

September 9, 1977

MEMORANDUM FOR THE NORTHERN MARIANAS FILE

Subject: Establishment of U.S. District Court

At Bill Foley's direction, Mr. Ritchie and I spoke yesterday regarding the current status of the proposed U.S. District Court for the Northern Mariana Islands. Mr. Ritchie confirmed our information that the Department of Justice, the Department of Interior, and the Administrative Office have agreed that legislation is required to implement Section 401 of the Covenant and establish a district court. He reported as follows:

1. Mr. Ritchie points out that Section 401 provides that the United States "will establish" a district court. He has concluded that approval of Section 401 did not amount to either establishing such a court or authorizing the President to appoint a judge to sit in a district court in the Northern Marianas. Mr. Ritchie indicated that he had prepared a legal analysis to this effect but did not inform me whether any different legal position had ever been explored.

2. He informed me that a Report of the Committee on Pacific Territories dealing with this subject was to be submitted to the Judicial Conference on September 15 here in Washington. A copy of this report is attached. It includes the proposed legislation in the form of an amendment to the Covenant. According to Mr. Ritchie, this approach apparently was suggested by the Executive Branch in order to keep the legislation away from the Judiciary Committee.

3. I asked Mr. Ritchie when he first became involved in this matter, reminding him of the various contacts made by my office during the past eight months. He said that he was called for the first time two weeks ago by the Interior Department and advised that a proclamation approving the Northern Marianas Constitution was expected shortly. It was at that point that Mr. Ritchie began to analyze whether additional legislation was required.

4. Mr. Ritchie recognizes the probability that no legislation can be enacted before January 9, 1978, the probable effective date of constitutional government in the Northern Marianas. I urged that he and the Committee consider some

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kind of contingency plan that might enable a district court to function on an interim basis pending approval of the proposed legislation. Mr. Ritchie did not seem optimistic that this could be accomplished.

~~H~~ H. P. Willens

Attachment

cc: Mr. Leonard
Mr. Koffsky