

*Memo*

*From the Desk of:*  
Howard P. Willens

November 4, 1977

Eddie:

Here is a letter which Congressman Burton recently sent to the Honolulu Advertiser regarding the Northern Marianas Constitution. At Pat Krause's request, I drafted the letter for her and the Congressman and it was sent out with relatively few changes. Please give me a call on another matter today if you have a moment.



Howard P. Willens

Mr. Edward DLG. Pangelinan  
Suite 307  
1300 Connecticut Avenue, N.W.  
Washington, D.C. 20036

bc: Mr. Leonard  
Mr. Koffsky

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COMMITTEE ON  
INTERIOR AND INSULAR AFFAIRS  
HOUSE OF REPRESENTATIVES

MEMORANDUM

Howard:

Att is copy of  
ltr as it went out  
from PB. He only  
made a few slight  
changes.

Also, in re to matter,  
he had a long conversation  
with the ACLU guy in NY  
& went over legislative  
history, etc. with him.

Thanks for the letter.  
Pat Krause

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November 2, 1977

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Editor  
Honolulu Advertiser  
605 Kapiolani Blvd.  
Honolulu, Hawaii 96813

Dear Sir:

An article entitled "Constitution by Default" by Mr. James V. Hall in the Honolulu Advertiser of October 20, 1977, was recently brought to my attention. The article was seriously in error with respect to its contention that the recently-approved Constitution of the Northern Mariana Islands contained several provisions that would not have been approved by the United States Congress. I am writing to set the record straight.


First, each of the constitutional provisions identified by Mr. Hall was specifically authorized by the Covenant between the United States and the Northern Mariana Islands enacted into law on March 24, 1976. Throughout the more than two years of negotiations leading to this agreement, the Subcommittee on National Parks and Insular Affairs of the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources were regularly briefed by the participants in the negotiations regarding these and other prospective provisions of the status agreement. The Covenant was the subject of extensive hearings in both Houses of Congress during which its various provisions (including those singled out by Mr. Hall) were carefully considered with respect to their legality and justification. By approving the Covenant, Congress expressed its judgment that the provisions of the Covenant relating to land alienation, legislative composition and the right of trial by jury were fully consistent with the United States Constitution as interpreted in the decisions of the Supreme Court.

Second, I am aware of no opposition within the Congress to approval of the Northern Marianas Constitution on the grounds that it is inconsistent with either the

United States Constitution or the Covenant. The President's Proclamation of October 24, 1977, confirms the fact that the responsible committees of Congress advised the President that the Northern Marianas Constitution complies fully with the requirements of the Covenant. In addition, no objection to approval of the Northern Marianas Constitution was expressed by any of the numerous federal agencies to which the Constitution was circulated for comment and recommendation. It is pure fiction, therefore, to suggest that the decision of the Executive Branch to let the six-month period expire had anything to do with its concern regarding congressional approval of the Northern Marianas Constitution.

On behalf of the Subcommittee on National Parks and Insular Affairs, I would like to assure Mr. Hall and your readers that we take great pride in the process whereby the people of the Northern Mariana Islands have exercised their right of self-determination and have elected to become a self-governing commonwealth under the sovereignty of the United States. I have personally reviewed the Northern Marianas Constitution and find it to be a forward looking and responsive political document that is well designed to serve the Northern Marianas people. I can assure you that the United States Congress will continue to show a keen interest in the implementation of this Constitution and the well being of the Northern Marianas people in the years ahead.

Sincerely,

  
PHILLIP BURTON, Chairman  
Subcommittee on National  
Parks and Insular Affairs

PB:jl

P.S. As you may know, I was the author and the floor manager in the House for P.L. 94-241 in which the Covenant was approved.