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JAG:104.1:RWG:cff  
Ser: 7527  
15 October 1974

MEMORANDUM FOR MR. BARRINGER, DIRECTOR, YPERA, OASD (ISA)

Subj: Draft Marianas Agreement

Ref: (a) Your memo of 8 Oct 74  
(b) JAG memo JAG:104.1:RWG:brw, Ser: 7454 of 10 Oct 74

1. In accordance with reference (a) comments are submitted on the subject draft agreement. Additional comments on Article VIII were included in reference (b).

2. Section 202.

Recommendation: In line 9 after "Constitution" place a comma and add the following words: "and particular practices or interpretations under the original provisions of the Constitution as well as under amendments to the Constitution".

Reason: To insure consistency under subsequent practice and interpretation of the Marianan Constitution with the U.S. Constitution and laws. Without the recommended words, the review of federal courts would apparently be limited to review of subsequent amendments to the Marianan Constitution with no power to review practices which evolve <sup>under</sup> the original provisions of the Constitution.

3. Section 203(a).

Recommendation: In lines 2 and 3 place a period after "legislature" and delete the remainder of the sentence.

Reason: "Rightful subjects" in line 3 is a very ambiguous phrase. It would be better to leave the extent of the power of their legislature for definition in their constitution, which is subject to our approval.

4. Section 302.

Recommendation: In line 2 delete "201" and substitute "301".

Reason: To correct typographical error.

5. Section 602(b) and (c) and [del] [del].

Recommendation: To the conclusion of each subparagraph add the following sentence: "However, goods imported for the use of U.S. Forces, their members, civilian component, and dependents, shall not be subject to such duties [cross]."

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Reason: Under the existing language the Government of the Northern Marianan Islands may levy duties on goods imported from foreign ports for the use of U.S. Forces, their members or civilian component, and dependents. This is true also for goods exported from the Northern Marianan Islands. An exception should be carved from the broad principles stated in these two subparagraphs to preserve the interests of U.S. Forces. The same exception should be made to the alternate paragraph (b) giving the Northern Marianan Islands authority to impose excise taxes upon goods imported into its territories.

6. Section 805.

Under this paragraph the Government of the Northern Marianan Islands could enact legislation preventing members of U.S. Forces from renting a house while stationed in the Northern Marianan Islands. The U.S. Government might be forced to construct sufficient on-base housing for all members of the U.S. Forces, the civilian component and their dependents. If this is not desired, some exception should be carved from the language of this section.

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