

November 13, 1975

ADMINISTRATION COMMENTS ON SENATOR HART'S
ORAL AND WRITTEN STATEMENTS
BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE
NOVEMBER 5, 1975

Senator Percy on November 5 1975, requested the Administration to respond in writing to the major issues raised by Senator Hart of Colorado in his oral and written testimony before the Senate Foreign Relations Committee Hearings on HJR 549 as amended. Senator Hart's principal concerns were centered on the following:

- the possibility of hasty action by the Senate
- the threat of dismemberment of Micronesia;
- over-emphasis on U.S. security interests in the Marianas and Micronesia; and
- U.S. responsibilities and its future relationships with the United Nations over the Trust Territory of the Pacific Islands.

Our comments on these major areas as well as on a few other statements made by Senator Hart are submitted herewith.

I. Is the Marianas Commonwealth Covenant being considered in haste?

Assertion: The Congress has not yet fully examined the foreign policy aspects of the Northern Mariana Islands becoming a part of the United States.

Comment

The Administration agrees that Congress should give the most careful consideration to the foreign policy aspects of HJR 549 as amended, and the Administration is pleased that the Senate Foreign Relations Committee is holding hearings for this purpose.

Assertion: The Congress should assure that it is not stampeded into uncritical acceptance of the Covenant which is completely an Administration bill, not one word of which represents a contribution of Congress or the American people.

Comment

No effort is being made to stampede the Congress on this matter. The issue of the future of these islands has in fact

been before the Congress of the United States since before the end of World War II. In the years following the Joint Resolution of the Congress approving the Trusteeship Agreement in 1947, individual members of the Congress and Congressional Committees have visited the Trust Territory, have met with the leaders of Micronesia, have discussed future political status alternatives and have introduced resolutions and legislation related to the termination of the American Trusteeship.

Since 1969 consultations between the Congress and the Administration have been intensive and sustained. The offers of territorial status and then Commonwealth status to the Trust Territory of the Pacific Islands were made only after and with the concurrence of the leadership of the Interior Committees of the Congress. Throughout the negotiations that began with the Marianas District three years ago, the Congress has been regularly consulted through the Interior Committees. Formal and informal hearings have been held in both Houses. Consultations and briefings of members of the Interior Committees and other members of Congress have been available on request. The Administration has also made known its willingness to respond to requests for hearings from Committees other than Interior. In sum Congress has written a lengthy history of active involvement and lively interest in the Marianas Commonwealth negotiations.

With respect to the charge that the Covenant is "completely an Administration bill, not one word of which represents a contribution of the Congress..." the record clearly shows that this is not the case.

The Covenant is in effect, a federal relations act and because of the responsibility of the Interior Committees in the House and Senate for the federal government's relations with territories, the Covenant prior to signature was reviewed carefully article by article by the leadership and the staffs of these committees and their advance clearance was obtained. Further, a number of articles specifically reflect the guidance and in some cases the language recommended by members of the Congress. Some examples are:

- Section 101 - extending U.S. sovereignty over the new Commonwealth;
- Section 202 - requiring approval of the Northern Mariana Islands Constitution by the U.S. Government;
- Section 501 - extending specific provisions of the U.S. Constitution;
- Section 502 - extending federal laws and programs to the Northern Mariana Islands;
- Section 503 - concerning non-applicability of certain federal laws during the remainder of the Trusteeship;
- Section 601 - providing that the United States revenue and income tax laws will apply;
- Section 805 - protecting local lands against alienation to persons not of Northern Marianas ancestry;
- Section 806 - granting the United States powers of eminent domain; and
- Section 901 - providing non-Congressional representation by the Northern Mariana Islands in Washington.

Assertion: Before the Senate approves the Covenant, it should obtain the acceptance of it by the Congress of Micronesia.

