

201

01

January 13, 1975

James E. White, Esq.
P. O. Box 47
Capitol Hill
Saipan, Mariana Islands 96950

Dear Jim:

Enclosed are two copies of some questions and answers which I had prepared at Benjamin Manglona's request. Would you be kind enough to see that they get to him. Please feel free to make them available to anybody else to whom they might be helpful.

I am working with the United States right now on a simplified explanatory memorandum. Hopefully it will be done this week and then cabled out to the Marianas.

It was good talking to you last week. I look forward to receiving your comments on the Technical Agreement.

With best regards,

Sincerely,

Michael S. Helfer

Enclosures

4 3021

January 2, 1975

QUESTIONS AND ANSWERS CONCERNING THE COVENANT

Prepared for Benjamin Manglona

Question: What would the differences be between the Northern Marianas' political relationship with the United States under the Covenant and Guam's present political relationship with the United States?

Answer: There are three major differences. First, the fundamental aspects of the relationship between the Northern Marianas and the United States under the Covenant will not be able to be changed without the consent of both the Government of the Northern Marianas and the Government of the United States. The relationship between Guam and the United States, on the other hand, may be changed in a variety of ways by the unilateral action of the Government of the United States. Second, the people of the Northern Marianas will have the right under the Covenant to adopt their own constitution. The people of Guam do not have this right under the Organic Act. Third, the United States will provide substantial amounts of direct grant assistance to the Northern Marianas for at least the first seven years of the new political relationship. Guam no longer receives direct grant assistance from the Government of the United States.

13025

Question: What sections of the Covenant deal with "mutual consent"?

Answer: Section 105 of the Covenant establishes the requirement that the fundamental provisions of the Covenant cannot be changed without "mutual consent". The fundamental provisions of the Covenant which will be subject to mutual consent are the following:

-- Article I, which deals with the political relationship between the Northern Marianas and the United States; this Article guarantees that the Northern Marianas will, upon termination of the Trusteeship Agreement, become a self-governing commonwealth in political union with and under the sovereignty of the United States;

-- Article II, which deals with the Constitution of the Northern Mariana Islands; this Article provides that the local Constitution will be framed by the people of the Northern Mariana Islands and will provide for a republican form of government with separate executive, legislative and judicial branches, and will contain a bill of rights; it also assures that the smaller islands can have appropriate representation in the local legislature;

-- Article III, which deals with citizenship and nationality; this Article guarantees to people in the Northern Mariana Islands the option of becoming citizens or nationals of the United States and assures that all persons

born in the Commonwealth after termination of the Trusteeship will be citizens of the United States;

-- Section 501, which provides for the application of portions of the United States Constitution to the Northern Marianas including all of the protections contained in the Bill of Rights; and

-- Section 805, which provides that the Government of the Northern Marianas will, until twenty-five years after termination of the Trusteeship, and may thereafter regulate the alienation of permanent and long term interests in land so as to restrict the acquisition of such interests to persons of Northern Mariana Islands descent, and that the local Government may regulate the extent to which a person may hold land which is now public land.

Question: What are the differences between being a "national" of the United States and a "citizen" of the United States?

Answer: Both citizens and nationals of the United States owe permanent allegiance to the United States. They are treated in the same manner for purposes of many federal laws including laws relating to the selective service, taxes, and other laws imposing obligations on persons. Only citizens, however, may hold certain jobs. For example, after termination of the Trusteeship Agreement the Resident Representative of the Northern Marianas in Washington will have

to be a citizen of the United States. Persons may, however, choose to become nationals of the United States because in the view of some the status of nationality implies a lesser degree of commitment to the United States than does the status of citizenship.

Question: When will the provisions of the Covenant become effective?

Answer: Section 1003 of the Covenant deals with effective dates. Essentially, it provides that most of the important provisions of the Covenant will become effective after the Covenant itself is approved by the Mariana Islands District Legislature, by the people of the Northern Marianas and by the Congress of the United States, and after the local Constitution is approved by the Northern Marianas and by the United States. A few provisions, such as the mutual consent provision, will become effective earlier -- as soon as the Covenant alone is approved by both sides. Also, a few provisions will not become effective until termination of the Trusteeship Agreement. These provisions are those which relate to the sovereignty of the United States and to United States citizenship and nationality for people in the Northern Marianas.