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February 7, 1974

Senator Edward DSG Pangelinan
Chairman
Marianas Political Status Commission
P. O. Box 977
Saipan, Mariana Islands 96950

Dear Ed:

Enclosed are three copies of a summary report which we have prepared regarding the current status of our negotiations. In accord with our previous discussion, I have assumed that you will want to use this document in connection with your report on behalf of the Commission to the District Legislature. Let me make a few comments about what I have done.

In the first place, I have indicated that this report has been prepared by the law firm as counsel to the Commission. This will save you and the other members of the Commission, I hope, from any need to feel responsible for either the particular form or language reflected in the summary.

Second, I have prepared this with a minimum of advocacy. As you will see, it is essentially a synthesis of the Joint Communiquos of June 4 and December 19, 1973. I have tried to summarize the tentative agreements in an organized way and, at the same time, indicate what important matters remain to be resolved during our negotiations. Among other reasons, I chose this approach because I fully expect that the document will sooner or later fall into the hands of the U.S. Delegation and do not want either the Commission or your counsel to be criticized for unfairly summarizing the current status of our negotiations.

It is my suggestion that this document be submitted to the District Legislature along with a relatively short cover memorandum from you in the course of your efforts to inform the members of the District Legislature and to persuade them to continue funding the Commission. I think that you, the other members of the Commission, and Jim White are perhaps in a better position than I to decide what principal points should be made in the cover memorandum. I have the following suggestions to offer for your consideration:

First, I think that you can properly characterize the proposed new political status as nearly complete and highly desirable. My only word of caution in this regard, however, is not to stress too much (at least in written form) how much more advantageous the proposed status is in contrast to the status currently prevailing in Guam. I think you are well aware of the problems in this area and I will be writing you further on this subject in the next day or so.

Second, I think it is entirely appropriate to emphasize the financial offer of direct assistance which was advanced by the U.S. Delegation during the last session and indicate that the Commission is in the process of carefully reviewing this figure with a view toward advancing a counter-proposal during the next session. You may wish to suggest to the Legislature that our own studies indicate that a higher level of assistance is appropriate and reflect the Commission's determination to insist upon a fair and equitable financial arrangement. I do not know whether you will want to provide any specific dollar figure in your memorandum in order to suggest the range within which a financial statement would be satisfactory. If you elect to do this, I think perhaps it should be done orally.

Third, I think some reference should be made in your memorandum to the fact that we are making considerable progress toward implementing the U.S. Policy Statement regarding the return of public land. I do not know exactly what your timetable on this subject is, but it seems well to advise the Legislature that the implementation of this proposal will require action by them and that, under the Commission's auspices, considerable work has already been done toward preparing the necessary legislation and legal documents (e.g., Articles of Incorporation, By-Laws, Regulations) to create a legal entity which could be designated by the Legislature to receive and administer public lands.

Fourth, on the subject of military requirements, I think that you should make clear that the Commission has made very limited concessions up to this point in the negotiations. It might be advisable to emphasize the Commission's decision on leasing rather than purchase and our determination to secure additional justification from the United States regarding its needs on Tinian.

I hope that the enclosed report plus these suggestions serve your purposes and that the District Legislature can be persuaded to continue supporting the Commission. As you will note, the report suggests the possibility that a formal Status Agreement can be negotiated by the end of 1974. I hope that this proves to be the case.

Sincerely,

Howard P. Willens

Enclosures

cc: Mr. White