Comment

In a cable of September 8, addressed to the Chairman of the Senate Foreign Relations Committee, the Speaker of the House and President of the Senate of the Congress of Micronesia said that the "Micronesian Congress has acquiesced to the popular expressions of the people of the Marianas in opting for Commonwealth status..."

Furthermore, in their statement in the Senate Foreign Relations Committee hearings on November 5, 1975, the official

delegation from the Congress of Micronesia which had requested to be heard, stated that the Congress of Micronesia supported the Covenant and approval of HJR 549 as amended.

Assertion: The U.N. will not consider the Marianas separately, so there is no reason for undue haste approving ...(HJR 549 as amended)... in total isolation from the rest of the package, particularly now, so many years before the Administration intends to terminate the Trusteeship.

Comment

It is the policy of the Administration to take up the question of termination of the Trusteeship Agreement simultaneously.—The Marianas are now ready and anxious to move forward step by step toward greater self-government and their eventual new status upon termination of the Trusteeship. To do so requires the approval of the Senate. On the other hand, the negotiations with the remainder of Micronesia have been held up at the request of the Congress of Micronesia; and much of the draft Compact of Free Association may have to be renegotiated before it can once again be referred to the Congress of Micronesia and then to the people in the form of a plebiscite. This could take a considerable amount of time. There seems to be no valid reason why the Marianas' further progress towards self-government under their own constitution should be held up by the prolonged negotiations with the Caroline and Marshalls. As to the dates of 1980-81 for termination of the Trusteeship, these dates were not set by the Administration. They are in fact target dates only and they were proposed by the Micronesian Joint Committee on Future Status with some members advocating an even longer period of transition before the termination of the Trusteeship. The United States remains flexible on this question of timing.

Assertion: Before the Senate approves the Covenant, it should require the Administration to establish self-government in Micronesia.

Comment

Micronesia has in fact been moving progressively towards greater and greater self-government at the municipal, district and central government level now for several years. On the urging and with the financial support of the United States, a Constitutional Convention has just been adjourned after having adopted a Micronesian Constitution. The Marianas Covenant provides for a similar Constitutional Convention to be held in the Marianas if the Senate approves HJR 549 as amended. It is

the intention of the Administration, in consultation with the Interior Committees of the U.S. Congress, to encourage and provide increasing degrees of self-government for Micronesia and the Marianas as termination of the Trusteeship approaches.

Assertion: Rapid approval of Commonwealth for the Northern Marianas will be a first step toward a show-down with the United Nations which will leave our nation no stronger but possibly internationally damaged.

Comment

There have been no threats from any United Nations source that the United States is facing a show-down over the Northern Marianas. The Trusteeship Council has clearly hoped that the Trust Territory of the Pacific Islands would remain united. At the same time it has on many occasions, recognized the special situation in the Marianas vis a vis the other Districts with respect to its desire for a separate future political status. Further the Trusteeship Council agreed to send a special mission to observe the Marianas Plebiscite. The only active member to decline to participate was the Soviet Union. The People's Republic of China has not so far taken part in the Council. In the future the United States will continue to be guided by those principles set forth in the Charter and the Trusteeship Agreement regarding its obligations to promote the peoples of the Trust Territory of the Pacific Islands toward self-government or independence as they themselves may desire. The norm of self-determination should be that guide and not speculative projection of what positions individual members of the United Nations may or may not take some time in the future. If the U.S. does what is right and proper and assures the people of the Trust Territory of the Pacific Islands their fundamental rights, the U.S. can face any U.N. issue in the future dealing with our Trusteeship with confidence.

Assertion: It is time Congress became a part of the Trust Territory negotiations. The Trusteeship must be terminated. Let it be done by the Executive in partnership with the Congress.

Comment

The Administration agrees that the Trusteeship must be terminated. It has been working toward this end now for several years in partnership with the Congress of the United States.

With regard to this cooperation, the following statements of members of Congress speak for themselves.

