

Feb 1976

OUTLINE OF BASIC POINT TO COVER IN FINAL SENATE
BRIEFINGS ON NORTHERN MARIANA ISLANDS
COMMONWEALTH COVENANT

- I. Senate floor vote coming up soon: maybe February 19 or 20.
 - The Joint Resolution forwarded by President last July has been approved by the House and has been reported out favorably by three Senate Committees: Interior; Armed Services; and Foreign Relations.
 - The Covenant has been approved by Marianas Legislature and by people by nearly 80% majority in U.N. observed plebiscite.
 - The Congress of Micronesia, Senate and House by joint resolution has requested prompt and favorable U.S. Senate approval of Covenant as has the Guam Legislature.
- II. Covenant negotiated in full consultation with Committees of Congress with legislative responsibility for TTPI.
 - Initiative for talks came from people of Northern Mariana Islands.
 - Talks not entered into until after consultation with U.S. Congress.
 - Covenant not signed (ad referendum) until after it had been reviewed by staff and key members of Interior Committees.
 - Covenant consistent with Constitution and with plenary powers of U.S. Congress over territories (cite if necessary Attorney General letter).
 - Covenant also consistent with U.S. obligations under U.N. Trusteeship Agreement (cite if necessary Ingersoll letter).

III. Basic Provisions of Covenant (discretionary use).

- Self-government under own Constitution to be approved by U.S.--Full U.S. sovereignty and federal supremacy provided for.
- U.S. citizenship.
- U.S. grant assistance first seven years--continuation then up to Congress.
- Options to use land for military purposes if approved by Congress.

IV. Why is it in the U.S. interest to approve Covenant?

- Helps fulfill obligation to people and to U.N.
- Serves U.S. security interests and defense of nearby Guam: a possible fall-back and hedge against future uncertainties.
- Promotes stability in Western Pacific and U.S. position as a Pacific Power without new foreign commitments.
- Will improve prospects for early agreement with remainder of TTPI. Marianas and COM both believe speedy action by Senate in their mutual interest.

V. Opposition: Pell-Byrd Amendment.

- Covenant opponents will introduce amendment to defer (defeat) Covenant approval. Would delay action until agreement reached with all of Micronesia and would favor Northern Marianas remaining with other islands under independence status or in a loose and temporary association with U.S.
- Three Senate Committees have concluded that delay would be counter to U.S. interests--the interests of the

Marianas and the COM and Pell-Byrd amendment rejected by Foreign Relations and Armed Services Committees.

- No early prospect of status determination for rest of TTPI. Failure to settle Northern Marianas question will complicate other negotiations. All parties want a clear definitive answer from the U.S. Congress.
- Opponents will continue to state that U.N. General Assembly Resolutions being violated and that Security Council will veto Marianas Covenant so that Senate action is to no avail.
 - Covenant fulfills legal obligations under agreement with the Security Council.
 - General Assembly Resolutions not applicable to strategic Trust Territory per Charter and the Trusteeship Agreement.
 - U.S. policy should be guided by basic principles--(1) right of people to self-determination and self-government and (2) U.S. national interests--and not by fear of what the Soviets or others might do in the future in the U.N.
- *Nevertheless U.S. intends to seek agreement of UNSC for termination of Trusteeship for all of Trust Territory simultaneously.*
 - Opponents will charge that Covenant calls for excessive financial benefits and that it is inconsistent in a number of areas with the U.S. Constitution.
 - Will cost about same as presently receiving under Trusteeship (\$12 million to \$14 million) plus federal programs which the Congress extends to territories.

- Long-term federal financial assistance and federal programs to be extended will be under the control of U.S. Congress.
- Tax policies for territories set by U.S. Congress and Covenant consistent with such policies which may be altered by the U.S. Congress at will.
- Covenant drafted with advice of Justice Department which has stated that Covenant is consistent with U.S. Constitution and U.S. laws applicable to territories.

