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February 23, 1973

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MEMORANDUM FOR MESSRS. LAPIN AND CARTER

Subject: Marianas Political Status Commission

1. I received a call from Herman Marcuse today with respect to a legal issue which he is currently exploring. Mr. Marcuse is the attorney in the office of legal counsel in the Department of Justice assigned to the status negotiations and is regarded as the federal government's leading expert on legal matters involving territories, trusteeships, etc. Mr. Marcuse said that he has been requested to examine the question whether land ownership in the Marianas could be restricted to citizens of the Mariana Islands. He asked me whether we had done any substantial legal work on this issue and I was compelled to respond in the negative. Mr. Marcuse would be very receptive to any ideas we have on this matter, since he apparently believes that the trend of the law is against any such restraints on land alienation in the Marianas. He did make some reference to relevant Hawaiian law and Indian legislation but suggested that these precedents may be of limited value in light of more recent Court decisions in the discrimination area. I would like to include this on our work agenda and it strikes me that we should consider doing some work on this question.

2. We have discussed several times the type of work product which we would like to produce for the client involving

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our examination of the various analogies and kinds of political status available to the Marianas. In order to give us something to build on, the following is a preliminary list of criteria or subject areas which I believe should be addressed in summary form with respect to each analogy investigated:

- a. source of political status (e.g., compact, organic law or other)
- b. kind of political status
- c. eligibility for U.S. citizenship (does it follow automatically from the political status involved? and the persons in the affected area elect to become U.S. citizens?)
- d. limitations on land ownership
- e. subject to U.S. taxes
- f. subject to other duties of U.S. citizens
- g. eligibility for other benefits of U.S. citizenships (e.g., ~~free~~ entry into the United States)
- h. applicability of U.S. customs laws
- i. eligibility for U.S. grant and social service programs
- j. eligibility for loans from international lending institutions
- k. mechanism for terminating political status
- l. mechanism for amending the political status

I suggest we review this list together, change it as necessary, and start working on this project.

HPW

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