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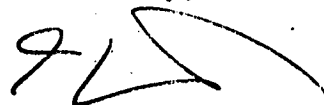
August 30, 1976

Howard P. Willens, Esquire
Wilmer Cutler & Pickering
1666 K Street, N.W.
Washington, D.C. 20006

Dear Howard:

Attached are comments on the voter eligibility and land alienation papers. As in the case of the other comments (executive branch and education), these should be treated as "dictated but not read." As a result, they tend at times to be overly verbose.

Sincerely,



Howard N. Mantel
Director
Government Programs

Enclosures

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Mantel comments

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MEMORANDUM

To: Howard P. Willens, Esquire
From: Howard N. Mantel
Subject: Briefing Paper #2: Eligibility to Vote and Election Procedures
(Draft August 17, 1976)
Date: August 30, 1976

These comments reflect inputs by Madeline Adler* and Jeanne Richman.**

Page 3, 4. Equal Protection

Do you want to say "irrationally discriminating?" There could be a type of discrimination which is hardly irrational and still does not meet the "compelling interest" standard of Hall v. Beals. Perhaps you ought to quote from Hall v. Beals in explanation of this statement:

Once a state has determined that a decision is to be made by popular vote, it may exclude persons from the franchise only upon the showing of a compelling interest, and even then only when the exclusion is the least restrictive method of achieving the desired purpose.***

Page 3, paragraph 2, sentence 3

In New York City aliens are eligible to vote (and have done so in 3 previous elections) for school board elections under the decentralization system although they do not vote in general elections. If this is the case and has broader applicability, I wonder whether you would want to reword the sentence slightly. Put another way, it may be constitutional to grant aliens the right to vote in certain types of elections but not all.

* Professor Adler is a member of the political science faculty at Queens College, CUNY.

** Mrs. Richman is a former Vice-Chairman of the state League of Women Voters and has worked and written extensively in this field. She has served as author or co-author of the Council of State Governments' Modernizing Election Systems and the National Municipal League's A Model Election System.

*** 396U.S.45(1969).

Page 5, 5

In your reference to poll taxes, why the word "Commonwealth?" Was this intended to refer to the Commonwealth of Virginia or to the Northern Marianas. I suggest deletion of the term since it is confusing. In item (3), Mrs. Richman suggests a somewhat different interpretation of Dunn v. Blumstein. Referring to that case, she says, "The court found that all bona fide residents of a state, new or old, are equally qualified to vote, but that any durational residency requirement violates equal protection by discriminating unjustifiably against new residents. In effect, the decision extended to all elections the provisions of the VRAA, which prohibits durational residency requirements as a voting qualification for federal elections. The Court did agree that a state might have a legitimate interest in setting a deadline for closing its registration lists prior to an election, Although 50-day registration closing periods were approved for both Arizona and Georgia in companion cases, the Court said that 50-day period approached the outer limits of acceptability for closing registration books before an election, and in dicta, suggested a 30-day closing as a reasonable period." I have not read the case and therefore pass along Mrs. Richman's comments without comment on my own part.

Page 5, (5), (6)

Would it be worth adding something for information purposes on the question of dual voting, if either federal employees (the group I assume you are referring to under item (5)) or military personnel might vote by absentee ballot in their "home states"? Does the fact of such

other voting status (for want of a better word) provide a constitutional basis for the Commonwealth to deny the right to vote to such individuals, albeit the Commonwealth could not discriminate against either class?

Page 7

It may be useful to put in a footnote indicating briefly the consequences of being a national but not a citizen. I am sure you deal with this in one of the other briefing papers, but it would be useful as a point of information here.

Page 10, paragraph 3, sentence 2

The reference to tied elections and the drawing of lots suggests an alternative; run-off elections. Perhaps that could be mentioned in the footnote after the citation to the code. In the last line of the page you might add to the footnote a brief explanation of what is meant by election irregularities, perhaps with an example or two.

Page 11, paragraph 3, sentence 2

Although the issue is more properly raised below in discussing alternatives, you might in a footnote indicate that there is evidence that the person listed first on a ballot has a 10% advantage over those whose names follow his and that the prevailing direction is to opt for name-rotation.

Page 12, paragraph 3

Query: are there any other major language groups among the population of the Northern Marianas?

Page 14, paragraph 2, sentence 1

Another obvious reason for putting some of the details in the Constitution rather than leaving them to statute is that it presumably makes such provisions more difficult to change, thus insuring their stability. That works in reverse of course where you are dealing with matters of detail rather than fundamental substance.

