



THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

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Honorable Richard H. Chambers
Judge of the United States Court of
Appeals for the Ninth Circuit
Seventh and Mission Streets
San Francisco, California 94101

Dear Judge Chambers:

I am responding to your letter of September 27, 1976, relating to H.R. 4580, 94th Cong. My reply has been delayed because it took us some time to obtain accurate information as to what had happened with respect to the bill. But I want to assure you that to our knowledge and according to the House Report on the bill (H. Rept. 94-1554), the Department of Justice and the Judicial Conference have not worked at cross purposes.

Because the bill involved a territory, the principal responsibility was borne by the Department of the Interior. Our involvement would have been only nominal except that one of the lawyers in the Office of Legal Counsel, as the result of his participation in the drafting of the Northern Mariana Islands Covenant, was familiar with the jurisdictional and geographical problems underlying the bill.

The bill involved two problems: The appellate jurisdiction over decisions of the local Guam courts and the clarification of the question of the jurisdiction of the District Court of Guam.

I understand that H.R. 4580 failed because during the closing weeks of Congress two new questions were raised: (a) Whether decisions of the Supreme Court of Guam should be reviewed in the Supreme Court of the United States or in the Ninth Circuit; and (b) whether decisions of the Superior Court of Guam should be reviewed by the Supreme

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Court of Guam or, as before, by the District Court of Guam. The Congress was unable to resolve those questions before it adjourned.

In this connection we note that the question of the scope of the jurisdiction of the District Court of Guam is pending in your court in the case of Jones & Guerrero Co., Inc. v. Sealift Pacific, No. 75-3121.

The implementation of the Northern Mariana Islands Covenant is under consideration by the Committee of Inter-agency Territorial Assistance established by the Department of the Interior and of which the Department of Justice is a member. We have informed the Committee of the need to draft legislation to organize the District Court for the Northern Mariana Islands provided for in section 401 of the Northern Mariana Islands Covenant. You may be aware of the note in the Report of the Joint Drafting Committee on the Negotiating History of the Northern Mariana Islands Covenant to the effect that the establishment of a district court for the Northern Mariana Islands does not preclude the appointment of the District Judge, United States Attorney, and United States Marshal for Guam to hold the corresponding offices in the Northern Mariana Islands at the same time.

I trust that this letter contains the information requested by you. If you have any further question, please let us know.

Sincerely,



Harold R. Tyler, Jr.
Deputy Attorney General

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