

April 5, 1974

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MEMORANDUM

TO: Messrs. McElwain, O'Donnell and Rothenberg
FROM: R. Kelley
RE: Marianas - Federal Laws

Attached are the materials I showed you today for your use in writing descriptions of the various chapters to the U.S. Code Titles. These materials consist of (a) my memorandum on Title 15 of the U.S. Code and (b) a list of the Code titles and chapters therein for which memoranda are to be prepared.

Set out below is a list of the steps you should follow in describing a chapter of a Code title. My memorandum on Title 15 can be slavishly followed as a guide to both form and amount of analysis that are required.

In writing a description of the chapters you should do the following:

1. Describe in one or a few brief sentences what the chapter does. For example: Chapter "x" prohibits the sale in commerce of any croquet mallet that does not conform to federal standards for sports equipment.
2. State whether the chapter's provisions apply to Guam or not. This can most always be determined by finding the definition section in the list of sections at the beginning of the chapter. For example, for a regulatory law the definition of "commerce" may

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state that commerce means "commerce among the several states." To see if the chapter is applicable to Guam, check the definition for a state. If the definition of commerce includes the term territory or possession, check the definition of these terms, i.e., is Guam mentioned by name, or is the chapter applicable to Guam solely by virtue of reference to the terms territory, possessions, or insular possessions, etc. State also whether the law applies to the Trust Territory of the Pacific Islands. Write your findings in this regard in your description of the chapter. See my memorandum on Title 15 for examples of this analysis.

3. State whether Guam, or the territories are treated differently under the chapter than are the several states. For example, is commerce within a territory regulated while, on the other hand, only commerce among the several states is covered.
4. Check the pocket part in the U.S.C.A. to see if there have been any amendments to the chapter that affect your analysis. Also, using the U.S.C.A. pocket part, make a list (separate from your memorandum) of any new chapters added to the Code title you are analyzing.

As we discussed, I will assign Code titles to each of you as you become available for work on this project. Please feel free to consult with me if you have questions or encounter problems

Attachments

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cc: HPW
MSH