

is a substantial body of law that the United States may not take the property of alien friends without compensation. 1/

Moreover, there is additional support in other closely related areas. Private property may not be taken from an American citizen in a foreign country without compensation, even by military authorities, 2/ unless the property is taken not to be "used" but by or for its destruction for military purposes. 3/ And in a closely related area, the Constitution prohibits the United States from taking land owned by Indian tribes under its "guardianship" without paying compensation, 4/ and the courts have jurisdiction to hear suits seeking to enjoin the Secretary of the Interior from consummating such a taking. 5/ Finally, we believe that any assertion by the United States that the due process clause was inapplicable in the Trust Territory would be inconsistent with its strong statements in

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1/ Russian Volunteer Fleet v. United States, 282 U.S. 481 (1931); Guessefeldt v. McGrath, 342 U.S. 308 (1952).

2/ Mitchell v. Harmony, 54 U.S. (13 How.) 115, 134-35 (1851); United States v. Russell, 80 U.S. (13 Wall.) 623, 627-28 (1871).

3/ United States v. Caltex, Inc., 344 U.S. 149 (1952).

4/ United States v. Creek Nation, 295 U.S. 103 (1935); Shoshone Tribe v. United States, 299 U.S. 476 (1937).

5/ Lane v. Pueblo of Santa Rosa, 249 U.S. 110 (1919).