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October 19, 1976

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Mr. Fred M. Zeder, II  
Director of Territorial Affairs  
Department of the Interior  
Washington, D.C. 20240

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Dear Mr. Zeder:

Thank you for your letter of October 7, 1976, notifying me of the October 21, 1976 meeting of the Interagency Territorial Assistance Committee. Unfortunately, I will be unable to attend the meeting. However, I have asked Mr. Bruce C. Rashkow of my staff to attend in my place.

You indicated in your letter that the Agenda will focus on the Northern Marianas, particularly the Covenant, Secretarial Order 2089, and the Statement prepared by the Assistant Solicitor for Territories on "Clarification of Federal Programs and Services to be Made Available to the Northern Marianas as Specified in the Covenant."

The Covenant is a lengthy and complex document dealing with a sensitive subject. As you are no doubt aware, many questions may arise as both we and the Government of the Marianas seek to implement the provisions of that document. Attached are some preliminary comments on the Statement prepared by the Assistant Solicitor for Territories. As these comments indicate, we differ with the conclusions contained in that Statement. Although these differences do not appear to be significant in the present context, they may prove significant in other contexts. Moreover, other agencies may have other perhaps more significant differences or raise other related problems.

In your letter you requested us to submit a comprehensive and descriptive listing of programs, by law and titles, administered by the Department of Justice, which may be made available to the Northern Marianas in accordance with the Covenant. We are still in the process of evaluating which of our programs may be made available to the Northern Marianas. Of course, the answers to this question depend in part on the position that the Executive Branch takes on the

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sections of the Covenant examined in the Statement that is to be discussed at the meeting on Thursday, October 21, 1976. Nonetheless, we hope to distribute a preliminary listing at that meeting.

Finally, the Covenant provides for a number of actions which are of interest to the Department of Justice. These include the following:

1. Implementation of section 504. Commission on Federal Laws;
2. Legislation to organize the District Court for the Northern Mariana Islands. Provision for the appointment of District Judge, United States Attorney, United States Marshal, and their terms. Provision, as suggested in the Report of the Drafting Committee, for the appointment to these positions of the corresponding Federal officers on Guam. Section 401;
3. Determination of which provisions of Federal law and of the Constitution of the Northern Mariana Islands should be suspended pursuant to section 1004 until the termination of the Trusteeship.

We would like to discuss these matters with the Committee at some time in the near future.

Sincerely,

Peter R. Taft  
Assistant Attorney General  
Land and Natural Resources Division

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