

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

September 9, 1977

MANUEL F. COHEN (1912-1977)

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EZEKIEL G. STODDARD
ARTHUR Z. GARDINER, JR.
COUNSEL

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LACKLAND H. BLOOM, JR.
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ANN O. WILLIAMS
ROBERT G. WILSON
ROGER M. WITTEN

Ms. Patricia A. Krause
Subcommittee on National Parks
and Insular Affairs
1522 Longworth House Office Bldg.
House of Representatives
Washington, D.C. 20515

Dear Pat:

Enclosed are various materials which outline the latest in the never-ending series of Northern Marianas crises -- this time concerning the need for congressional action to establish a district court for the Northern Marianas under Section 401 of the Covenant. The situation is basically as follows:

First, the Administrative Office of the United States Courts and the Department of Justice now take the position that a district court (including a judge and the necessary supporting personnel) cannot be established in the Northern Marianas under Section 401 without more specific authorization. Although this reportedly has been Mr. Marcuse's views at the Department of Justice for more than one year, it reflects a fairly recent determination by the Administrative Office. In any event, legislation designed to provide such congressional authorization has been drafted and is scheduled for consideration before the Judicial Conference on September 15, 1977. I think the enclosed letters adequately communicate my feelings on this subject.

Second, although the impossible may happen, it seems most unlikely that such legislation could be approved

Ms. Patricia A. Krause
September 9, 1977
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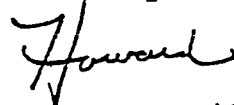
by Congress during the remainder of this legislative session. I would appreciate your confirmation of this judgment after consultation with the Congressman. If there is any way to expedite this process, I would like to be advised.

Third, if no legislation has been enacted on this subject before January 9, 1978, the Northern Marianas have a serious problem. One alternative would be to create a larger Commonwealth court system in order to handle the local matters that under the Constitution are to be handled by the United States District Court. Another alternative which may or may not be available would be to continue using the TTPI courts for some local matters. A third alternative which the Administrative Office people believe cannot be accomplished is some form of temporary utilization of the Guam District Court and its personnel to handle the matters assigned under the Northern Marianas Constitution to the District Court for the Northern Mariana Islands. None of these possibilities has been explored and it is my objective to try and persuade the Administrative Office and the Department of the Interior that such contingency planning should promptly be undertaken by them.

After you have reviewed these materials, I would appreciate hearing your views. It seems to me a little friendly pressure from your office on the Department of Justice and the Department of the Interior might be useful.

Best personal regards.

Sincerely,



Howard P. Willens

Enclosures

bc: Mr. Pangelinan
Mr. Leonard
Mr. Koffsky