for and authority with respect to all matters relating to foreign affairs and defense affecting the Commonwealth.

Section 105. The United States may enact, in accordance with its constitutional processes, legislation effective within the Northern Marianas, being guided by its traditional respect for local self-government; but 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]

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(a). The basic Commonwealth relationship between the United States and the Northern Mariana Islands established in Article I of the Agreement.

(b). The right of the people of the Marianas to adopt and amend their own Constitution under Article II.

(c). The conditions under which citizens of the Marianas may become United States citizens or nationals under Article III.

(d). The application to the Northern Mariana Islands of specified provisions of the United States Constitution under Article V.

(e). The procedures to be followed in the exercise of Federal powers of eminent domain under Article VIII.

[Section 106. 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 will 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.]

Notes:

Resident Commissioner in Article IX  
Consultation in Article IX  
Oath of Office in Article II  
Controversies in Article IX