Page 15, a, fn.

You quote the Puerto Rico provision and then make no comment on the literacy or property ownership clause. This might cause some confusion since you refer to literacy in item (4) above but not to the property ownership issue. I will defer comment on some of the other items until they are reached later on.

Page 20, b

I indicated above that there is precedent for voting by aliens in school board elections in New York City. Assuming that a citizenship requirement was omitted as a condition precedent to the right to vote, could this be challenged on some intrinsic constitutional issue?

Page 21, 2. Age

There is precedent (New York Election Law Section 150, for example) for registration prior to reaching the age 18, provided the person registering will become 18 by election day. I believe that Georgia had an 18-year old voting age requirement prior to adoption of the 26th Amendment. There is therefore precedent for a lower voting age in one jurisdiction, as distinguished from the rest of American tradition and practice. I assume there would be no interest among the delegates to the convention in a somewhat lower age.

Page 22, b

The footnotes suggest without making the point explicitly that there is a distinction between residence and domicile. The first footnote on page 22 referring to the Puerto Rican Constitution really distinguishes between the state of being a resident and the durational question. Presumably if various criteria are met, duration does not have to be one of those criteria. That is, once there is sufficient evidence that the Commonwealth is the permanent place of residence of a person, the fact that he has not been there for a particular period does not and should not automatically disqualify him.

Page 23, fn. 1

Can one add as a criterion whether or not one is registered to vote in some different place? From a practical viewpoint, it may be impossible to prove whether somebody in fact is voting by absentee ballot at the same time he is seeking to vote in a Commonwealth election.

Page 24, c

The sentence following the footnote suggests an approach that is unlikely to be challenged, that is, "hanging" a 30-day requirement on administrative necessity rather than residence per se. From a practical viewpoint I would suspect that 30 days should be sufficient, given the size of the population and related factors, compared to either large, heavily populated states or those large geographically.

Page 26, top line

Your reference to using literacy tests as an incentive to learn to read English assumes that is always an indispensable trait for economic

and social improvement.

Page 27, paragraph 2, fn. 2

For the information of those not familiar with the situation applicable in the Northern Mariana Islands, it might be useful to indicate to what extent the requirement in Section 1973aa-1a(a) of the Voting Rights Act would have consequential implications on the Islands, particularly the criterion of 5% of voting-age residents.

Pages 28-29, (a) Crime

I think the discussion is inadequate. You correctly summarize the state of disqualifications as they exist among the states and the consequences of the three alternatives listed in the first paragraph on page 28. But you nowhere ask or pose any of the broader social issues as to why a person who is convicted of a crime should be deprived. We tend to start with the assumption that good behavior and a clean criminal record are part of the prerequisites of the right to vote. Without indulging in any sociological embellishments, it may well be that for persons who are in society (that is, not in jail), the question of "previous condition" should not enter into the voting rights issue at all. At least I believe that issue should be well stated. I have not checked the literature in criminology and sociology to see whether this type of issue has come up. And one is tempted to check with civil liberties or associations dealing with former convictees, but I suspect that is really unnecessary. Taking this line of discussion to its full extreme, one could even argue that a person should not be deprived of his right to vote while in prison, but that is a bit much at this juncture. I think you might suggest as one alternative that there should be considered a blanket provision that a

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person who is not otherwise in prison should have the right to vote. I beg the issue of the capacity to register to vote while he is still in the pokey!

Page 29, paragraph 2

The second part of the first sentence does get at some of what I am talking about, but it suggests, I believe, or it implies a positive action to restore voting rights rather than automatic continuation. In other words, I think the alternative that I am suggesting would read something to the effect that no person shall have the right to vote while in prison following conviction for a felony. Thus, persons out on bail pending trial and persons who have been given suspended sentences or have been pardoned or paroled would be able to vote as well as those who have been released from prison. You are correct in posing the question whether this should be governed by Constitution or statute. I am simply raising the question of getting the deeper issue out early in the discussion.

Page 30, (b) Unsound Mind

Again, I think the discussion is inadequate. There has been considerable progress in our treatment of both the mentally ill and retarded, and legislation with respect to criteria for involuntary hospitalization and declarations of incompetency. At the time I drafted the New York State Mental Hygiene Law for the State Department of Mental Hygiene, I posed the issue whether hospital directors should encourage voter education of those hospitalized persons who otherwise have the capacity to vote; who but for the fact of being in a mental hospital have the capacity to make judgments on campaign issues and candidates. In any event I suspect that more discussion of the subject would be in order, particularly with such matter as

details of criteria and time durations and facts of hospitalization and declarations of incompetency. One alternative would be moving away from the criterion of "unsound mind" and going more to the nature of such determinations and the permanence of such determinations. I suspect that there is a literature on aspects of this question but I have not had time to review it.

