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DEPARTMENT OF STATE

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Memorandum of Conversation

Saipan, Mariana Islands

DATE: January 16, 1975

SUBJECT: Developments in Marianas Status Negotiations

PARTICIPANTS: Dr. Frank T. Palacios, Chairman, Territorial Party
Alf E. Bergesen, Status Liaison Officer

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In response to my question, Dr. Palacios said that "his group" had completed its review of the covenant. (We are aware from other information as well that the Territorial Party has been engaged for several weeks in an intensive review and discussion of the document approved at the first session of Marianas V in early December.) Dr. Palacios cited three problem areas:

1. Section 101 - The phrase "and under the sovereignty of" is giving them trouble. They would prefer this to be omitted; Dr. Palacios noted that "sovereignty" is not mentioned in the U.S. Constitution or in the Puerto Rico basic legislation. I inferred there was no objection to the concept, which was implicit, but the use of the word bothered them.

2. Section 805, Non-alienation - There was concern that this section might not be enforceable in the U.S. courts when Marianans became U.S. citizens. No one had been able to come up with a court citation. I said I understood that there were similar provisions benefitting American Indians, who are citizens, but Dr. Palacios said these had not been tested in the courts, according to his information.

3. Article VII - The fact that the U.S. financial support provision was an authorization, not a guaranteed appropriation, was worrisome. I noted that this had been discussed at length in round V; I pointed out also that as someone whose next year's pay was in no way guaranteed except by the general obligation of the Congress to fund the operation of the Federal government I had never worried about this and really thought the credit of the USG was good.

I asked what next. Dr. Palacios thought these problems would be discussed within the MPSC; depending on its decisions, the (Territorial) group would then decide whether, if certain changes were not made, that fact should be

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the basis for a negative vote in the MPSC on authorizing signature. Dr. Palacios volunteered the reassurance that he would insist that that U.S. defense needs in terms of land would be satisfied.

I asked him whether Congressman Oscar Cruz Rasa was participating actively in their discussions. Yes, said Dr. Palacios. He described him as active, intelligent, and forceful. The two of them had had several confrontations; his philosophy was to let a young man like this say his piece, several times if necessary, but to make sure Rasa understood he couldn't push him (Palacios) around.

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