

OMSN STAFF/1-15-75:kkc

QUESTIONS ON THE COVENANT

1. In deciding their political future, do the people of the Mariana Islands have the right to choose later some other political status such as independence or free association if they don't like Commonwealth?
2. What is a commonwealth? Is the Marianas Commonwealth like the Commonwealth of Puerto Rico?
3. What is sovereignty? Under the commonwealth agreement will the United States hold ultimate sovereignty or will it share sovereignty with the people of the Northern Marianas?
4. Under the Covenant, can the United States Congress pass laws for the Commonwealth of the Northern Marianas? Will the people of the Marianas have any voice in this process?
5. Does the United States Congress have complete and total (i.e., "plenary") power over the Commonwealth of the Northern Marianas like it does in Guam? Can the Congress of the United States change the Covenant and the Constitution of the Northern Mariana Islands?
6. Under the Covenant, who can own land in the Northern Marianas? Since Marianas residents will be U.S. citizens and will be able to own land in the U.S., won't the U.S. Constitution require that other U.S. citizens be able to own land in the Marianas?
7. Are laws limiting the ownership of land unconstitutional under the "Equal Protection of the Laws" clause of the fourteenth amendment?
8. How does the Constitution of the United States apply in the Commonwealth of the Northern Mariana Islands? How does this differ from practices found in the Commonwealth of Puerto Rico and in the

Virgin Islands?

ARTICLE II

9. Who will write the Constitution of the new commonwealth? How much local authority will the Commonwealth Government have? What will be the relationship between the federal government and the local government?

10. Does the new Constitution have to be consistent with the Covenant and with the Constitution of the United States? Why? What is a republican form of government? Why do we have to follow the three branch system of government on this small island? What if we decide in our Constitutional Convention that we have too much government and want to streamline it to an executive council or parliamentary type government?

11. Will the United States Constitution apply fully within the new Commonwealth? Will the Bill of Rights? What is the Bill of Rights?

12. If the United States Constitution does not apply in its entirety can the new commonwealth determine voter qualification so as to restrict voting to men only or even deny other United States citizens the right to vote, or perhaps restrict residents of the Mariana Islands their right to vote for failure to pay taxes?

ARTICLE III

13. Under the Covenant, will the citizens of the Northern Marianas be United States citizens? Do they have a choice? What is the difference between a U.S. citizen and a U.S. national? What if local residents want to remain Chamorros? If local residents don't become U.S. citizens or nationals, can they remain in the Marianas? Will they lose their rights?

14. Who else will have a right to United States citizenship?
15. Will citizens of the other districts of the Trust Territory have a choice to become United States citizens also?
16. Will third country nationals also have a right to become United States citizens and under what conditions?
17. Will relatives of citizens of the Mariana Islands District who now reside in Europe and other areas of the world have a right to choose American citizenship?
18. Will citizens of the Marianas have the right to vote for the President of the United States and for a delegate to the United States Congress? Why not?
19. Does a United States national owe allegiance to the United States?
20. If the draft is reenacted, can a United States National be drafted into the United States Army?
21. Apparently a United States National has no privileges not enjoyed by a United States citizen. Why then was the choice offered?

ARTICLE IV

22. Will the Commonwealth of the Northern Marianas have its own system of courts with local judges? Can we elect our local judges' appoint them?
23. Will U.S. Federal Courts have jurisdiction in the Northern Marianas? What if the highest local court gives a ruling on a local matter that is in conflict with U.S. court cases?
24. Will protections of the right of trial by jury, grand jury indictment, habeas corpus, and rules of evidence now mandatory in

federal and state courts be also mandatory in the courts of the new Commonwealth?

25. Can local disputes tried originally in the courts of the Commonwealth be appealed to the federal court system?

26. Why must the complex federal rules of procedure apply in the Marianas when we don't have enough lawyers locally that understand the rules?

