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United States Department of State

Washington, D.C. 20520


May 17, 1988

MEMORANDUM FOR: Mr. Paul Schott Stevens  
Executive Secretary  
National Security Council

SUBJECT: Letter dated April 26, 1988 from  
Congressman Ron de Lugo Regarding  
Citizenship for the People of the  
Mariana Islands  
ID #568037

The attached correspondence was forwarded to the Department of State for a direct reply.

We have discussed the correspondence with Mr. Lawrey Hedlund in the Executive Secretariat at the Department of Justice who would like to take action on this matter. The Department of State would, however, like to clear the response.

  
Office of the  
Executive Secretary

Attachment:  
As stated.

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April 26, 1988

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

Dear Mr. President:

A fundamental part of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States was that the people of the islands would become U. S. citizens upon the issuance of a presidential proclamation.

The people of the islands had to wait over a decade after the approval of the Covenant by Public Law 94-241 for the proclamation issued November 3, 1986. Many of them were then disappointed to learn that Section 301 was interpreted to exclude them from the citizenship grant. The implications of the interpretation were particularly serious because international obligations of the United States were involved; it called into serious question the eligibility of persons to vote and officeholders to hold office; and it hampers freedom of travel.

The administration responded to this problem by proposing legislation which was introduced in the House as H.R. 2234 and the Senate as S. 1047. It later became clear, however, that the proposed legislation was not an appropriate solution to the problem and substitute legislation was, therefore, developed which would statutorily interpret Section 301 in accordance with the Congress' original intent. This substitute was passed by the Senate as an amendment to S. 1047 on July 10, 1987.

Three weeks later, the U. S. District Court for the Northern Mariana Islands issued a declaratory judgement at the request of the United States ordering that Section 301 be interpreted as it would be by the substitute legislation. Although the decision (in *Dela Cruz v. United States*, Civil Action No. 87-0007, and *Arriola v. United States*, Civil Action No. 87-0009) appeared to make moot the need for legislation, most of the islanders who would be recognized as U. S. citizens under the substitute legislation have not been so recognized some three-quarters of a year later.

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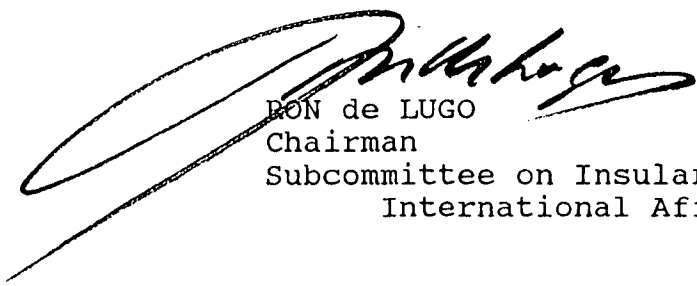
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The President  
April 26, 1988

I understand that this is because some officials in the Department of Justice believe that only persons who were under the age of 18 years on November 3, 1986 should be recognized as citizens under the decision because only those persons were members of the plaintiff classes in the Dela Cruz and Arriola cases; and because the Department has not yet taken a formal position on the matter.

I agree with officials of other departments in this administration that the decision provides no basis for construing Section 301 one way for persons over eighteen years old and another way for persons under eighteen. It is unconscionable to compel islanders entitled to U. S. citizenship to wait any longer for recognition of their citizenship and, since international obligations are involved, doing so can cause unnecessary embarrassment for our Nation. I urge, therefore, that the District Court's decision be applied to all otherwise eligible persons, regardless of age, as soon as possible.

Sincerely,



DON de LUGO  
Chairman  
Subcommittee on Insular and  
International Affairs

- cc: Honorable Peter W. Rodino, Jr.  
Honorable Romano L. Mazzoli  
Honorable Hamilton Fish, Jr.  
Honorable Patrick L. Swindall  
Honorable J. Bennett Johnston, Jr.  
Honorable James A. McClure  
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