

POSSIBLE RESEARCH PROJECTS ON MARIANAS STATUS AGREEMENT

1. How should the Status Agreement 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. 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.)
2. Conflicts with U.N. trusteeship agreement. [Research needed on U.N. 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, 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.

Trusteeship >
binding before

3. Problems of applying statehood model of limited power in federal government without using explicit analogy and getting around the IV-3-2 problem. (Sections 104, 106 and 301.)

4. What portions of agreement could be subject to change by Congress and what Sections could not.

5. 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 personality now. What did that refer to?

6. Section 106: Is a supremacy clause needed?

7. Section 106(b): Is a section like this which spells out what sections cannot be modified without consent of the Commonwealth government, really needed?

8. Section 107: The U.S. position is that Commonwealth officials and employees should take an oath to enforce federal laws. Does a state officer have to take an oath that he will uphold the Federal Constitution?

9. Section 301(a): What provisions of U.S. Constitution should apply "as if the Commonwealth were a State of the Union."
10. Section 301(b): Are there any other provisions of the U.S. Constitution which should be put in here for the protection of Marianas citizens outside the Marianas against the U.S. and the States.
11. Section 302: What laws of U.S. shall be applicable to Marianas after the effective date of the Status Agreement.
12. Section 403: Who gives (advice and consent) on the appointment of judges?
13. Title V: Has anything been dropped from the taxation section.
14. Section 703: How can we build in an inflation factor for the U.S. payments. Check Campaign Act of 1972. Should the U.S. payments in each category be the same for each of the six years.
15. Section 805: Eminent domain problem.
16. Section 1103: Are there any situations other than under the lease where the Commonwealth might want to sue the U.S.?