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February 27, 1974

MEMORANDUM FOR THE MARIANAS POLITICAL STATUS COMMISSION FILE

Subject: Meeting with James Bierne

Howard Willens and I met with James Bierne on February 25, 1974, for approximately one hour in his office in the new Senate Office Building. Mr. Bierne does the staff work for Senator Jackson on territorial affairs. He had some familiarity with the Marianas negotiations and indicated that Herman Marcuse had previously briefed him.

Mr. Bierne first brought up Senator Jackson's interest in the military aspects of the negotiations. Mr. Marcuse had discussed with Mr. Bierne the possibility that the United States would have only a limited power of eminent domain in the Marianas under the new Status Agreement. Mr. Bierne told us that he was certain that Senator Jackson would be concerned about any limitation on the power of eminent domain for military purposes. We assured Mr. Bierne that the authority of the United States to take land for military purposes in national emergencies would be protected under the new Status Agreement.

We raised with Mr. Bierne several other issues relating to the negotiations. With the respect to the lease versus purchase issue, he said that he would check with Senator Jackson's staff persons on the Armed Services Committee.*/ In general he thought that, aside from the military issues, Senator Jackson was prepared to approve whatever was agreed upon by the MPSC and Ambassador Williams. Mr. Bierne noted that finances would be a potential problem and commented that Senator Bible would be particularly interested in this aspect of the Status Agreement.**/ When the issue of a non-voting delegate was raised, Mr. Bierne said that the Senate would probably follow whatever the House did.

*/ In particular, Mr. Bierne mentioned Dorothy Fosdick. Ms. Fosdick, however, is listed as a professional staff member to the Permanent Subcommittee on Investigations of the Government Operations Committee -- a Subcommittee of which Senator Jackson is Chairman.

**/ It appears almost certain, however, that the Status Agreement will not be presented to Congress before Senator Bible retires at the end of this session.

We also discussed with Mr. Bierne the upcoming constitutional convention in Micronesia. He expressed the off-the-cuff view that a separate administration for the Marianas would be desirable to avoid the difficulties which will ensue from a Trust-Territory-wide constitutional convention. He expressed concern about the timing of a constitutional convention before the political status issues had been resolved.

Mr. Bierne said that his plans were changed and that he was no longer planning to go to Saipan in the immediate future. In response to our direct question he said that he thought that it was premature to see Senator Jackson now but that instead we should wait until the negotiations had made further progress.


Michael S. Helfer

cc: HPW