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FIFTH ROUND OF MARIANAS TALKS

First Working Session

December 5, 1974

Ambassador Williams and Mr. Wilson read their prepared statements. Senator Pangelinan thereupon announced that the MPSC would give its formal answer the following day.

Ambassador Williams stated that he would be happy to answer any questions individual members of the MPSC might have.

Mr. Manorio: Q. Why does the U. S. delegation consider Sections 104, 1003, 1007 and 702 to be unnecessary?

Mr. Wilson: A. Section 104 is implied from the sovereignty of the United States. Section 1003 contains an obligation which flows from the Trusteeship Agreement. Section 1007 contains an undertaking already agreed upon, and which presumably will have been carried out by the time the Agreement will have been approved by the United States. As to Section 702, the United States does not consider this provision superfluous, but merely believes that it need not be included in the mutual consent clause.

Senator Pangelinan: In his view it is important that the agreement contain ^{const. law} not only ^{an} authorization but also ^{an} appropriation. He pointed out an instance where it took Congress ^{years} to appropriate funds which had been authorized for certain projects in Guam.

Ambassador Williams: Congress has indicated clearly that it would not approve the Agreement if it contained the appropriate ^{provisions} provisions desired by the MPSC. On the other hand, Congress has indicated that it will honor the agreement and appropriate the funds promised in it.

Mr. Wilson: Explained the Guam situation. In that case the authorization was very vague. Here it is specific.

Mr. Santos: Raised the same point as Senator Pangelinan.

Mr. Wilson: The Congressional approval of the Agreement would constitute a multi-year authorization and a commitment of Congress, virtually a guaranty of payment.

Mr. Santos: Asked for an explanation of the statement that Northern Marianas source income could not be rebated.

Mr. Wilson: Furnished an explanation of this complex problem.

Senator Borja: 1. The insistence of the MFSC on an appropriation clause is based to a large degree to avoid the delay between authorization and appropriation. The Marianas want to be certain that the money will be available as scheduled.

2. Marianas do not want Congress to approve the Constitution. Precedent to the effect that Congress in the past has approved the Constitutions of the States and of the Commonwealth of Puerto Rico is irrelevant here because the situation is unique. The Northern Marianas are joining the U. S. voluntarily. The approval procedure must be expedited and Congressional approval may result in considerable delay.

3. Representative in Washington. The Northern Mariana Islands need someone to protect their interests in Washington. Would it be possible that the U. S. pay part of the compensation of the Washington representative of the NMI?

Admiral Willson: Congressman Burton has indicated that a provision for a non-voting delegate would not be acceptable to Congress, nor would the title of Resident Commissioner. Some kind of official representative in Washington would be proper, but the NMI would have to bear the entire cost thereof.

Senator Borah: Does not like the title "Articles." Would prefer the agreement to be called "Compact."

Mr. Wilson: The title of the agreement is still open.

Senator Pennington: The NMI are supposed to have a status superior to that of the other territories. He therefore cannot understand why Congressman Burton is opposed to letting them have a non-voting delegate when the other territories do have.

In any event, if the NMI must pay for their Washington representative they should be able to determine his title.

Admiral Willson: Indicated his sympathy with that position.

Senator Pennington: With respect to Section 202 the NMI was not so much opposed to Congressional review of the NMI Constitution, but to the resulting delay. That was the reason for the time limit contained in the bracketed portion of Section 202.

Mr. Wilson: He hopes that the Constitution of the NMI will be ready by the time Congress approves the agreement so that Congress can approve the Agreement and the Constitution as a package.

Mr. Mangione: Importance of appropriation clause. In the absence of such clause there would be no assurance that the funds will be appropriated every year. His constituents are very concerned about this point. How is this problem handled in foreign base agreements?

Ambassador Williams: It must be assumed that Congress will live up to its commitments as it always has in the past.

Mr. Wilson: The foreign base agreements are included subject to Congressional approval. The proposed agreement would contain an unusual combination of guarantees and commitments: a commitment by the Executive, a commitment by Congress, and finally a multi-year authorization. It is most unlikely that this combination of circumstances will not be honored.

Mr. Mangione: He appreciates that the NMI cannot at the present time have a non-voting delegate in Congress. He objects, however, that this representative in Washington will be given a third rate title. As far as land requirements are concerned, there is the political issue that the people of the NMI want to grant only a lease and not a fee.

Dr. Palacios: Q. What functions would the representative of the NMI have in Washington according to Congressman Burton's view?

Ambassador Williams: A. The representative's functions would be up to the Commonwealth. His main function would be to look out for the interests of the NMI and the citizens of the NMI, and to make certain that the NMI obtains all the funds to which they are entitled. There have been other representatives of territories without an official title.

Dr. Palacios: Q. Could the Washington representative of the NMI participate in Committee activities?

Ambassador Williams: A. No. But he could testify before Committees.

Mr. Boland: He favors retention of Section 104. In view of the unique status of the NMI, he feels that the defense and foreign relations functions of the U. S. be spelled out to avoid any possible misunderstanding in the future.

Ambassador Williams: He would not object to the retention of Section 104.

Mr. Tamm: He did not understand Mr. Wilson's comment on Section 806 (c) and would like him to restate it.

Mr. Wilson: The NMI will be treated in the field of eminent domain like any other part of the U. S. and would be entitled to the same protection against arbitrary takings. He would be willing to spell out those guarantees in the Agreement.