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March 21, 1975

MEMORANDUM FOR THE MARIANAS POLITICAL STATUS COMMISSION
FILE

Subject: Meeting with Congressman Burton -- March 14, 1975

On March 14, 1975, Messrs. Pangelinan, Tenorio and I met with Congressman Burton and Adrian Winkel for approximately one hour and 45 minutes. This memorandum summarizes the subjects discussed at the meeting.

1. Review of Covenant

Congressman Burton began the discussion with cross-examination of me regarding particular provisions of the Covenant. In particular, he asked about Section 502 and the adequacy of the language covering the applicability of Federal programs to the Marianas. He seemed to be concerned that some Federal programs might not be applicable and asked, in particular, which have a set-aside for the off-shore possessions. I explained our reasoning and confidence that these programs would be applicable to the Marianas under the language of the Covenant. If there is any doubt whatsoever, Congressman Burton would like to bolster the legislative history on this point.

He asked about the protection against inflation regarding the \$19 million proposed to be paid by the United States for the lease of land. He said that he had instructed Ambassador Williams that the inflation protection should extend back to July 1, 1974. He left me with the clear impression that he will probably try to hold the United States to this earlier commitment, notwithstanding the present provisions of the Covenant.

He generally asked me what kind of review he and his staff should give the Covenant. I said that we were not infallible. I described to him generally the nature and volume of the reports which we had submitted to our client, on the basis of which various positions were taken. I said that we might be willing to make these reports available to his staff so that they could have some assurance of the work underlying the specific provisions of the Covenant. He did not respond one way or the other to this invitation, and I think that he is generally satisfied that we did a decent job. (In fact, at one point in the meeting he said this expressly and indicated that the deal which we had negotiated for the Marianas was "better than he had thought possible.")

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In the course of this discussion he asked whether we wanted any particular points emphasized in the legislative history accompanying the Covenant. I said that there were obviously some ambiguities in the Covenant and that we had preferred interpretations of some of these provisions. I informed him that we had prepared a lengthy section-by-section analysis which reflected our views on many of these issues. He offered to produce our legislative history in the record. I expressed some reluctance to his doing this, in part out of modesty, but in part because I thought that the viewpoints expressed in our memorandum might have more chance of prevailing if they came out under the aegis of the Committee. Congressman Burton said that he would be very receptive to receiving our suggestions for material to be included in the Committee report. I said that we would make available a copy of our section-by-section analysis to Mr. Winkel and pursue this further with him.

Near the end of this general discussion, Congressman Burton asked whether we wanted any changes made in the Covenant. He said that the Ambassador did not want such changes made. I generally supported the Ambassador on this point. I mentioned our concern that once changes were made possible, some changes would be advanced contrary to the interests of our client. Although Congressman Burton seemed to accept this position, he mentioned more than once that Bill approving the Covenant could include supplemental provisions which provide additional benefits for the Marianas or seek to extend certain benefits contained in the Covenant to Guam or other of the territories. (He suggested that during this phase of the discussion that Mr. Benitez of Puerto Rico would want to talk to us about provisions in the Covenant).

2. The Plebiscite and Political Education

On the subject of the plebiscite, Congressman Burton made clear his strong feelings that there should be no outside interference on either side of the debate. He was particularly concerned about possible interference by Americans or American corporations in opposition to the proposed Commonwealth. He asked me specifically whether Ken Jones had made any public statements on this. I assured him that our interests were the same as his.

In the course of this discussion we talked about a possible statement by Congressman Burton which would make the point, among others, that the plebiscite should be a free expression of the people's opinion. Congressman Burton's essential view is that he will support the Commonwealth if that is what the people want. We talked briefly about a statement which might emphasize the need for impartial political education, a democratically conducted plebiscite, and a commitment by Congressman to support the Commonwealth if the people want it. I undertook for us to write a draft press release for his consideration making these points.

In this connection, he also expressed his fears about a comprehensive re-registration program. He suggested that this might make it more difficult for us to register old people and others who might support our position. We discussed various ways of minimizing the need for re-registration. We expressed general agreement with his fear and said that nothing was set in concrete on this subject at this time. Again, he was just trying to be helpful.

3. Introduction of Legislation Approving the Covenant

During the meeting Congressman Burton asked us specifically whether we wanted him to introduce a Bill approving the Covenant and whether we wanted his Committee to conduct hearings on such a Bill before the plebiscite. After several of us took different positions, we finally came out as follows.

First, I suggested that introduction by Congressman Burton and a majority of his Committee of a Bill supporting the Covenant would be very helpful. Mr. Winkel disagrees with this point of view since it may appear to be interference in the Marianas plebiscite. I said that I felt such a Bill could be accompanied by a statement indicating that the Bill was introduced on the assumption that the people would vote favorably on the plebiscite or that the introducers of the Bill were prepared to support whatever the people of the Marianas want. Congressman Burton seemed reasonably prepared to do this at the time of our meeting, but queried it later in light of the Senate vote on the Hart amendment.

Second, I expressed the view that no formal hearings on such a Bill should be held before the plebiscite. I identified some of the risks which I saw in this course of action. It may be that Ambassador Williams has taken a contrary view, although there may be a distinction between a "briefing" and a "hearing." I generally stated that hearings by Congress before the plebiscite seemed an inefficient use of Congressional time and might operate to interfere or confuse the voters in the Marianas. We talked a little about the power of Congress to change specific provisions in the Covenant, and we all agreed that Congress had the authority to make these changes but that it probably would be better to discourage such action.

4. Miscellaneous

We discussed the Senator Hart problem at some length. Congressman Burton was very supportive and made some calls in our presence on this subject. He said that he anticipated no problem in the House and it would be a pretty fierce liberal that took him on regarding this issue. He suggested, however,

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that the Administration would have to be responsible for getting Republican votes.

I advanced the Helfer position regarding the separation between the military aspects of the deal and the other aspects. Congressman Burton was smitten with the shrewdness and persuasiveness of this analysis. He asked that we write a short statement to this effect for his possible use.

Lastly, I think it can be said that Congressman Burton expressed his strongest possible support for the proposed Commonwealth. He was exceptionally friendly and lucid. It is now up to us to figure out how best to use his support.

~~A~~ H. P. Willens

cc: Messrs. Helfer
Lapin