Page 33; (a)

X I think some additional discussion is warranted. First, you might indicate the prevailing practice among state constitutions on the issue of plurality versus majority as the criterion for election. Second, you might give some hypothetical or case recitation on problems that arise on the plurality/criterion where there are a large number of candidates and no single candidate has a large number of the total, say 40%; albeit one gets a plurality. Third, are there any instances in which the two systems are combined? (I believe there are, that is, there are election systems in which the person receiving the highest number of votes is elected, but only if he receives a minimum percentage of the total vote. If no person receives such percentage, there is a run-off.)

Should there be any discussion of proportional representation? Without reciting all of the history and theory PR, it might be advantageous to report that there is a practice in the United States and abroad for electing members of multi-membered bodies, particularly local bodies, by a preferential voting mechanism that combines features about large elections.

* If this is discussed in the paper on the Legislature, then reference, of course, would suffice here.

While cumbersome to administer (principally in counting the ballots) proponents argue that it reduces some of the extremes between majority and minority groupings, whether these are political, ethnic, or other types of groupings.

Page 33, a

You might indicate the extent to which constitutions do specify the dates at which terms of office begin. Is not it relatively universal for governors and lieutenant-governors and state legislatures? If you cite Utah as typical, I think you ought to give the specifics.

Page 33, c

Again, you might indicate the prevalence of the Texas-type of continuity provision among the states, as well as alternative arrangements. Should you add here provisions which exist in many states that in the event the governor-elect is unable to take office on the date specified for the beginning of his term, then the lieutenant-governor-elect takes the oath of office?

Page 34, 2. Contested Elections

In the first paragraph you might note that the third alternative is usually available even where the first two alternatives are proscribed, that is, the usual capacity to appeal for judicial relief when all other remedies have been exhausted. In the third sentence in paragraph 2, you might note that that situation also applies to contested elections for the United States House of Representatives and the Senate.*

* I have some material on contested elections that may be of interest if you want to go into this in more detail.

Page 35, 3, fn.

Do you think this issue should be added to the text rather than relegated to footnote status?

Page 36, 4. Absentee Voting, paragraph 1

You might elaborate just a bit with respect to "voters who are unable to visit the polling place" by specifying some of the reasons: illness, handicap, etc., as well as absence from the voting district or the Islands.

----- paragraph 2, sentence 3

This needs a little explaining. What do you mean by "more than mere absence.."? But the criteria of something more than mere absence poses administrative difficulties I would think. There is a host of questions that go to the prime period on which absentee ballots may be obtained (the Voter Registration Act says that such ballots must be available up to 7 days before an election) and the time when ballots may be accepted (again, the Act says they must be accepted up to the time the polls close on election day).

Mrs. Richman reports, "According to a survey which the National Municipal League's Election Systems Project conducted in 1973, all but 4 states allowed voters to cast ballots by mail in general elections, and all but 8 permitted absentee voting in primary elections. This situation has improved since then to my knowledge."

Incidentally, you do not up to this point differentiate between general elections and primary elections and any general matter with respect to primaries. Query?

Page 37, 5. Language Discrimination

The title should be broadened somewhat. Also, the points that I made earlier on these matters might be handled by a cross-reference to this discussion. In the first sentence the reference to "handicapped voters;" do you refer to assistance at the ballot place or, in effect, taking the voting machine or the ballot to the handicapped person? Also, should you broaden the category to include ill as well as handicapped persons, or does that get handled by absentee ballot matters? I suspect the former. Finally, when you say that "the Constitution can provide..." do not you really mean the Constitution can authorize legislation to provide...?

Page 37, 6. Integrity of Elections, sentence 1

I would add just a bit of explanation or examples of what is meant by "inegrity of elections" and "abuses."

Page 38, 7. Election Scheduling

Should you also refer to issues of primary election dates?

Page 39, paragraphs 2, 3, and 4

Should you add, to be consistent with your format overall, the diadvantages of these alternatives?

