

1

01  
2

*file under  
Marianas  
large memorandum  
file*

WILMER, CUTLER & PICKERING

1666 K STREET, N.W.  
WASHINGTON, D.C. 20006

CABLE ADDRESS: WICRING WASH., D.C.  
INTERNATIONAL TELEX: 440-239  
TELEX: 89-2402  
TELEPHONE 202-872-6000

EUROPEAN OFFICE

5, CHEAPSIDE  
LONDON, EC2V 6AA, ENGLAND  
TELEPHONE 01-236-2401  
TELEX: 851 883242

CABLE ADDRESS: WICRING, LONDON

RICHARD A. ALLEN  
PETER D. BEWLEY  
STEPHEN F. BLACK  
LACKLAND H. BLOOM, JR.  
MICHAEL L. BURACK  
RICHARD W. CASS  
BARRY O. CHASE  
MICHELE B. CORASH  
WILLIAM A. DIETCH  
PATRICIA D. DOUGLASS  
JAMES R. FARRAND  
NEAL M. GOLDBERG  
CORNELIUS J. GOLDEN, JR.  
C. BOYDEN GRAY  
FRANCES M. GREEN  
RONALD J. GREENE  
ROBERT C. HACKER  
DAVID G. HANES  
ALLEN H. HARRISON, JR.  
JOHN H. HARWOOD II  
MICHAEL S. HELFER  
A. STEPHEN HUT, JR.  
C. LORING JETTON, JR.

DAVID R. JOHNSON  
NEIL J. KING  
JOHN H. KORNIS  
NOEL ANKRETELL KRAMER  
WILLIAM T. LAKE  
JAY F. LAPIN  
CARY B. LERMAN  
ROBERT B. MCCAW  
MARY A. MCREYNOLDS  
A. DOUGLAS MELAMED  
ROBERT R. MORRIS  
RICHARD D. PAISNER  
PHILIP L. RADOFF  
RENE TOWNSEND ROBINSON  
JOHN ROUNSAVILLE, JR.  
KAREN K. SCHWARTZ  
DEANNE C. SIEMER  
THEODORE S. SIMS  
MARIANNE K. SMYTHE  
DOUGLAS G. THOMPSON, JR.  
ALAN S. WEITZ  
GARY D. WILSON  
WALTER T. WINSLOW, JR.  
ROGER M. WITTEN

RICHARD H. WILMER  
LLOYD N. CUTLER  
JOHN H. PICKERING  
MANUEL F. COHEN  
HUGH R. H. SMITH  
LOUIS F. OBERDORFER  
J. ROGER WOLLENBERG  
CHARLES C. GLOVER, III  
MARSHALL HORNBLOWER  
HENRY T. RATHBUN  
REUBEN CLARK  
SAMUEL J. LANAHAN  
WILLIAM R. PERLIK  
SAMUEL A. STERN  
ARNOLD M. LERMAN  
ROBERT P. STRANAHAN, JR.  
MAX O. TRUITT, JR.  
JOEL ROSENBLUM  
HOWARD P. WILLENS

ANDREW T. A. MACDONALD  
ROBERT A. HAMMOND, III  
DANIEL K. MAYERS  
TIMOTHY B. DYK  
DAVID R. ANDERSON  
J. RODERICK HELLER, III  
ARTHUR F. MATHEWS  
JAMES S. CAMPBELL  
DENNIS M. FLANNERY  
DANIEL MARCUS  
JAMES ROBERTSON  
RAYMOND C. CLEVENGER, III  
LOUIS R. COHEN  
MICHAEL R. KLEIN  
STEPHEN A. WEISWASSER  
TIMOTHY N. BLACK  
SALLY KATZEN  
F. DAVID LAKE, JR.  
PAUL J. MODE, JR.

EZEKIEL G. STODDARD  
GERARD C. SMITH  
COUNSEL

October 14, 1975

Richard Ehlke, Esq.  
American Law Division  
Congressional Research Service  
Library of Congress  
Washington, D.C. 20540

Dear Mr. Ehlke:

Howard Willens of this firm has asked me to send to you a copy of the memorandum prepared by Herman Marcuse of the Department of Justice concerning the "Power of Marianas to Limit Transfers of Land to Persons of Marianan Ancestry."

Our view is similar to that of Mr. Marcuse. In particular, we believe that the imposition of restraints on land alienation by the Commonwealth of the Northern Marianas pursuant to Section 805 of the Covenant would be consistent with the United States Constitution. Essentially, this conclusion rests on two grounds. First, the Northern Marianas will be a Commonwealth of the United States, subject to a less demanding application of relevant constitutional prohibitions than a state. Second, restrictions on land alienation in the Northern Marianas would be justifiable under applicable legal concepts because they would be the only way to preserve the cultural identity and economic vitality of the people of the Northern Marianas against exploitation by economically more powerful and numerically superior outsiders.

I am enclosing a copy of a report prepared by Robert L. Tienken of the Congressional Research Service, dated July 2, 1975, concerning the Covenant. As you will see, Mr. Tienken concluded, on page 14, that the land alienation restrictions contained in Section 805 can be adopted by the Congress.

15037

- 2 -

I will be happy to discuss our views on this or related matters with you in more detail at your convenience. I can be reached at 872-6067.

Very truly yours,

Michael S. Helfer

Enclosures

bcc: Howard P. Willens w/encl.

15038