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NR/Interior

Preparation for and a major issue concerning transmittal of Northern Mariana Islands Commonwealth proposal to the Congress: Request for Comments

Mr. James F. C. Hyde/LRD  
Mr. David Sitrin/NS  
Mr. Edward Sanders/IAD

I. Timing:

Ambassador Franklin Hayden Williams, the President's Personal Representative for Micronesian Status Negotiations, has indicated that the Northern Mariana Islands Commonwealth proposal should be transmitted to Congress between June 25 and July 8, 1975, assuming it is approved by the Mariana Islands plebiscite (see below).

II. Steps Prior to Transmittal

A. The plebiscite on the negotiated covenant to establish the Commonwealth is scheduled to be held on June 17, 1975, and will occur on that date unless the Northern Carolinian Association successfully files suit to delay it. Interior staff currently are preparing papers for defense against such a suit and believe the plebiscite will occur on June 17.

B. The interagency group (IAG), assuming approval of the covenant by the plebiscite, already is making preparations for transmittal of the Commonwealth proposal. They presently are drafting the following items:

- Presidential letter;
- Plebiscite Commissioner's report;
- possible letters from the Secretaries of Interior and Defense;

- draft legislative proposal (issue, see below);

- analysis of covenant and supporting technical agreement provisions

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- C. The Ambassador's staff is attempting to schedule a briefing about the Marianas covenant as an agenda item for a White House leadership meeting with Senators Mansfield and Scott.
- D. The Ambassador's staff presently is organizing briefings for the following key congressional members. Individuals were selected because of either their present leadership positions or because of their previous statements about the Marianas covenant during a recent Senate debate concerning it.

1. House Representative Phillip Burton, Subcommittee Chairman for Territorial Affairs, House Interior Committee has requested that he be the sole point of contact and has indicated that he will make any necessary arrangements for consideration of the Commonwealth proposal by other Committee Chairmen or Sub-committee Chairmen.

2. Senate: Ambassador's staff have identified the following as Key Senators for briefings:

	<u>Committee</u>
Senator Jackson	Chairman, Interior and Insular Affairs (also Armed Services and Government Operations);
Senator Stennis	Chairman, Armed Services
Senator Sparkman	Chairman, Foreign Relations
Also, Senators Church, Johnston, Kennedy, and McGee.	

III. Major Unresolved Issue

A. Options

In preliminary discussions, the IAG staff have been unable to resolve what form the legislative proposal should take. The two principal options they have discussed are: --

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1. A joint resolution which would simply state congressional approval for Commonwealth status for the Northern Marianas Islands as provided in the Covenant and supporting Technical Agreement but which would not propose congressional enactment of the Covenant or the Technical Agreement.  
(Attached green backed copy of Marianas Political Status Negotiations, February 4 - 15, 1975, includes the full text of the Covenant, pp. A-1 through A-40, and the Technical Agreement, pp. B-1 through B-24).
2. A draft Federal Relations Act which would convert the detailed provisions of the Covenant into a draft bill recommended for enactment by the Congress. Since all the effected agencies were involved in the IAG and commented on the Ambassador's instructions to the Under Secretaries Committee of the National Security Council, the provisions of Covenant to establish the Commonwealth already reflect the consensus of views by the agencies. Further, the provisions were reviewed regularly for technical accuracy by the Justice staff participants on the IAG. Finally, the Executive Branch opportunity to propose changes in the Covenant and Technical Agreement ended on February 15, 1975 when the Ambassador signed the document as the Personal Representative of the President. The plebascite is simply a vote to either accept or reject the Covenant as is -- no amendments are offered for consideration by the Marianas voters.

B. Factors to Consider in Resolving this Issue

1. The congressional history on establishment of the Commonwealth of Puerto Rico, the only existing U.S. Commonwealth. The Ambassador's staff currently are researching this subject.
2. Estimates of Congressional preferences --
  - a. Representative Burton is reported to prefer the simple resolution alternative.
  - b. The debate in the Senate (on S.326 which authorized \$1.5 million to be granted to the Marianas for planning transition to Commonwealth) indicated desires by some members to review and possibly to alter details of the Covenant.

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3. The possibility that a "Federal Relations Act" for the Northern Marianas Commonwealth would be a necessity at some early point in time since the Covenant provisions frequently are stated in broad terms but to be operational may require specific amendments of numerous Federal statutes.
4. The question of whether enactment of a simple resolution approving the Covenant would satisfy the following provision in the Covenant itself.

Article X, Section 1001(b):

"This Covenant will be approved by the United States in accordance with its constitutional processes and will thereupon become law" (our emphasis).

5. A similar question concerning whether the simple resolution approving the Covenant would have the effect of activating the following appropriation authorization and tax dedication provisions:
  - Article VII, Sections 701, 702, 703, 704, and
  - Article VIII, Section 803 (b).
6. Some of the IAG staff (and apparently Representative Burton) believe there would be tactical advantages in proposing a simple resolution.

#### C. Tentative Conclusion

- While all the information is not yet completed (especially the history on Puerto Rico achieving Commonwealth status), we believe the draft bill providing a Federal Relations Act detailing all the provisions of the Covenant is the necessary option.
- We reached this tentative conclusion primarily on the basis of points (4) and (5) above which appear to us require specific enactment by the Congress.

#### IV. Request for Comments

- The Ambassador's staff specifically have requested OMB views on the nature of the legislative proposal to them as early as practical. In addition, I have good working level contacts with that staff and could recommend to them thoughts you may have about the legislative tactics, especially in the House, or other subjects related to the transmission of the Northern Mariana Islands Commonwealth proposal.

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The sooner we make inputs the more we may be able to influence the handling of this whole subject. Therefore, I would hope to have your initial comments by Wednesday, June 4.

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Interior Branch  
Natural Resources Division

Attachments

cc: Mr. Crabill  
Mr. Sasaki

NR/Interior-LDCardwell/jet 5/30/75