Representative Phillip Burton, July 21, 1975:

"This matter (the Northern Marianas Covenant) has been the subject of communication almost without count, between the concerned Executive, Congressional and Marianas Representatives... effectively consulting before the fact, meeting with each other and with the full range of Marianas leaders and citizenry, to an extent far greater than any other legislative matter in which I have been involved."

Representative Don H. Clausen, July 21, 1975:

"Since 1971, the Office of Micronesian Status Negotiations has conducted 10 formal congressional hearings - four in the other body and six in the House. In addition, many more informal briefings, usually following each round of negotiations were conducted with concerned Members of Congress; and, of course, the staff of the Interior Committee was in continual touch with the Ambassador's office. In my 13 years as a Member of Congress, I have never witnessed a closer or more cooperative relationship established between the Congress and the Executive Branch."

Senator Henry M. Jackson, July 24, 1975:

"Throughout the entire course of the (Marianas) status negotiations all parties have sought the advice of the Congress, and many modifications have been made in the text of the Covenant since the general principles were agreed upon in 1973 as a result of formal and informal consultations with members of Congress and their staffs."

Senator Paul J. Fannin, July 24, 1975:

"I have heard and read in the Congressional Record suggestions and statements by certain of my esteemed colleagues to the effect that Congress has not been consulted in this process. For myself, I can testify that this is incorrect and that the contrary is the case. I have been kept fully informed at every step of the procedure and I am aware that the distinguished Chairman of the Committee the Chairman and members of our former Subcommittee on Territorial Affairs, and other interested members of the

Committee have been similarly advised."

II. The Unity Question

Question: Is it best for the United States to "dismember" Micronesia even if the Northern Marianas seem more willing than the rest of the Trust Territory of the Pacific Islands to become part of the United States?

Comment

The United States has made no effort to "dismember" the Trust Territory of the Pacific Islands. To the contrary, it has been U.S. policy to promote unity through administrative action, education and legislation including the creation of the Congress of Micronesia. The initiative for union with the United States and separation from the other districts came from the Marianas and predated by many years the establishment of the Congress of Micronesia and the commencement of status talks. It has been widely recognized for years in Micronesia and in the United Nations that the Marianas feel little or no affinity for the other islands in the Trust Territory of the Pacific Islands and preferred to be a U.S. territory and to be united with the largest island in the Marianas chain--Guam--under the American flag. To have denied the peoples of the Northern Mariana Islands their desire would have been a denial of their right of self-determination. Moreover, responsible leaders of the Congress of Micronesia had stated emphatically that it would not be in the interest of the future of Micronesia to force the Marianas to remain united with the other islands against the overwhelming popular will of the people of the Marianas.

Assertion: Since the Northern Marianas only represent 10% of the people and 10% of the land, the United States should await completion of negotiations with the remainder of Micronesia and not treat the matter on a piece-meal basis.

Comment

The United States does not intend to treat the termination of its trusteeship over the Trust Territory of the Pacific Islands on a piece-meal basis. It intends to seek agreement on termination simultaneously for all of the Trust Territory. This does not mean that the Marianas should be denied the opportunity in the meantime to progress toward their clearly stated future political status preference--union with the United States

and greater self-government under their own constitution. To delay action on the Commonwealth Covenant until the completion of negotiations with the other districts, whose diversity and multiplicity of purpose, have contributed to preventing completion of negotiations after seven years of continued effort, would constitute an indefensible inequity to the Marianas people, especially given the indisputable divergence of long-term political status objectives between the Northern Marianas and the Carolines and Marshalls.

Assertion: The Marianas Covenant will encourage further Micronesian separation and will give a boost to the further fragmentation of 90% of Micronesia.

Comment

Separation has long been recognized as a possibility in the Trust Territory since there never has been an established unity among the islands based on any kind of local consensus. The scattered islands have been considered to be a single entity only for administrative convenience of foreign powers. In fact, the term Micronesia, and the very concept of Micronesian unity is foreign to the culture and history of the peoples of these far-flung islands.