27. Will local trial assistants lose their right to practice law? Can they go before the federal courts?

28. Will the OEO legal services continue to provide legal assistance?

ARTICLE V.

29. Will the United States Constitution be full applicable in the new Commonwealth of the Northern Mariana Islands? Why not?

30. What portions of the Constitution will not apply? For example, will the equal protection laws of the 14th amendment apply? Will the women's suffrage amendment apply? Will the Equal Rights Amendment if passed by the States apply? Minimum Wage Act?

31. Will all Supreme Court decisions made applicable to the Federal and State governments apply also in the Marianas, including the principle of one man, one vote?

32. Will the Jones Act apply to the Marianas?

33. How will a decision be made among the myriad of laws as to which ones apply to the new commonwealth and which ones do not apply?

34. Under present law, what Federal programs not presently applicable will be made applicable to the new commonwealth?

35. What does it mean to the Northern Mariana Islands by saying the

laws in Guam will be extended to the Northern Mariana Islands?

36. Why can't we decide which of these laws we want and which we don't want?

37. What provisions of the Constitution of the Northern Marianas must be consistent with the Covenant?

38. Will federal standards in medicine, law, pharmacy and other social services and professions apply in the new Commonwealth?

ARTICLE VI

39. Will the Federal Income Tax laws apply, as they do now in Guam? Why?

40. Will the new Commonwealth have the right to enact its own Income Tax Law and change the law to reduce or raise taxes?

41. What does the term "Customs territory" mean and why does the Mariana Islands wish to remain outside the customs territory of the United States? Does this mean we can trade with Japan?

42. Can the new Commonwealth enact taxes on goods entering the Commonwealth? Can these taxes discriminate against products coming from particular countries such as Australia and Japan? What about taxing goods from Guam or the U.S.? Can we tax the military? Do we have to turn over the tax money to the U.S. Government? Can we set our own tax rates on customs and excise taxes or must they follow the U.S. rate?

43. Will the United States social security system apply in the new Commonwealth? Will there be a difference?

44. Is there any negotiated limit on the public debt that the new Commonwealth Government may undertake?

45. What will be the status of Trust Territory-wide businesses now based in Saipan after the Commonwealth agreement is signed? If the Marianas enters into the American system, can it keep out U.S. businesses?

ARTICLE VII

46. How much financial assistance will the Federal government guarantee to the new commonwealth? When will it be made available? Does the Government of the Northern Mariana Islands have to go to the U.S. Congress and justify this?

47. After the initial seven year period, does the Covenant terminate? Does the United States obligations to give financial assistance terminate? What if the U.S. Government cuts funds below that we have agreed to?

48. Why did the Federal government earmark certain funds for special purposes in the Covenant such as for Rota, Tinian, fishermen and farmers, technical education and for low income housing? The total level of special earmarked funds is two million dollars a year.

49. In the case of federal government programs can the grant funds made available under the Covenant be used to obtain additional funds under federal matching grant programs?

50. Will federal taxes collected under the Internal Revenue law be returned to the new commonwealth as now occurs in Guam and the Virgin Islands?

51. What happens to federal grant funds made available to the Commonwealth under this Covenant but remaining unobligated at the end of the fiscal year? Are they returned to the federal treasury

as is the practice now with the States and federal agencies and departments, or will the new Commonwealth keep them?

ARTICLE VIII

52. Under the Trusteeship can the United States own land or gain a permanent interest in lands in the Mariana Islands? What if we don't agree to lease land to the U.S.; will we still have a Commonwealth relationship?

53. What are military retention lands and what happens to those remaining in the Mariana Islands under the Covenant?

54. As part of the Marianas status negotiations the U.S. has negotiated with the MPSC a lease of certain lands in the Marianas for the eventual purpose of building a base. Where is this land and how much is the U.S. paying to rent it?

55. Why must the \$2 million paid for Tanapag be used to establish a Memorial park?

56. What are lease-back arrangements? What does the term "outgrant" mean? Can we build public projects on the leased back land?

