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October 14, 1975

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Ms. Anne Wickham
Friends of the Earth
620 C Street, S. E.
Washington, D.C. 20003

Dear Ms. Wickham:

Thank you for taking the time to speak with me today concerning the Marianas Covenant.

In accordance with our conversation, I enclose a copy of a letter dated October 3 from Howard P. Willens of this firm to Senator Jackson, responding to the legal matters raised in Mr. Wenkam's letter of September 15, 1975.

I also enclose a copy of a study of the Covenant done by the Library of Congress. On page 10, the study concludes that Section 502 makes applicable to the Marianas "certain specified laws, laws of general application to the states which are also applicable to Guam," and certain other laws. Since, as we discussed, virtually all federal environmental laws are presently applicable to Guam and to the states, they will be applicable to the Marianas as well.

I look forward to hearing from you with regard to action that the Friends of the Earth may take in order to correct the impression left by Mr. Wenkam's letter that federal environmental laws will not be applicable in the Marianas under the Covenant.

Very truly yours,

Michael S. Helfer

Enclosures

bcc/wo:encl:

Messrs. Willens, Schmitz, Marcuse, Pangelinan

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COUNSEL

October 3, 1975

BY HAND

Senator Henry Jackson
Chairman
Senate Interior Committee
Dirksen Senate Office Building
Washington, D.C.

Dear Mr. Chairman:

The Marianas Political Status Commission has asked us to respond to the legal matters raised in The Friends of the Earth's letter dated September 15, 1975, addressed to you and other Senators. That letter raises the question whether the Covenant provides for the appropriate application of federal environmental laws to the Marianas.

As you are aware, Section 502 of the Covenant contains a formula for the application of federal laws to the Marianas. Essentially, federal laws that are applicable in the States and in the Territory of Guam will be applicable in the Marianas. Since the bulk of federal environmental laws -- including, for example, the National Environmental Policy Act, the Clean Air Act, the Federal Water Pollution Control Act, the Solid Waste Disposal Act and the Coastal Zone Management Act -- are applicable in the States and in Guam, they will be applicable in the Marianas under the Covenant. In addition, Congress will have authority under the Covenant to make any appropriate federal environmental law that may not be covered by the formula applicable in the Marianas.

We hope that this information is helpful and we are prepared to meet with you or your staff on matters related to the Covenant at any time.

Very truly yours,

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Howard P. Willens

Howard P. Willens