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Memorandum of Conversation
 Saipan, Mariana Islands

DATE: January 22, 1975

SUBJECT: Doubts Concerning Draft Covenant

PARTICIPANTS: Senator Pedro A. Tenorio, Marianas
 Robert D. Wiecha, Navy Adviser for Western Pacific Planning
 David L. Schiele, Deputy Status LNO

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At a party in the home of the High Commissioner's Special Assistant for Legislative Affairs on the evening of January 22, Mr. Wiecha and Senator Tenorio were discussing Marianas political status negotiations when they were joined by the reporting officer. Mr. Wiecha had been speaking of the economic dilemmas facing the United States and opined that the Congress would not approve large scale new funding for any purposes. He cited the recent decision not to engage in immediate base construction on Tinian (at an estimated cost of some \$300 million) as evidence that the administration understood this and was unwilling to request such funding. Schiele observed that while the Congress may be unwilling to authorize massive new expenditures, in the context of the status negotiations one had to distinguish between the \$300 million required for base construction and the substantially smaller amounts required for fulfillment of the commitments negotiated in the draft Covenant--amounting to some \$20 million acquisition cost for our land requirements and \$14 million annually for seven years for other purposes. Senator Tenorio expressed anxiety about our ability to get even that amount through the Congress. Although Schiele attempted to reassure him on this point, Tenorio appeared unconvinced.

The Senator then shifted the discussion to a separate matter, but one which he viewed as related: the method by which the U.S. would approve the Covenant. He was concerned that the U.S. approval would be through executive rather than congressional action. Such a move, he feared, would create problems with appropriations for the seven-year transition period.

Expanding on his concerns about the Covenant, Senator Tenorio asked about the willingness of the Congress to approve the negotiated restrictions on land purchase
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by persons not of Mariana ancestry. Even should the provision receive congressional approval, Tenorio was concerned about the constitutional validity of the provision and how it would stand a test in the courts. Schiele agreed that the matter would be controversial, but stated that we would not have negotiated the restriction unless we believed we could get it through the Congress. He then cited restrictions on the sale of land on Indian reservations as evidence of the legality of the provision. Mr. Wiecha offered the opinion that the citation of restrictions on the sale of Indian land was not relevant and that there was indeed a real possibility that the Congress would refuse to approve the land alienation restrictions as negotiated.

Two additional problems were raised by Tenorio--the applicability of United States immigration law and the question of the Marianas maintaining trade and tourist offices abroad. Tenorio was concerned that the U.S. would have the right to pass legislation extending the Immigration and Nationality Act to the Marianas. This, he stated, would be undesirable because it would "turn us into another Guam," e.g., allow large scale immigration resulting in the local people becoming a minority on their own islands. He had no objection to the limited applicability of the Act as negotiated, according to which U.S. citizens resident in the Marianas would be able to sponsor immigration of immediate relatives. On the matter of maintaining trade and tourist offices abroad, Tenorio professed his inability to understand the hard U.S. line in refusing the Marianas the right to do this. (Note -- we will attempt to find out the basis for Tenorio's evident misunderstanding.)

COMMENT. The draft Covenant negotiated at the Fifth Round of the Marianas Status Negotiations in December is currently under review in preparation for what we hope will be a final signing round beginning February 3. It is believed locally that one of the major considerations affecting the willingness of the Territorial Party leadership to endorse signing the Covenant at that time will be their estimate of the likelihood of approval of the document by the United States Congress. It is impossible to estimate the full impact of the opinions expressed by Mr. Wiecha, but there can be no doubt that his statements will be circulated orally and feed the anxieties of the Senator and others. While the Territorial Party still has minority representation on the MPSC, the absence of their positive support would seriously undermine the prospects of approval of the Covenant in a plebiscite.

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