----- (b)

You might indicate (probably in the top paragraph on page 40) that an advantage of dividing elections for different offices is to keep the ballot short. This permits the voter to focus his attention on, say, contests for governor and not having to deal with elections for municipalities. On the other hand, the short ballot-long ballot issue may not be terribly relevant in any event and the economy issue may be more persuasive.

Page 40, (c) Timing of Elections

Are there any seasonal matters which would have particular application in the Northern Mariana Islands? This might be thought of for the general election as well as the timing of primary elections.

Page 41, (a) Ballot Forms

Mrs. Richman points out that a punch card system is a mechanical method less subject to fraud than the paper ballot, yet cheaper than the voting machine, and is used in parts of California and Ohio inter alia. The second paragraph assumes that there will be partisan voting. This poses the issue of non-partisan elections and the practices that have prevailed with respect to the same. You might note that given changes in technology and the like, any great specificity on the type of ballot in the Constitution would limit flexibility.

Page 43, paragraph 2

You might add that the use of bipartisan election boards is not as simple or as fair as it might appear since it poses particular problems for states or jurisdictions that have large third parties, as, for example, in New York City, where the Board of Elections is bipartisan, the Liberal Party is a major political party and the Conservative Party also has substantial numbers of registered voters. An alternative is to provide for strict non-partisan representation on election boards, assuming such creatures can be found!

Page 44, (b) Including of Detail

You might give some attention to nonpersonal registration systems in which a member of the family is authorized to register the other eligibles of his family. There is precedent for this, (Mrs. Richman reports that nonpersonal registration was an option available to counties in New York State until about 1963). In addition, I think you should include consideration of mail registration arrangements which are increasing in popularity and facilitate voter registration.

Page 46, (iii) Automatic Registration

I gather that automatic registration is prevalent in many of the Western democracies and you might want to make that point. The subject is discussed in the National Municipal League's publication, A Model Election System (1973). Should you add something on the division between central and local election systems? The National Municipal League publication, states, "Complete state administrative control would include the authority to budget for all functions of the system and the responsibility to pay for them. In strict logic, a state thus should assume responsibility for all election costs." A modified view which is also discussed in the League publication is for the state to oversee local election administrative aspects including training, election conferences for local officials, as well as cost-sharing. For administrative convenience, if no other political matters intervene, a central election administration for the Commonwealth as a whole seems to make sense, given its population.

Page 47, paragraph 2, fn. 1

The fact that four of the five states cited are Southern states with their, at least formerly, traditionally overwhelming Democratic registrations, primary elections were tantamount to general elections and hence had to be dealt with in greater detail than might otherwise be the case.

Page 48, (a), last sentence

You assume that there is a disadvantage in having political parties control nominations under the convention system. I do not think you really mean it in quite those terms.

You do not discuss non-partisan elections in any detail. You might indicate what precisely is involved to the extent that they have been used in such places as Nebraska (legislature), Minnesota (municipal elections), Minneapolis, etc.*

* Thomas R. Dye summarizes the history and usage of non-partisan ballots, noting that it "...was the most widely adopted reform ever put forward to curb the machines and insure an 'antiseptic,' 'no party' style of politics. Nearly two-thirds of America's cities use the non-partisan ballot to elect local officials. Reformers felt that non-partisanship would take the 'politics' out of local government and raise the calibre of candidates for elected offices. They believed that nonpartisanship would restrict local campaigning to local issues and thereby rule out extraneous state issues from local elections...Non-partisanship is found in large as well as small cities. Party labels have been removed... in Detroit, Los Angeles, Denver, Dallas, Houston, Boston, Cincinnati, Cleveland, Milwaukee, San Francisco, Seattle, San Antonio, and San Diego... Eighty-two percent of all council-manager cities have non-partisan ballots, while only 49% of all mayor-council cities are non-partisan... The non-partisan ballot is also more likely to be adopted in homogeneous middle-class cities, where there is less social cleavage and smaller proportions of working class and ethnic group members... To what extent has non-partisanship succeeded in removing 'politics' from local government? Of course, if 'politics' is defined as conflict over public policy, then 'politics' has certainly not disappeared with the elimination of party labels. There is no evidence that eliminating party ballots can reduce the level

Page 49, C, line 1

You need a comma after "initiative."

