



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

September 30, 1976

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Memorandum

For: Director of Territorial Affairs
From: Assistant Solicitor, Territories
Division of General Law

Subject: Covenant to Establish a Commonwealth of the Northern Mariana
Islands (P.L. 94-241)

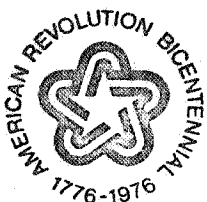
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You have asked for clarification as to the authoritative source within the Federal Government for interpretation of the subject Covenant. The authoritative source is this office.

It has long been the rule that each agency of the Federal Government is primarily responsible for the interpretation and implementation of the laws and regulations relating to matters under its jurisdiction.

Responsibility for the administration of the Trust Territory of the Pacific Islands is in the Department of the Interior. E.O. 11021. The subject Covenant relates to the administration of the Northern Mariana Islands which are still a part of the Trust Territory. Accordingly, this Department, and within this Department, the Office of the Solicitor, is the primary, authoritative source for the interpretation of the Covenant. See, 210 DM 2.1.

In a memorandum to you, prompting your inquiry to me, the Director, Office for Micronesian Status Negotiations, correctly notes that the Department of State (L) is responsible for interpretation of the Trusteeship Agreement. See, Section 5(6) of E.O. 10121. The statement goes on, however, to assert that the Department of Justice presumably watches over legal problems involved in U.S. territories. This is not exactly right. The Department of Justice, generally speaking, would be responsible for the judicial enforcement of U.S. laws applicable in a territory and to defend suits against the United States arising out of activities in a territory. However, each territory has its own Attorney General who is the chief law officer and is responsible for local legal problems. In the Virgin Islands and Guam the Attorneys General are the final authority. In Samoa and the Trust Territory, the Attorneys General, while generally functioning autonomously, receive advice and assistance when required



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from the Office of the Solicitor of the Department of the Interior.

Where there may be a dispute as to the proper interpretation of a particular law or regulations, the Department of Justice can be asked to resolve the dispute by a definitive ruling. Further, in the normal process of developing legislation, the comments and recommendations of Justice carry great weight in the formulation of the final product. Moreover, agencies in developing their positions frequently solicit the informal advice and assistance of experts in that Department as well as experts in other departments and agencies in evolving a final position.

Should the Office for Micronesian Status Negotiations require any assistance or a definitive interpretation of the Covenant to Establish a Commonwealth of the Northern Mariana Islands, please advise them to feel free to consult with this office.

C. Brewster Chapman, Jr.

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