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**From:**

**WILMER, CUTLER & PICKERING  
1666 K STREET, N. W.  
WASHINGTON, D. C. 20006**

April 28

Advised -

Per our conversation  
this morning.

Mikes

DRAFT  
April 24, 1975

Dear Senator Tenorio:

I appreciate receiving your telegram of April 23. As you know, I have long been interested in the United States-Marianas negotiations, and have made it my business to remain fully informed about the issues raised in those negotiations. I have had extended discussions with representatives of the Executive Branch and of the Marianas Commission -- including yourself -- concerning the negotiations. And I have been to the Marianas and talked to the people about their desire for United States citizenship and permanent political union with the United States of America. As an American, I am deeply honored that the people of the Marianas have such warm feelings toward our country.

Under the United States Constitution, the Executive Branch, not the Congress has the responsibility of negotiating agreements such as the Marianas Covenant. We in Congress have the responsibility of advising the Executive Branch of our views -- as we have done -- and of voting as our consciences dictate on whether or not to approve the work of the Executive Branch -- as we will when, and if, the Covenant comes before us.

Like any document designed as the basis for an on-going relationship, the Covenant reflects compromises on both sides. These compromises show that the Marianas and the United States are each prepared to accommodate the fundamental concerns

of the other. Particular issues which were negotiated -- such as the supremacy of the Covenant and the U.S. Constitution or the extraordinary powers granted to the Marianas to limit land alienation to Chamorros, Carolinians and others of Northern Marianas descent -- cannot be re-examined without calling into question the entire relationship proposed in the Covenant. In my view, Senator, the people of the Northern Marianas cannot expect to secure a commonwealth relationship with the United States on terms that differ very significantly from those their negotiators obtained in the Covenant. Indeed, the Covenant, if approved, will undoubtedly form the standard for a searching reexamination of the relationship between the United States and its other territories.

You have raised a number of specific questions about the Covenant which I am sure have already been answered by others. I want only to make the general point that under the Covenant the U.S. Congress will have the authority and the responsibility to assist the Marianas in many ways. For example, I believe the United States should pay all war claims in all of Micronesia in full. The Covenant does not deal with this matter. But there is no need for it do so, since under the Covenant, as now, Congress will be able to assure that our moral commitments are met and full payments are made.

I urge all of the people of the Northern Marianas to weigh carefully the available political status alternatives and to analyze thoughtfully the proposed Covenant before

exercising their precious right of self-determination. I will make no attempt to influence, one way or the other, the free and unfettered expression of the will of the people on this matter. I will support their decision, reached fairly and openly. If that decision is in favor of commonwealth under the Covenant, I will support the Covenant in Congress and urge my colleagues to do the same.

With best personal regards,

Sincerely,

Phillip Burton

GOING TO DO IT NOW, ACCORDING TO THE SOURCE.

BURTON ASSURED GUERRERO THAT HE (BURTON) WOULD SEE THAT LEGISLATION TO AUTHORIZE MORE MONEY FOR SUCH CLAIMS "GOT MOVIE." BURTON SAID IT IS NO WONDER SOME PEOPLE IN THE ISLANDS DISTRUST THE U.S. "IF WE DON'T APPEAR TO BE MEETING OUR MORAL OBLIGATIONS AT 100 CENTS ON THE DOLLAR," BURTON ASKED, "HOW CAN WE BE EXPECTED TO DEEP OUR LEGAL COMMITMENT?"

ELSEWHERE IN THE HEARING, BURTON STRESSED THAT THE U.S. SHOULD DO EVERYTHING IT CAN TO AVOID EVEN THE APPEARANCE OF TRYING TO "TILT" THE NORTHERN MARIANAS PLEBISCITE JUNE 17.

"TO ENSURE A FREE AND UNFETTERED EXPRESSION OF THE WILL OF THE PEOPLE," BURTON SAID, HIS SUBCOMMITTEE WOULD "SCRUPULOUSLY OBSERVE" THE ROLE OF AMERICANS AND OTHER NON-MICRONESIANS DURING THE PLEBISCITE CAMPAIGN. HE SPECIFICALLY DIRECTED AMBASSADOR FRANKLIN HAYDN WILLIAMS TO KEEP TRACK OF ANY EXTRAORDINARY ADVERTISING CAMPAIGN IN NEWS MEDIA SERVING THE ISLANDS.