The prospects for the future unity of Micronesia (the Carolines and Marshalls) have, however, brightened recently as a result of consensus reached at the Constitutional Convention; and the earlier indication that sentiment was growing for separate status in Palau and the Marshalls has given way to internal agreements and accommodations which greatly lessen the threat of fragmentation. There is some opinion that the Marianas action, instead of increasing the chances of separation, has in fact had the effect of bringing the other islands closer together.

Assertion: The Carolinian minority had no part in the decision to fracture off the Marianas from the other districts of the Trust Territory of the Pacific Islands.

Comment

The citizens of the Marianas of Carolinian ancestry are represented by popularly elected members to the Marianas District Legislature and other governing bodies at the Municipal level, all of which have participated in the passing of resolutions and the enactment of legislation pertaining to the desire of the people for a future political status separate from the rest of the Trust Territory.

Moreover, members of the Carolinian community participated as active members of the Marianas Political Status Commission from the beginning to the end of the negotiations and more than one signer of the Covenant was of Carolinian ancestry. Therefore, the contention that the Carolinians were unrepresented and had no part in the decision leading to the Covenant is not correct.

It should also be noted that during the Plebiscite campaign, some of the Carolinian leadership while opposing the Covenant, said at the same time that they were not opposing Commonwealth status in political union with the United States but the Covenant itself which they believed might not provide adequate protection of Carolinian interests. Nevertheless, a very large bloc of Carolinians voted for the Covenant. On the basis of the plebiscite results, submitted into the record of the hearing of the House Subcommittee on Territorial and Insular Affairs, it is estimated that out of the approximately 1,140 Carolinian voters, roughly 49% voted for the Commonwealth Covenant. It is therefore misleading to suggest that the Carolinian Community in the Northern Marianas is united in opposition to the Commonwealth Covenant and in favor of the Marianas remaining a part of a larger Micronesia.

Assertion: It is also a fact that even some Marianas minority ethnic groups favor a further division of the Mariana Islands.

Comment

The Administration is not aware of any evidence that any minority ethnic groups in the Northern Marianas favor further division of the Mariana Islands.

Assertion: A resolution endorsed by three-fourths of the delegates to the Micronesian Constitutional Convention ... strongly condemns the U.S. plan to fragment Micronesia prior to a referendum on the Constitution now being drafted.

Comment

The resolution referred to was signed by eight delegates to the Micronesian Constitutional Convention out of a total of 58 delegates. There is no record of its being endorsed by three quarters of the delegates. In fact the resolution was not passed and was not even brought to vote.

III. U.S. Security Interests in the Marianas and Micronesia

Assertion: Apart from the principal argument that we are merely giving in to the freely expressed will of the Islanders, ... the other reasons why we must have the islands are exclusively military, and have remained unchanged for the past thirty years.

Comment

The United States has long-standing national interests and responsibilities in that part of the Pacific Ocean in which the Micronesian Islands are located. The Northern Marianas are important to the United States because of a national responsibility for the defense of Hawaii, Johnston, Midway, Wake, Guam and the Trust Territory. The close proximity of the Northern Marianas to Guam, the site of extremely important U.S. defense installations, makes the entire Marianas chain a strategic as well as a cultural and geographic entity. The implication that defense interests were the driving force, however, in the negotiations ignores our obligations to develop the inhabitants toward self-government or independence according to the freely expressed wishes of the people. The Covenant is fully consistent with our international obligations under the United Nations Charter and Trusteeship Agreement, while at the same time it supports our national security interests without any fundamental change in our security responsibilities as they now exist, and without involving any new U.S. military commitments to any foreign country.

Assertion: Denial is frequently cited as absolutely essential to the defense of the United States. The Administration's plan to make the Mariana Islands U.S. soil appears to put at risk the denial policy in the rest of Micronesia.