Page 54, 2. Referendum

I think you should indicate that referenda are much more universal than initiatives which tended to have their popularity in the Midwest and West. Virtually every general election (other than a national election) has some kind of constitutional amendment question, bond issue, school election, or suburban school budget. You might add to the discussion (top line, page 55, or a new paragraph) that one conceivable use of a referendum-type procedure is to secure input on voter opinion on matters, even though the results would be considered advisory.

of community conflict. If we define 'politics' to mean 'partisanship,' that is party politics, non-partisanship may have removed some party influences from local government, although the evidence is by no means clear on this point." Politics in States and Communities, 2nd Edition, 1969, pp. 266-269. The devices are also used for school, township, judicial, county, and other elections, according to Adrian, State and Local Governments, 3rd Edition, 1972, p. 156. Adrian also notes (p. 158): "A study of non-partisan municipal elections in California indicated a considerable degree of competition for office and considerable opportunity for dissent in the casting of protest votes. On the other hand, Republicans were found to have a considerable advantage in non-partisan elections in the State, which has a majority of Democratic voters... Non-partisanship at the state level also seems to be breaking down in those areas where the usual public expectations is for party activity. In Minnesota, a two-party state, the liberal and conservative legislative caucuses have been associated with the two major parties, at least since the 1930s. In 1965, the liberal caucus dropped all pretense of non-partisanship and began to call itself the DFL (Democratic-Farmer-Labor) caucus. Both major parties now recruit and endorse candidates for the Minnesota legislature."

MEMORANDUM

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To: Howard P. Willens, Esquire
From: Howard N. Mantel
Subject: Briefing Paper: Restrictions on Land Alienation (Draft August 3, 1976)
Date: August 30, 1976

I had asked Norman Marcus, Esquire, to review the paper. I am attaching his comments directly. Mr. Marcus is counsel to the New York City Planning Commission.

Page 3, top line

I assume there is no question as to the definition of "Northern Marianas descent." That is, are there any population groups that could assert a claim within this category although they are not Chamorro or Carolinian?

Page 3, paragraph 2

You might in the lower part of this paragraph distinguish between economic development and self-sufficiency; the two are not necessarily interchangeable. That is, the goal of self-sufficiency might hamper the material beginning for economic development by restrictions on land alienation.

Page 4, paragraph 1, sentence following the quotation

Perhaps you raise it infra but can Section 806 be used as a device to overcome the restriction on alienation in Section 805? That is, could the United States, say by exercising the power of eminent domain, then sell or provide a long-term lease to a corporation or individual who would not otherwise be able to acquire land under Section 805 and implementing provisions of the Constitution or statute? To take a simple example, suppose that the United States Government, through the Department of the

Interior, acquired a large tract to be used as a national park and then gave a franchise for a period of say 50 years to a private corporation to develop and maintain a hotel or resort.

Page 5, top

You do not deal here at least with the question of who currently owns the land and the disposition of property that presumably is now federally held.

Page 5, 2. US Constitution

I may be anticipating but would it be appropriate to raise here the issue of grandfather clause applications for property currently held by alien interests?

Page 6, paragraph 1, sentence 4

You mean Hawaii prior to its becoming a state.

Page 8, paragraph 2

Are there other provisions of the Covenant that go to the issue of the application of the United States Constitution that might be cited here?*

Page 10, introductory clause for second quotation

You do not mean "six years later."

Page 11, top paragraph

Is not there a built-in contradiction between this statement, which on its face makes sense, and the whole concept of a Constitution and Commonwealth status? That is, the granting of the Covenant and the authorization for the convening of the Constitutional Convention is to move from the dependency situation to something far more akin to the relationship be-

* This is being dictated in the temporary absence of the Covenant, hence my ignorance.

tween one of the 50 states and the Federal Government. Query? Thus, in trying to link the Northern Marianas populations to the status of Indians and Alaskan natives, you must recognize the difference in jurisdictional status, I would think. Clearly, the Mariana population will be giving up any type of ward status that they have had.

Page 12, c, paragraph 2, sentences 3 and 4

Again, and I may be confused on this, is the reference to "descent" inclusive of all of the 14,000 residents of the Islands?

Page 13, paragraph 1, sentence 3

I believe the Covenant requires the inclusion in the Mariana Constitution a Bill of Rights. By any definition, is not that violated if the loss referred to amounts to a taking of property? Query?

Page 14, paragraph 2, sentence 1

Really? I suspect that the variety of things that have been done and held to be non-takings under the police power cannot be fully transferred (that is the logic) to the restriction on alienation under the vague classification of advancing economic development and self-sufficiency. Even if it were, a sort of void-for-vagueness argument could be made I suspect.

Page 16, top paragraph, last sentence

By implication do not you also mean the procedures involved in matters of this kind and procedural due process?

