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March 3, 1975

Mr. Stephen Rosenfeld
The Washington Post
1150 15th Street, N.W.
Washington, D.C.

Dear Steve:

Thank you (and Mrs. Graham) for the lunch on Friday. I enjoyed our conversation and am confident that you will do a professional and fair piece on the nice questions raised by the proposed Marianas Commonwealth arrangement. Just to add to your stack of reading materials, I am enclosing a copy of the memorandum which we produced overnight in Saipan. I hope that you will find the background facts and the self-determination discussion useful in evaluating some of the points which I tried to make during our discussion.

For reasons unrelated to either the company or the menu, I was disquieted Friday afternoon in reflecting upon our conversation. In part, I think this is because I feel that my role as an advocate makes me particularly suspect to someone like yourself approaching the story with a reasonably open attitude. But then, in a burst of inspiration, I decided that my apprehension is occasioned primarily by my sense that the burden of proof has been assigned to those who support the proposed Commonwealth rather than those who oppose it. This is, of course, a lawyer's way of assessing his problem and reflects a touch of paranoia.

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Nonetheless, it occurred to me in this vein that it is inaccurate and unfair to cast the people of the Marianas in the role of "spoilers" or "bad guys". Yet, this is what most critics of the proposed Commonwealth agreement are doing, aided by the too easy assumption that the Marianas are nothing more than a pawn of the United States government whose interest in the area is exclusively military and, therefore, suspect. Putting the interest of the United States aside for a moment, let me single out some of the facts which I would advance in my contention that the Marianas people deserve some special consideration in any assessment of the pros and cons of the proposed new status:

1. The Marianas people have a long history of desiring to become affiliated on a permanent basis with the United States. This may be surprising, to be sure, but it does not seem to provide reasonable grounds for criticizing them in taking steps to accomplish this long-desired objective. In contrast, the other five Districts have evidenced considerable uncertainty about what kind of future status they desire, fluctuating from time to time as between independence and a relationship with the United States which could be terminated unilaterally.
2. The Marianas have proceeded in a coherent and direct way to negotiate a proposed Commonwealth relationship with the United States - well within the traditional bounds of the United States Constitution. As we discussed Friday, the alternative of free association has no precedent within American history and certainly raises some very new and difficult questions of public policy for the United States.
3. The Marianas people want to be U.S. citizens and are prepared to accept the responsibilities inherent in that status. Not so for the other five Districts. In like fashion, the Marianas people are ready and eager to embrace the U.S. Constitution and the Bill of Rights, whereas it is very unlikely that their brothers in many of the other Districts could do so without substantial restructuring of their traditional leadership patterns.
4. The Marianas people are not seeking to impose their status preference on any of the other five Districts. They ask only that they be permitted to go their own way.

5. After extensive negotiation, the Marianas people have voluntarily agreed to make substantial land available to the United States for defense purposes. Whether the base is built or not, this suggests a readiness to share in the responsibilities of national defense, which should be favorably received. In contrast, the other five Districts have not yet, after six years of negotiations, evidenced their willingness to do likewise with respect to much lesser land requirements sought by the United States in their areas.

I recognize that these points do not provide a conclusive answer to the various questions of public policy raised by the proposed Commonwealth arrangement. But I do think that these facts have not been properly emphasized. In my opinion, they suggest that the Marianas people are entitled to a fair and favorable treatment of their desire for Commonwealth status. The fact that we do not know where the other five Districts will eventually end up provides no basis whatsoever, given the equities set forth above, for denying the Marianas people the benefits of a future political status which so nicely accommodates the interests of both the Marianas and the United States. It would be a most illiberal position, indeed, to suggest that the Marianas must remain affiliated with five Districts with whom they have such fundamental differences. And why should the Marianas people wait until the other five Districts make up their minds? The Marianas, again unlike the other five Districts, want to terminate the trusteeship and to begin assuming the responsibilities of self-government guaranteed by the Trusteeship Agreement as soon as possible. This, too, should elicit our sympathy and support.

But enough! As you observed at lunch, I tend to get wound up on the subject of the Marianas and I apologize for the length of this letter.

Sincerely,



Howard P. Willens

Enclosure

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