Comment

Denial of the islands of Micronesia, and particularly the Northern Marianas, to the military forces of third countries, is of major importance to the security interests of the United States. In this regard the Covenant serves these interests as well as U.S. defense obligations for Guam and defense interests elsewhere in the East Asian and Pacific region. The draft Compact of Free Association, negotiated with the Congress of Micronesia's Joint Committee on Future Status, also provides for denial to third countries, again contributing to U.S. interests of peace and security in the Western Pacific. Fragmentation of the remainder of Micronesia, if really carried out, could threaten the denial

policy; however, the outlook for unity has been enhanced by the results of the Constitutional Convention and continued statements therefrom, calling for the United States to have defense responsibility in the years ahead.

Assertion: Delay of this Covenant, at least until the status of all Micronesia is more definite, would in no way jeopardize U.S. strategic interests in the mid-Pacific.

Comment

True, delay will not alter the fact we now have defense rights in Micronesia which will continue until the Trusteeship is terminated. We must, however, meet our obligations to end the Trusteeship. The Covenant is a step in that direction and one that protects our long-term strategic interests. It is possible that prolonged delay in approving the Covenant could result in a requirement to renegotiate the arrangements on terms less favorable than those it now contains. On the other hand, approval of the Covenant will be an important step toward meeting our obligations to end the Trusteeship and will enhance the prospects for bringing about an early and successful conclusion to our negotiations with the rest of Micronesia.

Assertion: Just now, apart from extensive activities on Guam, new bases are not a major Defense Department interest in the western part of Micronesia. This is so for a number of reasons. The principal one is that the Marianas area is not on major shipping or air lanes, and, therefore, the islands have little strategic importance.

Comment

It is true that the Defense Department has no present intention to build military facilities or to station military personnel anywhere in the Northern Marianas. This, however, does not derive from any thought that the islands have little strategic value. On the contrary, the islands are of strategic importance to us because the United States is a Pacific power. We have national and international security commitments which extend deep into the Pacific area. We have a responsibility to maintain peace and stability in the area; to protect our citizens on Guam, in Hawaii, and Alaska; to protect our international trade and commerce; and to defend lines of communications to those allies who depend upon us for defense and economic support.

Guam and the Northern Marianas share the same air space and Guam is, in fact, a major north-south and east-west hub of international air commerce linking the United States and Asia. Important maritime routes pass close to the Northern Marianas such as the Panama Canal to South and Southeast Asia route, the rapidly developing petroleum route from the Persian Gulf through the Lombok Straits to Japan, and the important mineral route from Australia to Japan. During any period of crisis or conflict the protection of these routes, as well as of any new routes that might be created by an emergency situation, will be of major importance to the United States.

Assertion: Bases in the Marianas might be convenient fall-back, substitute locations if we are some day forced to discontinue operations in the Philippines, Japan and so on. The difficulty is that building bases in the islands now might encourage pressures to leave the rim of Asia and it is a fact that the Marianas do not provide sufficient suitable land and harbors to make up for what might be lost.

Comment

The United States has no present intentions to construct military bases in the Northern Marianas. However, access to the Northern Marianas for defense purposes as may be needed will enable us to improve the military preparedness of our armed forces during peacetime, to logistically support forward deployments from United States soil, if necessary during contingencies, and to provide a hedge against unforeseen changes in our base posture elsewhere in the East Asia and Pacific Region. The land that the Department of Defense seeks to lease in the Northern Marianas does not stem from any plan to change the current base structure. Given our strategy and commitments, it is clear that the Northern Marianas could not substitute for the major installations we now have in Japan, Korea, and the Philippines which we expect to be able to use for the foreseeable future.

The Northern Marianas will supplement our forward base structure and provide us with greater flexibility to meet existing national and international security commitments while, at the same time, not involving us in foreign entanglements or extensions of our national defense responsibilities any further from the shores of North America than they already are. We need them now for small scale amphibious exercises and shore bombardment practice in order to maintain the combat readiness of our forward deployed forces. We are finding ourselves under increasing restrictions on such exercises in the use of our bases in foreign countries in East Asia and the Pacific.