(CALL USER: PLEASE CREDIT CONGRESS OF MICRONESIA)  
(RASA PRAISED BURTON)

SAIPAN, APR. 13 (CONGRESS RELEASE)-- WELCOMING NEWS THAT U.S. CONGRESSMAN PHILIP BURTON HAS PROMISED TO AMEND WAR CLAIMS LEGISLATION TO PAY 100 PERCENT OF ALL MICRONESIA WAR CLAIMS, MARIANAS CONGRESSMAN OSCAR CRUZ RASA ISSUED A STATEMENT WEDNESDAY (APRIL 16) PRAISING THE UNITED STATES CONGRESS FOR ITS INTEREST IN THE LONG-STANDING ISSUE OF MICRONESIAN WAR CLAIMS.

AT THE SAME TIME, RASA SAID THAT BURTON'S PLEDGE "CLEARLY PROVES THE NEED FOR THE MARIANAS STATUS COMMISSION TO DEAL DIRECTLY WITH THE CONGRESS OF THE UNITED STATE" ON THE QUESTION OF MARIANAS STATUS, INSTEAD OF WITH AMBASSADOR FRANKLIN HAYDN WILLIAMS, WHO REPRESENTS THE U.S. EXECUTIVE BRANCH.

EMPHASIZING THAT COMMONWEALTH SUPPORTERS IN THE PAST SAID THAT "NO MORE CHANGES COULD BE MADE IN THE COVENANT," RASA SAID, "THE PEOPLE OF THE MARIANAS MUST REMEMBER THAT THOSE WHO SIGNED THE COMMONWEALTH COVENANT DID SO IN THE BELIEF THAT THEY NEGOTIATED THE "BEST POSSIBLE" ARRANGEMENT WITH AMBASSADOR WILLIAMS. "CONGRESSMAN BURTON'S ACTIONS PROVE THIS IS NOT TRUE; BURTON HAS SHOWN US THAT THE U.S. CONGRESS CAN BE MORE RECEPTIVE TO THE NEEDS OF OUR PEOPLE IN THE MARIANAS, AND BURTON HAS SHOWN

US THAT MORE CHANGES CAN INDEED BE MADE IN THE COVENANT." RASA SAID HE BELIEVES THE U.S. CONGRESS "SHOULD AND MUST REVIEW THE ENTIRE MARIANAS COMMONWEALTH COVENANT BEFORE THE MARIANAS PEOPLE VOTE IN THE JUNE 17 PLEBISCITE SO THAT MORE IMPROVEMENT CAN POSSIBLY BE MADE," RASA SAID.

"WE HAVE BEEN NEGOTIATING WITH THE WRONG PEOPLE," SAID RASA. "WILLIAMS HAS DECEIVED THE MARIANAS PEOPLE AND OUR POLITICAL STATUS COMMISSION BY TELLING US NO MORE IMPROVEMENTS ARE POSSIBLE. JUDGING FROM CONGRESSMAN BURTON'S STATEMENTS TO THE AMBASSADOR ONE YEAR AGO URGING HIM TO EXPEDITE THESE CLAIMS."

SAID RASA, "I WOULD SAY WILLIAMS HAS BEEN FOOLING BOTH SIDES THE U.S. CONGRESS AND THE MARIANAS STATUS COMMISSION."

RASA NOTED, HOWEVER, THAT MARIANAS VOTERS WILL STILL GO TO THE PLEBISCITE POLLS JUNE 17 WITH ONLY VERBAL ASSURANCES THAT WAR CLAIMS WILL BE PAID IN FULL.

"WE HAVE REASONS TO BE OPTIMISTIC," RASA SAID, "THIS MAYBE OUR CHOICE TO RENEGOTIATE, BUT MARIANAS VOTERS MUST REJECT THE COVENANT UNTIL THESE AND OTHER BADLY NEEDED IMPROVEMENTS ARE GUARANTEED, IN WRITING, IN THE COVENANT."

RASA SAID THESE OTHER AREAS INCLUDE THE SUPREME POWER OVER

LAND, AND LAWS, WHICH NOW WILL BE HELD BY THE UNITED STATES UNDER COMMONWEALTH, THE NEED FOR MINIMUM WAGES, FUTURE JOBS PREFERENCE, LAND PRICES, THE LACK OF MARIANAS REPRESENTATION IN THE U.S. CONGRESS, THE LACK OF GUARANTEED FUTURE FINANCIAL SUPPORT, AND THE LACK OF SPECIFIC WRITTEN GUARANTEES IN THE COVENANT THAT CAROLINIANS RESIDING IN THE MARIANAS WILL BE PERMITTED TO PURCHASE LAND AFTER TERMINATION OF THE TRUSTEESHIP AGREEMENT.

