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THE WHITE HOUSE

WASHINGTON

Old Executive Office Building
Room 361

Washington, D.C. 20506

September 30, 1974

Honorable James L. Buckley
United States Senate
Suite 304
Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Buckley,

I would like to respond to your question to me at the Senate Interior and Territorial Affairs hearings held on September 9, 1974, concerning judicial review of possible controversies arising under the proposed commonwealth agreement with the Northern Marianas. I have been advised by attorneys in the Office of the Legal Adviser, Department of State, and in the Office of Legal Counsel, Department of Justice that in their opinion such controversies could be adjudicated by U.S. federal district courts and ultimately by the Supreme Court.

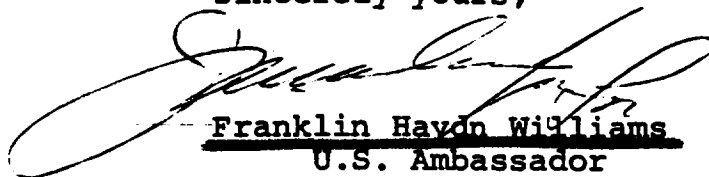
The proposed agreement would provide for a federal court with jurisdiction in the Northern Marianas which would have the jurisdiction of a district court of the United States; in particular it would have jurisdiction over all causes which arise under the Constitution, laws, and treaties of the United States. If the proposed agreement is enacted by Congress, as envisaged by us, it will be a law of the United States within the meaning of that jurisdictional provision. Disputes arising under the agreement therefore could be adjudicated by the courts in the same manner and to the same extent as analogous controversies arising under other federal statutes.

Of course we have not yet reached final agreement on the precise language of the provision relating to federal court jurisdiction. However, inasmuch as it is the desire of both parties that controversies arising under the agreement be justiciable in the federal courts, we anticipate no substantive difficulty on this matter.

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I hope this responds to your question. I will, of course remain available for any further inquiries you may have on this subject.

Sincerely yours,



Franklin Hayden Williams

U.S. Ambassador

Micronesian Status Negotiations

cc: Senator Bennett Johnston

FHW:kkc