Assertion: The western Trust Territory is militarily convenient, but by no means strategically nor tactically essential. This is proved by the fact that, regardless of major wars in Korea and Vietnam, the United States made no use whatever of the islands in support of these operations. Only Guam hosted any large-scale activities and even there, military-controlled lands were and are surplus to needs.

Comment

The strategic and tactical importance of an area should not be thought of in terms of past armed conflicts but of potential future ones. The United States cannot be so shortsighted as to plan for the last conflict. We must think of these islands' potential--their potential to harm our national interests in the Pacific, and their potential to enhance our security and the maintenance of international peace and security in the Pacific.

IV. U.S. responsibilities and its future relationships with the U.N. over the Trust Territory of the Pacific Islands

Assertion: The Trusteeship Council has constantly criticized the United States for neglect of the islands, particularly in the areas of self-government and economic development.

Comment

While the Trusteeship Council has at times been critical of United States Administration, with respect to self-government the United States can be proud of its accomplishments in the Trust Territory. While complete self-government has not yet been attained, Micronesians are moving rapidly into positions of highest responsibility in the Administration of the territory, they elect representatives to the Congress of Micronesia through a free and democratic process, and they enjoy political and personal freedoms that stand up well against comparison with the independent countries of the world. Economic development is a particularly complicated problem for these widely dispersed islands poor in natural resources; but, considering their starting point at the beginning of U.S. Administration, they have made forward strides. Notwithstanding this progress, there is no doubt that the economy of the territory is in no fashion adequate to sustain an independent Micronesia.

Assertion: The Trusteeship Council has faulted the U.S. plan to dismember Micronesia ...through the Marianas Covenant.

Comment

The position of the Council taken during the 1974 session was as follows:

"The Council recalls its earlier recommendations concerning the unity of the Territory and its previously expressed opinion that the separate status negotiations should not be undertaken without the consent, however expressed, of the Congress of Micronesia. The Council is also aware, however of the view expressed by that Congress and by its Joint Committee on Future Status that they would not object to a form of separate political union involving the Mariana Islands District, if that union reflected the freely expressed wishes of the majority of its inhabitants."

Clearly, the Council while regretting the strength of Marianas separatist sentiment, has not asserted that separation results from a United States plan to "dismember" Micronesia.

Assertion: It seem clear to me that we need to know much more about possible United Nations reactions to the Marianas pact before the Senate agrees to it.

Comment

The Annual Reports of the Trusteeship Council provide to the United States a great deal of information about the views of Council members. Moreover, it does not seem sound for the United States to make its present policies hostage to the future unknown views of the United Nations so long as we hold true to our best determination of what is right under the circumstances, including the United Nations Charter, the Trusteeship Agreement, and the principle of self-determination.

Assertion: There may be sufficient grounds for the United Nations to declare our supervision of the territory void for cause, and military activities which have the primary purpose of furthering our own defense may constitute such grounds.

Comment

Article V of the Trusteeship Agreement makes it clear that the United States has broad authority in the territory to establish military facilities and to employ armed forces in the territory, in the maintenance of international peace and security. Our military activities in the territory are consistent with these authorities. Furthermore, Article XV states that the consent of the Administering Authority is necessary to the alteration, amendment, or termination of the terms of the agreement.

Assertion: The Trusteeship Council has not yet agreed that the timing is right for Marianas separation nor that the Marianas have been given a sufficient choice of status options.

