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United States Senate

570809

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510-6150

April 28, 1988

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Eighteen months ago you proclaimed termination of the U.N. Trusteeship Agreement with respect to the Northern Mariana Islands and thereby fully implemented the Covenant for the political union between the Northern Mariana Islands and the United States, as approved under Public Law 94-241. The Covenant provides for the extension of U.S. sovereignty over the Commonwealth of the Northern Mariana Islands (CNMI), grants certain residents U.S. citizenship, and establishes the foundation for building relations between the U.S. and the CNMI. Tragically, in less than two years, there are now calls for an end to the Covenant and a renegotiation of the CNMI's relationship with the U.S.

In the view of many in the CNMI, the U.S. has failed to meet its obligations under the Covenant and has shown itself indifferent to the Islands' requests for consideration of its concerns. We do not agree with all of the statements made challenging the federal government. However, with respect to two important issues we agree that the U.S. has failed to meet its obligations to the CNMI. Your prompt action in resolving these problems will help restore CNMI's confidence in the U.S. and in the relationship established under the Covenant.

Last year, your Administration transmitted legislation to Congress to clarify Section 301 so that certain CNMI residents who were unintentionally excluded from eligibility for U.S. citizenship would have that eligibility restored. The U.S. Senate agreed with the Administration's view and passed the legislation, S. 1047. The legislation was not approved by the House because the same issue had been brought before the District Court for the Northern Mariana Islands. In that case, Dela Cruz v. United States et al, the U.S. Attorney argued that the correct interpretation of Section 301 was as clarified by S. 1047. In an unusual turn of events, the Department of Justice blocked the Department of State's implementation of Section 301 under the new interpretation and argued that the new interpretation applied only to the class of persons who filed the suit in the CNMI. This position of DOJ contradicts the intent of the Administration in recommending the legislation, of the Senate in passing it, and of the court in directing its adoption at the urging of the U.S. Attorney.




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This bureaucratic anomaly has allowed a major issue in U.S.-CNMI relations to fester for over a year. The position of the Department of Justice remains disputed by all other interested parties, including the Departments of the Interior and State. It is certain to be ultimately overturned by either the courts, or by Congress. Unfortunately, such time consuming options for resolution of the issue will cause further and unnecessary damage to U.S.-CNMI relations. Your intervention with the Department of Justice offers the best option for prompt resolution of this problem.

Second, we urge that you immediately appoint a special representative to the CNMI as anticipated under Section 902 of the Covenant. The United States has an obligation under the Covenant to appoint the "902 negotiator" and to do so is in our best interest. The negotiator provides a way to resolve issues of mutual concern. Unfortunately, the previous negotiator resigned last July and the post remains vacant. Appointment of a new 902 negotiator will meet a clear U.S. obligation, and it will establish a forum in which other concerns can be resolved.

Mr. President, we urge you to act promptly to resolve these issues which are undermining the new relationship established by the Covenant. Your action will demonstrate our government's commitment to the Covenant and to the political union established between the U.S. and the CNMI.

Your leadership is appreciated.


James A. McClure
Ranking Minority Member

Sincerely,

J. Bennett Johnston
Chairman

THE WHITE HOUSE OFFICE 03

REFERRAL

MAY 13, 1988

TO: OFFICE OF MANAGEMENT AND BUDGET
ATTN: WAYNE ARNEY

ACTION REQUESTED:
DIRECT REPLY, FURNISH INFO COPY

DESCRIPTION OF INCOMING:

ID: 579808
MEDIA: LETTER, DATED APRIL 28, 1988
TO: PRESIDENT REAGAN
FROM: THE HONORABLE J. BENNETT JOHNSTON
CHAIRMAN, COMMITTEE ON ENERGY AND
NATURAL RESOURCES
UNITED STATES SENATE
WASHINGTON DC 20510

SUBJECT: WRITES TO URGE THAT PRESIDENT REAGAN TAKE
PROMPT ACTION TO RESOLVE THE PROBLEMS
RESULTING FROM THE TERMINATION OF THE U.S.
TRUSTEESHIP AGREEMENT WITH RESPECT TO THE
NORTHERN MARIANA ISLANDS AND REESTABLISH THE
RELATIONSHIP UNDER THE COVENANT FOR THE
POLITICAL UNION BETWEEN THE U.S. AND THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

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(OR DRAFT) TO:
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SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE

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