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RESPONSE ON BEHALF OF THE MARIANAS POLITICAL
STATUS COMMISSION TO SENATOR GARY HART'S
COMMUNICATION RE: S-326

As counsel to the Marianas Political Status Commission, we respectfully disagree with Senator Gary Hart's statement in opposition to Section 2 of S-326. Recommended by the Administration and endorsed by the Senate Committee on Interior and Insular Affairs, Section 2 authorizes \$1.5 million to "aid in transition of the Mariana Islands to a new Commonwealth status as a territory of the United States." The details regarding the proposed new status are contained in the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which was signed on February 15, 1975, by representatives of the United States and the members of the Marianas Political Status Commission. The covenant does not become effective until it has been approved by the Marianas people in a plebiscite and by the U.S. Congress.

Section 2 of S-326 deals with a small, preliminary aspect of the new status. It is designed to implement an agreement entered into between the Executive Branch of the United States Government and the Marianas Political Status

Commission whereby funds would be available to support the economic, social, physical and political planning necessary to enable the Mariana Islands to become a Commonwealth. In no way would approval of S-326 now by Congress prevent full Congressional consideration of the proposed Covenant at a later date.

Senator Hart's opposition to Section 2 of S-326 is mistaken in several respects:

(1) It is suggested that S-326 "would further implement a takeover plan which Congress has yet to see." Not only is there no "takeover plan" - but also it is clear that the proposed Commonwealth status requires the approval of both the people of the Marianas and the United States Congress. Negotiations aimed at such a proposed status have been underway for more than two years and the Committees in both the House and Senate with primary jurisdiction over the Trust Territory of the Pacific Islands have been fully briefed at regular intervals regarding the negotiations. Moreover, the proposed Commonwealth status is fully detailed in the recent-signed Covenant, which is available for review by each member of Congress.

(2) The communication incorrectly asserts that the Department of Defense "now plans to build a vast new military base complex in the islands." The facts are these: Under the Covenant the Marianas representatives have agreed to lease on a long-term basis approximately 18,000 acres to the United States Government for defense purposes. The

terms of this lease were the subject of intense negotiations between the parties. The Department of Defense announced last December a decision to defer construction of any substantial facilities on the island of Tinian for the indefinite future, although it does plan to use the area for training purposes. The ultimate decision whether a major base should be constructed on Tinian will be for Congress to make at such time that the Department of Defense seeks the funds necessary to lease the land and subsequently to construct the desired facilities. The proposed Commonwealth status for the Mariana Islands should be considered on its merits irrespective of whether -- or when -- the United States may decide to construct such a base.

(3) Contrary to the suggestion advanced by Senator Hart, the Congress of Micronesia, which includes representatives of the Marianas and the other five Districts of Micronesia, has neither the legal authority nor the right to dictate to the people of the Marianas what kind of future political status is most appropriate for them. Under the Charter of the United Nations and the 1947 Trusteeship Agreement, the United States has an obligation to respect the right of self-determination of the people of the Marianas. For more than 20 years, the people of the Marianas have expressed in every way possible their desire to enter into a permanent relationship with the United States. As Administering Authority,

the United States recognized in 1972 that it was obligated to respond to this persistently expressed wish of the Marianas people for a political status different from that apparently desired by the other five Districts of Micronesia. It is surprising to hear the suggestion seriously advanced that the people of the Marianas - who for 400 years have been subject to domination by one foreign power after another - should not now have the opportunity to choose freely their own future political status.

(5) The comments contained in Senator Hart's communication regarding the members of the Marianas Political Status Commission are both unseemly and irrelevant. The fact remains that the Municipal Council of Tinian has voted unanimously to support the proposed lease of land on that island by the United States for defense purposes.

(6) It is inaccurate to assert that the United States "intends to hold a plebiscite and takeover the Marianas before asking Congress to approve the just signed Agreement." The Covenant signed by the negotiating parties makes clear that the proposed status cannot become effective until it is first approved by the people of the Marianas in a plebiscite and by the United States Congress. Certainly it seems appropriate to ascertain whether the people of the Marianas support the proposed Commonwealth status before asking Congress to undertake the process of full legislative

review which is certainly appropriate and necessary. It seems inconsistent to argue, as Senator Hart does, that the proposed agreement is "doubtful" and has a "whiff of colonialism about it" and at the same time maintain that the people of the Marianas should not promptly be given the opportunity to express their views regarding the proposed status in a free and democratically conducted plebiscite.

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