Comment

The concern of the Council relating to the Marianas essentially is that the freely expressed wishes of the majority of its inhabitants be respected. To that end, the Council considered that the consultations with the people of the Marianas should take place in the presence of the United Nations and should not exclude any alternative. The plebiscite vote in June was designed to make clear that a "yes" vote was one to approve the Covenant and a "no" vote was one which preserved all other options for the Marianas. In any case, the Marianas did have the opportunity to participate in the Territory-wide survey conducted on July 8, 1975, in which all conceivable status options appeared on the ballot. In light voting (less than 300) the Marianas voters in effect confirmed their previous choice of Commonwealth status.

Assertion: The option of independence was in every case clearly offered in the various precedents for terminating Trusteeships, but in the case of the Marianas this option was not clearly offered.

Comment

Since the beginning of the Trusteeship, the Marianas have openly expressed their wishes concerning their future political status, and in no case has any expression of those interests included independence. During the two and one-half years of negotiations with the Marianas, the Marianas leadership never once suggested that independence would be a desirable alternative for the Marianas. The plebiscite ballot made it clear, however, that all other options were preserved for the Marianas in the event of a "no" vote.

V. Administration Comments on Other Points Made in Senator Hart's Oral and Written Testimony

Assertion: The legislation is ... a binding treaty..

Comment

The Marianas are not a foreign country. Therefore, the Covenant would not be considered an international agreement or a treaty. The Covenant is in essence a federal relations act that will govern the future relations between the United States and the Commonwealth of the Northern Mariana Islands, which will formally become a U.S. territory after termination of the Trusteeship Agreement.

Assertion: The legislation is a land lease.

Comment

The Covenant is not a land lease. The Covenant only spells out the terms by which the people of the Northern Mariana Islands agreed to furnish certain limited land areas for future use by the United States. A formal land lease agreement incorporating the terms of the Covenant and the Technical Agreement must be negotiated at a future date if the United States wishes to exercise the rights it will acquire under the Covenant. The Covenant also acts as an authorization measure for funds to exercise these rights. A request for actual appropriation of funds to pay for the use of these lands under the lease must be submitted separately for Congressional approval. Should the United States not exercise its land use rights, e.g., fail to negotiate the land lease or fail to pay for the land use rights, within five years after the Covenant is approved by the Congress, the land use provisions will become null and void.

Assertion: ...the Covenant...restricts present Americans from exercising their full rights of property ownership... this will be a source of future trouble is unpredictable, but no Committee of Congress has considered the issue.

Comment

The provisions regarding restrictions against alienation of local lands to persons not of local ancestry assures that the people of the Northern Mariana Islands (Carolinians and Chamorros) will not become landless.

The provision does not constitute an individual discrimination on racial grounds prohibited by the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution. The purpose of the provision is not to confer an undue privilege but is to protect the people of the Northern Mariana Islands

from exploitation from aggressive and economically more advanced outside groups. Similar legislation has been upheld with respect to the American Indians in judicial decisions of the United States Supreme Court upholding legislation regarding protection of Indian lands, and in the Hawaiian Homes Commission Act of 1920.

Inclusion of this language in the Covenant was made at the specific request of the Interior Committee of the House of Representatives and was approved in advance by the Senate Interior Committee. The statement that no committee of the Congress has considered the issue is without any basis.

Assertion: We have evidence that the Marianas plebiscite was rushed so as to preempt a referendum on available options including the separation scheduled for all of Micronesia last July.

Comment

After two years of negotiations and the open meetings and wide publicity which accompanied them, the people of the Northern Marianas were ready to vote on their future status and requested that the plebiscite be held as soon as possible after the signing of the Covenant. A resolution by the Marianas District Legislature called on the U.S. Government to name an early date. The plebiscite was therefore scheduled to meet this widely-expressed desire to move forward rapidly with steps toward making the Covenant a reality. The date June 17 was conditioned on the desirability of complying with the peoples' wish and on the need for time to carry out a thorough and impartial voter education program, to register voters, and to enable the United Nations Trusteeship Council to name and send its team of observers.

