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October 27, 1977

MEMORANDUM FOR THE VICE PRESIDENT

Subject: Approval of the Constitution
of the Northern Mariana Islands

It has been proposed that the Vice President, if his schedule permits, meet briefly with five representatives of the Northern Mariana Islands and appropriate representatives of the United States Government on Friday, October 28, 1977, to congratulate them on the occasion of the President's proclamation earlier this week announcing approval of the Constitution of the Northern Mariana Islands. This memorandum provides relevant background information and suggests why such an undertaking by the Vice President would be most appropriate and favorably received by the people of the Northern Mariana Islands.

1. The Northern Mariana Islands are a chain of 16 small islands with an approximate population of 15,000 people located in the Western Pacific. The Northern Mariana Islands are in Micronesia and are governed as part of the Trust Territory of the Pacific Islands, administered by the United States under a 1947 Trusteeship Agreement between the United States and the Security Council of the United Nations. The United States has

announced its intention to terminate the Trusteeship Agreement in 1981.

2. On March 24, 1976, President Ford in a ceremony attended by about 100 people, including many representatives of the Congress and the Northern Mariana Islands, signed H.R. Resolution 549-17. This resolution approved the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which was the end result of 2-1/2 years of negotiations between representatives of the Northern Marianas and the United States and more than two decades of petitions by the people of the Northern Marianas expressing their desire for a close and permanent relationship with the United States. The Covenant (attached as Appendix A) is a novel and significant landmark in the constitutional history of the United States. Arrived at through free and open negotiations, the Covenant defines the political relationship between the Northern Marianas and the United States and covers such subjects as the grant of United States citizenship, applicability of the United States Constitution and laws, judicial authority, financial assistance, and the lease of lands on Tinian and Saipan for use by the United States for defense purposes.

3. Article II of the Covenant authorizes the Northern Marianas people to formulate a constitution -- the first such document in their history. Although the Covenant sets forth certain limitations, the Northern Marianas people were basically given the same authority as the people within any of the 50 states to decide how to organize their executive, legislative and judicial branches of government. A Constitutional Convention convened on October 18, 1976, to draft the constitution and was required under the authorizing legislation to complete its assignment within 50 consecutive days. Notwithstanding the time limitation and the difficulties of the mission, a constitution was prepared by the Convention and signed by the delegates in a public ceremony on Saipan on December 5, 1976. The Constitution of the Northern Mariana Islands (attached as Appendix B) is a unique political document, consistent with the United States Constitution and at the same time responsive to the special needs of a small and developing island community. Some of the noteworthy features of the constitution are as follows:

- Protection of personal rights consistent with our Bill of Rights and creating new

rights of individual privacy and to a clean and healthful public environment.

- Legislative composition and authority that makes every effort to compromise the differing interests of the three major islands: Saipan (with 80% of the population), Rota and Tinian.
- Elimination of costly and duplicate levels of government.
- Provisions mandating a strong and efficiently organized executive branch.
- Constitutional guarantees that public services throughout the Commonwealth be provided on an equitable basis to all citizens.
- Creation of a special position in the executive branch to protect the interest of the Carolinian minority within the Commonwealth.
- Flexible provisions regarding the judicial branch that permit some local matters to be heard by the United States District Court.
- Creation of a Marianas Public Land Corporation to administer in the public interest the public lands to be turned over by the United States Government to the Commonwealth

(approximately 80% of the available land area).

-- Restrictions on alienation of land to persons of Northern Marianas descent under the provisions of the Covenant in order to recognize the special cultural and social significance of land in the Northern Marianas community.

4. The Constitution was ratified by the people of the Northern Mariana Islands on March 6, 1977, by a 93% affirmative vote. The Covenant provides that the Constitution of the Northern Mariana Islands must be approved by the Government of the United States. Unless approved or disapproved within six months after transmittal to the President, the Constitution is deemed to have been approved. The Constitution was transmitted to the President by letter dated April 21, 1977, from Secretary of Interior Andrus. The Constitution was widely circulated within the executive branch by OMB and no objection was raised to its approval by the United States. Interested members of Congress also urged the President to approve the Constitution (see Appendix C). Because of legal concern expressed by the Department of Justice, however, the President elected to let the six-month period expire rather than act earlier

to approve the Constitution. On Monday, October 24, 1977, the President issued a proclamation noting the approval of the Constitution and proclaiming that the Constitution shall become effective on January 9, 1978 (see Appendix D).

5. The people of the Northern Marianas are very disappointed that the Constitution was not affirmatively approved at an earlier date by the President on behalf of the United States. Repeated representations were made to leaders of the Northern Marianas by officials of the United States that the President would approve the Constitution in a public ceremony that would be attended by representatives of the Northern Marianas. The importance of this new Constitution to a people who have been under foreign domination for 400 years cannot be overestimated. Preparing this Constitution was a prodigious political undertaking which required the resolution of many sensitive and difficult issues within a period of 50 consecutive days -- less than one-half the time usually allocated to the drafting or revision of state constitutions within the United States. The people of the Northern Marianas will be going to the polls in December to elect the officials provided for under this Constitution. Extensive planning efforts have been undertaken during the past two years to prepare for the

commencement of constitutional government on January 9, 1978. It would be a gracious and appropriate gesture for the Vice President personally to congratulate the Northern Marianas people on their accomplishments to date and to extend them his best wishes regarding the challenges still ahead.

6. If the Vice President is available to meet briefly with representatives of the Northern Marianas and other interested persons tomorrow, the event need not take more than 15 minutes of his time. In his comments, the Vice President could refer to the historic effort of the Northern Marianas in pursuing their right to self determination, their accomplishment in preparing a humane and responsive constitution under unusual circumstances, and communicate the best wishes of the President and the United States Government as they proceed toward implementation of the Constitution. Attached for your information are copies of President Ford's remarks and statement on the occasion of the approval of the Covenant on March 24, 1976 (Appendix E).