57. There is mention of a technical agreement on land. What is this and how does it fit into the Covenant negotiations?

58. Why does the Commonwealth arrangement permit the local government to regulate who can purchase lands in the commonwealth in spite of the equal protection of the laws clause of the 14th amendment of the U.S. Constitution?

59. Does the United States Congress still have the right under this policy to exercise eminent domain? Does the United States Congress limit itself in any way from exercising that power?

60. Will the United States make an additional payment for its renewal of leases on land at the end of the initial fifty year period?

ARTICLE IX

61. Will the Commonwealth of the Northern Mariana Islands elect a representative to the Congress of the United States? If not who will represent them in Washington?

62. If we choose to do so will the non-voting delegate from Guam also include the people of the Marianas among his constituents?

63. How will disputes under this Covenant be resolved? Will the federal courts have jurisdiction? Will the Supreme Court have original jurisdiction as is the case now with the States?

64. Will the Commonwealth of the Northern Mariana Islands have an international personality; meaning will it be permitted to be a member of international regional organizations not of general interest to the other States and territories of the United States?

ARTICLE X

65. After the Covenant is signed by the two negotiating teams, will the people of the Northern Marianas have an opportunity to vote on the Covenant? Who will have a right to vote? What about employees of the TTPI Government who are not of Marianas ancestry? Will the United States Congress and the President have to approve the Covenant? What about the United Nations?

66. Who decides when the Trusteeship ends?

67. Do the people of the Northern Mariana Islands have the right to request termination of the Trusteeship before the other districts of the Trust Territory have completed their negotiations?

68. Will the Mariana Islands be permitted to govern themselves under the Covenant even before the Trusteeship Agreement is terminated? Can the Commonwealth come into being before the other status negotiations are completed?

69. What provisions of the Covenant can be effected before the termination of the Trusteeship Agreement and what provisions cannot be effected?
70. When will the people of the Northern Mariana Islands become United States citizens?
71. When will the Constitution of the Northern Marianas become effective?
72. Commonwealth means that the people of the Northern Marianas will enjoy the rights of American citizenship. Will federal standards apply, such as minimum wage laws, income tax laws, federal standards for hospitals, schools and so forth, and if so, how?
73. What are the advantages of United States citizenship over anything else under a different status?
74. Does the Constitution of the Northern Marianas have to be approved by the President and the Congress of the United States?
75. If there is eventually a military establishment on Tinian, will the children of the present residents of Tinian be admitted to schools established for military dependents?
76. When will the United States implement separate administration for the Mariana Islands? Will we elect our own chief executive at that time?
77. What will be our relationship to the rest of the TTPI?
78. If the United States military did not want land for its bases, would the United States consider a group of islands with a population of only 15,000 for Commonwealth?
79. Concerning United States citizenship, will the people of the Northern Mariana enjoy first class citizenship of having the privilege of voting for the President and having representation in the Congress of the United States?

and to the drafting of the local Constitution. After the local Constitution has been approved by the Northern Marianas and by the Government of the United States, most of the rest of the Covenant will become effective. The President of the United States will select a day which is within six months after the final approval of the local Constitution, and on that day a new Government of the Northern Mariana Islands with an elected governor, an elected legislature and a local court system operating under its own Constitution, will come into existence. At the same time federal laws will become applicable to the extent provided for in the Covenant, land regulation provisions and land use agreements will become effective, and federal financial assistance will begin.

The President of the United States may prevent any federal law or portion of the local Constitution from being applicable or effective until termination of the Trusteeship if he finds that such law or provision is in conflict with the Trusteeship Agreement.

When the Trusteeship Agreement is terminated, the Commonwealth of the Northern Mariana Islands will come fully into effect. At this time, those few remaining portions of the Covenant which have not come into effect, in particular the name "Commonwealth of the Northern Mariana Islands", those provisions dealing with U.S. citizenship and nationality and U.S. sovereignty, will come into effect.