By contrast, in the other districts there was strong sentiment throughout to postpone the referendum in order to provide time for education regarding terms of the complicated ballot. The District Legislatures of both Truk and Palau urged postponement on the basis of inadequate time to assure an informed electorate. The Administration complied with these views insofar as possible in the context of the Congress of Micronesia legislation calling for the referendum. Under the terms of that bill, approved by the High Commissioner on April 9, the referendum had to take place within the time span of May 9-July 12. It was set for July 8 to give maximum opportunity for an education program.

Although the voters of the Northern Marianas had voted almost 4-1 for the Commonwealth Covenant on June 17, they had full opportunity to participate in the referendum as well. However, only 288 people in the Northern Marianas bothered to go to the polls. The other 5,500 voters apparently felt it unnecessary and confusing, as well as illogical, to go again three weeks later and cast an essentially meaningless vote on an issue which they considered to be no longer meaningful to them. Finally, it may be noted, that the Territory-wide referendum did not include an option with respect to separation of the Marianas.

Assertion: Not one public official from Micronesia opposing the Covenant apart from those from the Marianas who negotiated the Covenant... and who came to Washington at public expense have yet testified on SJR 107.

Comment

Members of the Congress of Micronesia and those from the Marianas who were thought to be in opposition to the Covenant were specifically invited to testify at the House hearings on HJR 549. The same opportunity was provided by the Interior Committee of the Senate; and in the case of the Senate Foreign Relations Committee, it is the Administration's understanding that the Congress of Micronesia was invited to send whomever it wanted to testify on the Marianas Covenant.

None of the officials from the Northern Marianas who have come to Washington for the House and Senate hearings on the Marianas Commonwealth Covenant have received U.S. public funds for this travel. Costs for this travel were covered by the Marianas District Legislature from revenues raised from local taxes. Similarly those representing the Congress of Micronesia have had their travel paid from the Congress' own local tax revenues. Representatives of the Congress told the Foreign Relations Committee hearing November 5 that they support the Covenant.

Question: Why does the Administration feel it necessary to acquire the Marianas as a part of the United States? Witnesses have told other Committees that it is because the islanders want it that way, but given the same choice and incentives, so might half the world.

Comment

The United States has had a unique relationship with the people of the Northern Mariana Islands for more than thirty years. They have been administered by the United States in trust since 1947 under a formal United Nations Trusteeship Agreement. They have come to know American ideals of government, civil liberties, and social justice. They have forwarded petitions, referenda, and other communications over a period

of more than twenty-five years requesting that they become part of the American political family. The United States assumed an obligation under the Trusteeship Agreement to give them their choice as to their future political status. Various leaders of the Congress and of the Executive Branch have spoken out over the past thirty years for these people to become a permanent part of the United States.

On the other hand, the United States has no similar relationship with other people who are under the sovereignty of other states. Bringing the Northern Marianas into the American family will not establish any precedent for similar choices being offered in other parts of the world. Any analogy, between the Northern Marianas' case for becoming part of the United States and that of "half the world" is fallacious.

Question: How does HJR 549, as amended aid the nation, help our national security or improve our foreign relations?

Comment

The Covenant is mutually beneficial. The people of the Northern Mariana Islands clearly believe their best interests will be served in achieving self-government by voluntarily bringing their islands permanently under the American flag. American sovereignty over the Northern Marianas is equally advantageous to the United States. Specifically the Covenant:

- Helps fulfill U.S. international obligations under the United Nations Charter and Trusteeship Agreement.
- Honors the principle of self-determination
- Unites the people of the Marianas with their Guamanian relatives with common citizenship under one flag.
- Promotes the cause of peace and stability in the Pacific Ocean area.
- Strengthens U.S. security interests in the Western Pacific and the defense of nearby Guam without expanding the international commitments of the United States.
- Increases the confidence and credibility of the United States in the Marianas and throughout the Trust Territory thus increasing the prospects of an amicable and beneficial future relationship with the rest of Micronesia.