Page 16, first full paragraph, last sentence

Including different periods for different types of restrictions I would think.

Page 16, b, last sentence

I suspect that you ought to leave the "Accordingly..." sentence out in order to retain the objectivity of your discussion.

Page 17, paragraph 1

I think the argument is more than exploitation of an inexperienced community. It is distinguishing between short-term and longer-term interests. Based on experience in other nations, if substantial amounts of quality land are alienated, then longer-term economic and cultural interests may suffer, even though the persons who made the decisions to sell or otherwise alienate their lands were well aware of what they were doing from a business point of view.

Page 17, paragraph 2, sentence 3

By "foreign investors" do you include citizens of the American mainland? And how about major American corporations?

Page 18, paragraph 1, sentence 2

You might add "within basic constitutional standards."

Page 18, paragraph 2

Is there a third argument having to do with more likely court acceptance of the implementing legislation if it is dealt with in the Constitution, rather than by the Commonwealth legislature? Of course if fundamentally, protections under the US Constitution are in jeopardy, I suppose it does not make any difference whether action is taken by the Commonwealth Constitution or by the Commonwealth Legislature. At any rate,

I raise the issue.

Page 19, paragraph 1

I suppose that some of the details under the provisions that would be put in the Constitution can be left to the Legislature, particularly procedural ones.

Page 21, a, paragraph 1, sentence 2

Does this imply that a person who is descended from a Marianan but is himself not a resident would qualify?

Page 22, paragraph 2, sentence 2

When you say "since the Samoans are relatively isolated..." do you mean that they are not part of a larger grouping of islands as in the case of the Marianas being part of Micronesia?

Page 23, b, paragraph 1

There is a second assumption I would think and that is that such an existing list in fact is available and is reliable. Actually you get at this issue on the top of page 24, second sentence.

Page 25, sentence 2

Does it include also resident non-Marianan, non-Micronesians?

Page 27

One can also have persons of mixed blood as a result of actions other than intermarriage.

Page 36, paragraph 3, sentence 2

What do you mean by "children who did not live" as Marianans?"

Page 41, top paragraph

I think this part of the paragraph needs a little explaining. On the one hand, you make it clear that outside private capital is important to the Marianan economy; on the other hand, you reject a principal means by which capital can be invested, that is, by acquiring interest in land and doing things with the land. Further, I do not fully understand the last sentence, but perhaps I am missing the point.

Page 44

The conclusion seems inescapable as you read this part of the document that the Constitution must delegate details to the Legislature.

Page 49, top

Is another approach to give the Commonwealth some sort of residual authority to acquire the title in its own name after the mandatory period of disposition of land held by an alien has passed and at some reasonable and fair price?

Page 52, last sentence

Suppose that a corporation's assets consisted 95% of some totally unconcerned interest (having nothing to do with Marianan land) and the balance was in Marianan land. Can you still say that the stock of a corporation is an interest in land?

Page 57, paragraph 1

One could opt for renewable minimum periods, involving governmental approval prior to the renewal but with at least the presumption that the renewal would be allowed unless... I guess actually repeated renewals would have to have some outside limit. Thus, using 30 years as the outside

limit, one might impose a series of say three 10-year terms. One practical factor is what minimum period is necessary in order to attract foreign investments? Hotels, for instance, are unlikely to be constructed unless there is a clear path to amortizing^{a/} considerable portion of the investment. Again 30 years seems both fair and rather long-term from the point of view of keeping the land in Marianan hands.

Page 58, top

You are correct in recognizing the need to consider the economic conditions but they could change erratically I suppose, which implies leaving some flexibility for legislative change. On the other hand, if a substantial foreign investor is given a lease, and it is in his interest to continue that lease at the end of its term or at the end of the maximum allowable period, he is very likely to bring extreme pressure to find some way of continuing his interests. The American experience with zoning is not entirely outside the discussion. Economic pressures usually combine to allow changes in land usage despite very noble ideals, as in preserving open space in urbanizing areas.

Page 60, sentence 5

This is one of the most important points made throughout the document and probably should be elaborated upon. But what is precisely in mind when you say "entrusted exclusively to the government?" And if a policy of trust on the part of the Commonwealth for the benefit of the people is in mind, then one must think through the particular administrative schemes for implementing the trust concept.

This is one of the most fascinating, well-briefed papers
I have read. Totally absorbing.

Attachment: "Restrictions on Land Alienation: Critique Paper"
by Norman Marcus