(TENORIO CLARIFIES RASA, MAFNAS AND OLOPAI STATEMENTS)

SAIPAN, APR. 16(MHS)--- MARIANAS SENATOR PEDRO A. TENORIO TOLD MEMBERS OF THE CONGRESS OF MICRONESIA THAT MICRONESIAN UNITY WILL NEVER BE FULFILLED FOR TWO REASONS: "THE MARIANAS PEOPLE DO NOT DESIRE UNITY, AND SECONDLY, THE FUNDS APPROPRIATED FOR UNITY FELL IN THE HANDS OF THE WRONG PEOPLE..."

IN HIS LETTER TO ALL MEMBERS OF CONGRESS, HE CHARGED THAT THOSE WHO RECEIVED FUNDS FOR UNITY RELATED PURPOSES AND POLITICAL EDUCATION IN THE MARIANAS HAVE "SO FAR DEMONSTRATED THAT UNITY CAN ONLY BE ACHIEVED BY ALIENATING THE CAROLINIANS FROM THE CHAMORROS AND BY CONDUCTING POLITICAL EDUCATION AGAINST THE COVENANT."

"A BEST," TENORIO STATED, "THEIR ACTIVITIES WILL PROMOTE SEPARATISM WITH THE ULTIMATE DISRUPTION OF PEACEFUL, FRIENDLY, AND BROTHERLY RELATIONSHIP THAT PRESENTLY PREVAILS IN THE SOCIAL ENVIRONMENT BETWEEN THE CAROLINIANS AND THE CHAMORROS."

HE WARNED THAT SHOULD ANY SOCIAL UPHEAVAL DEVELOP AMONG THE PEOPLE OF THE MARIANAS, "THERE IS NO ONE TO BLAME BUT MEMBERS OF CONGRESS WHO RELISH THE THOUGHT THAT UNITY CAN BE ACHIEVED BY A HANDFUL OF DOLLARS."

THE MARIANAS SENATOR ALSO CLARIFIED STATEMENTS BY ABEL R. OLOPAI IN HIS CAPACITY AS ACTING PRESIDENT OF THE UNITED CAROLINIAN ASSOCIATION (UCA), AND REPRESENTATIVES OSCAR C. RASA AND JOSE P. MAFNAS.

CONCERNING OLOPAI'S REMARKS THAT ONLY PERSON OF NORTHERN MARIANAS DESCENT WILL BE ABLE TO OWN LAND IF THE PEOPLE OF THE MARIANAS SHOULD APPROVE THE COVENANT, TENORIO STRESSED, "THE CAROLINIANS CERTAINLY FALL UNDER THE CATEGORY OF NORTHERN MARIANAS DESCENT JUST LIKE THE CHAMORROS AND OTHERS."

"IF ANYTHING, THE CAROLINIANS SHOULD BE IN THE TOP CATEGORY OF MARIANAS DESCENT. AS, BY HISTORICAL FACT, THEY CAME TO THE MARIANAS BEFORE THE CHAMORROS," EXPALAINED SENATOR TENORIO.

QUOTING REPRESENTATIVES JOSE P. MAFNAS AND OSCAR C. RASA'S LETTER TO THE SAIPAN TEACHERS, SUPPORTING THEIR DESIRE TO GO ON STRIKE WHICH READS: "IF THE COVENANT FOR A MARIANAS COMMONWEALTH IS APPROVED, IT MUST BE POINTED OUT THAT ALL U.S. CITIZENS FROM GUAM, HAWAII, THE MAINLAND, AND THOSE NOW RESIDING AND WORKING IN THE TRUST TERRITORY, WILL ENJOY THE SAME EMPLOYMENT RIGHTS AND PRIVILEGES AS WE RESIDENTS AND TEACHERS OF THE MARIANAS ENJOY... WE WILL NO LONGER ENJOY FIRST PREFERENCE FOR JOBS", THE FRESHMAN SENATOR CALLED THE STATEMENTS THE "MOST HILARIOUS" FROM "TWO SUPPOSEDLY WELL-INFORMED PUBLIC OFFICIALS."

HE EXPALAINED THAT PROVISIONS OF THE COVENANT DEALING WITH CITIZENSHIP AND NATIONALITY, PARTICULARLY RECIPROCAL PRIVILEGES AND IMMUNITIES, WILL NOT APPLY IMMEDIATELY FOLLOWING U.S. CONGRESS' APPROVAL OF THE COVENANT.

"RATHER," THE LETTER READS, "SUCH PROVISIONS WILL BE APPLICABLE ONLY AFTER THE TERMINATION OF THE TRUSTEESHIP AGREEMENT WHICH THE CONGRESS OF MICRONESIA MAY SEE FIT TO DRAG ON FOR FIVE YEARS OR INDEFINITELY."